

The Courtyards of the House of the Lord

Studies on the Temple Scroll

LAWRENCE H. SCHIFFMAN

Edited by

FLORENTINO GARCÍA MARTÍNEZ

BRILL

The Courtyards of the House of the Lord

Studies on the Texts of the Desert of Judah

Edited by

Florentino García Martínez

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By

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FOREWORD

In the course of preparing my own commentary to the *Temple Scroll* for the series *Eerdmans Commentaries on the Dead Sea Scrolls*, I came to the conclusion that Lawrence H. Schiffman had in fact already written what amounts to a full commentary on this fascinating text. Through the years, Schiffman has been consequently applying his knowledge of rabbinic and Second Temple literature to illuminate every aspect of this manuscript. He has done basic groundwork on central issues, like the setting of the *Temple Scroll*, the nature of the law contained in the Scroll, its theology and its relationship with other Jewish writings found or not at Qumran, and he has commented in detail on practically every aspect of the Scroll, from its architectural features and its sacrificial system to its purity regulations and all other halakhot. But his work has been published in many different places. It is scattered in periodicals, collective works and *Festschriften*, and many of his contributions are not easily accessible even for those who have a good library at hand. In order to facilitate my own work on the *Temple Scroll*, I decided to collect all his articles on the Qumran manuscript, make a selection of the most interesting and representative, and put them in a file for easy reference.

The result is an impressive array of contributions, which I have grouped in six sections. The first section offers a status quaestionis and deals with general topics as the law, the theology, or the vocabulary of the *Temple Scroll*. The second section presents in seven articles the relationship of the *Temple Scroll* with other Jewish writings. The five articles of the third section discuss the architectural details of the Scroll. The fourth section contains six articles on the sacrificial system of the *Temple Scroll*. The fifth section deals with purity regulations, and the final section groups seven other articles dealing with different halakhot.

The questions that immediately arose in my mind were: why should I be the only beneficiary of this collection of Schiffman's work on the *Temple Scroll*? Why not share it with colleagues and let other scholars benefit from the advantages of having his studies together? And if the collection was going to be published, what would be the best place?

The answer to all these questions was obvious, since during the last 15 years the series *Studies on the Texts of the Judaean Desert* has established

itself as the vehicle for publication of the best research on the Scrolls, both of monographs and of collective works. As editor of the *STDJ*, I sent Schiffman an official request to allow Brill to publish this collection of studies, a request to which he graciously agreed.

I am deeply convinced that all the colleagues working in the field, and everybody interested in this extraordinary manuscript from Qumran, will benefit as much as I have benefited from this collection of studies on the *Temple Scroll*, and will thank Lawrence Schiffman for the hard labor put into the writing of the original articles.

Florentino García Martínez

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- the Bible in Light of the Dead Sea Scrolls* (STDJ 28; Leiden: Brill, 1998), 181–188.
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PREFACE

From the publication of the *Temple Scroll* in the Hebrew edition in 1977 and up to now, I have undertaken numerous studies and projects with the purpose of explaining the *Temple Scroll* and its relevance to the history of Jewish law. Already before its publication, it was clear that this text represented a major contribution to the history of Jewish law in Late Antiquity. The significance of the *Temple Scroll* became even clearer from the masterful introduction and commentary to the text provided with its initial publication by Yigael Yadin. With the publication of 4QMMT, we came to understand that the Jewish legal material preserved in the Dead Sea Scrolls was part of a much wider trend, the Zadokite/Sadducean, which existed alongside the Pharisaic-rabbinic tradition already in Hellenistic times. Publication of the other manuscripts of the same text from the Qumran collection also greatly advanced the possibilities for studying and reconstructing the *Temple Scroll*.

In my study of the *Temple Scroll*, I have sought to uncover the hermeneutics of the Zadokite/Sadducean legal system and to compare and contrast it with other texts of its own type as well as with those in rabbinic literature preserving the Pharisaic-rabbinic approach. The present volume brings together my studies on this important scroll. Together with my former students, Andrew Gross and Michael Rand, I hope soon to publish a new edition of the scroll.

This volume has been edited by Florentino García Martínez and appears in the prestigious series edited by him. I wish to extend my profoundest thanks to him for conceiving this project, and seeing it through to completion. As always, it was a pleasure to work with him. He was ably assisted by his student, Emanuel Nathan, who prepared the manuscript for publication. My wife, Marlene, helped with the clarification of the references and final correction of the manuscript. The indexes were expertly prepared by Yisrael Dubitsky who also was instrumental in spotting many errors. I wish to express my deepest appreciation to them and to all the colleagues whose research and critiques have made my own work possible. Finally, I wish to thank my colleagues and students at New York University's Skirball Department of Hebrew and Judaic Studies, as well as our deans and administrators, for providing so supportive a home for my Dead Sea Scrolls research.

I am especially happy to have this volume published by Brill Academic Publishers who have made such a major contribution to Dead Sea Scrolls research, where I published my first work in Qumran studies, and where I have so many good friends.

Lawrence H. Schiffman
New York
November 11, 2007

INTRODUCTION: THE ENIGMA OF THE *TEMPLE SCROLL*

The *Temple Scroll* of Cave 11, at 28.5 feet (8.75 meters) the longest of the preserved Qumran scrolls, consists of nineteen sheets, mostly of three or four columns each. The handwriting of the scroll, the work of two different scribes, is clear and unbroken except for some damaged or missing lines on the top edges. Although much research has been done on this scroll, its place in the sectarian corpus still remains somewhat enigmatic.¹

¹ Initial impressions are conveyed in Y. Yadin, "The *Temple Scroll*," *BA* 30 (1967): 135–39 and "The *Temple Scroll*," in *New Directions in Biblical Archaeology* (eds. D.N. Freedman and J.C. Greenfield; Garden City, N.Y.: Doubleday, 1971) 156–66. A popular volume is Yadin, *The Temple Scroll: The Hidden Law of the Dead Sea Sect* (New York: Random House, 1985). The text was fully published in a Hebrew edition in Yadin, *Megillat ha-Miqdash* (3 vols.; Jerusalem: The Israel Exploration Society and the Shrine of the Book, 1977) and in English, Yadin, *The Temple Scroll* (3 vols.; Jerusalem: The Israel Exploration Society and the Shrine of the Book, 1983). Cf. L.H. Schiffman, "Review of Y. Yadin, *The Temple Scroll*," *BA* 48 (1985): 122–25 in which I surveyed the outlines of the debate as it had then taken shape, and G.J. Brooke, "The *Temple Scroll*: A Law unto Itself?" in *Law and Religion: Essays on the Place of the Law in Israel and Early Christianity* (ed. B. Lindars; Cambridge: James Clark, 1988) 34–43. For a more recent survey, see L.H. Schiffman, "The *Temple Scroll* and the Nature of its Law: The Status of the Question," in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls* (eds. E. Ulrich and J. VanderKam; CJAS 10; Notre Dame, Ind.: University of Notre Dame Press, 1994) 37–55 (pp. 33–51 in this volume). On the acquisition of the scroll, see H. Shanks, "Intrigue and the Scroll," in *Understanding the Dead Sea Scrolls* (ed. H. Shanks; New York: Random House, 1992) 116–125. Numerous corrections to the edition by Yadin have been made by Qimron in a series of articles: E. Qimron, "Le-Nushah shel Megillat ha-Miqdash," *Leshonenu* 42 (1978): 141–42; "New Readings in the *Temple Scroll*," *IEJ* 28 (1978): 161–72; "Shalosh He'arot le-Nushah shel Megillat ha-Miqdash," *Tarbiz* 51 (1981/2): 135–37; "He'arot le-Nusah Megillat ha-Miqdash," *Tarbiz* 53 (1983/4): 139–41; "Further New Readings in the *Temple Scroll*," *IEJ* 37 (1987): 31–35; "Column 14 of the *Temple Scroll*," *IEJ* 38 (1988): 44–46; and "The Need for a Comprehensive Critical Edition of the Dead Sea Scrolls," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. L.H. Schiffman; JSPSup 8 and JSOT/ASOR Monographs 2; Sheffield: Sheffield Academic Press, 1990) 121–31. Also important is the evidence of the other copy or copies of the scroll. See B.Z. Wacholder, "The Fragmentary Remains of 11Q Torah (*Temple Scroll*): 11Q Torah^b and 11Q Torah^c 4QparaTorah Integrated with 11Q Torah," *HUCA* 62 (1991): 1–116 and F. García Martínez, "11QTemple^b: A Preliminary Publication," in *The Madrid Qumran Conference: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March, 1991* (eds. J. Trebolle Barrera and L. Vegas Montaner; 2 vols.; STDJ 11.2; Leiden: E.J. Brill, 1992) 2:363–91; E. Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Beersheva and Jerusalem: Ben-Gurion University

The author/redactor² of this scroll called for a thoroughgoing revision of the existing Hasmonean order, advocating its replacement with a Temple, sacrificial system, and government representing his own understanding of the law of the Torah. This author's rather utopian vision is expressed in a section called the Law of the King (11QT 56:12–59:21). Since this section is incorporated into the fully redacted scroll, we can safely date the scroll as a whole no earlier than the second half of the reign of John Hyrcanus, to which the scroll's polemics apply. That would yield a date sometime after 120 B.C.E.

THE *TEMPLE SCROLL* AND THE QUMRAN CORPUS

The scribal techniques and script of the *Temple Scroll* are typical of the other Qumran manuscripts. It has even been suggested that sect members may have regarded this scroll as “a veritable Torah of the Lord,” since the divine name is written in the same square script as the rest of the scroll, characteristic only of the canonical biblical books found at Qumran. Yet in certain linguistic features and in its legal terminology, the scroll exhibits more affinities to rabbinic Hebrew than do most of the sectarian scrolls.³

Significantly absent from the *Temple Scroll* are the polemical language and terminology distinctive to the Qumran group. The *Temple Scroll* does not mount a sustained polemic against the priestly establishment in Jerusalem with which the sect argued. And as we have already seen, the underlying theological principle for deriving law in the *Temple Scroll* is different from that found in the rest of Qumran literature and from the other contemporary systems of Jewish law. It is likely that this view is linked with that of the Sadducees, for it appears that Sadducean sources form a substratum to parts of the scroll.⁴ If so, it may be that

of the Negev and Israel Exploration Society, 1996). L.H. Schiffman, A. Gross and M. Rand are currently preparing a new edition.

² We use this term to designate the final compiler of the scroll, who edited and revised (redacted) a variety of sources available to him and then authored new material on his own as well.

³ E. Tov, “The Orthography and Language of the Hebrew Scrolls Found at Qumran and the Origin of these Scrolls,” *Textus* 13 (1986): 32–57; L.H. Schiffman, “The *Temple Scroll* in Literary and Philological Perspective,” in *Approaches to Ancient Judaism* (5 vols.; ed. W.S. Green; BJS 9; Chico, Calif.: Scholars Press, 1980) 2:143–58; and E. Qimron, “Le-Milonah shel Megillat Ha-Miqdash,” *Shaton* 4 (1980): 239–61.

⁴ On the sources of the scroll, see A.M. Wilson and L. Wills, “Literary Sources of the *Temple Scroll*,” *HTR* 75 (1982): 275–88; M.O. Wise, *A Critical Study of the Temple Scroll*

this kind of approach is synonymous with the Sadducean denial of Oral Law. The Sadducees, like our author, may have believed that the Torah revealed the whole law to those who understood it properly. Hence, they would have denied notions of dual or continuous revelation, instead claiming that their own views had in fact already been revealed at Sinai as part of the written Torah given to Israel by God.

The *Temple Scroll* concerns matters that are, for the most part, not treated elsewhere in the scrolls. Although the sacrificial service and the sanctuary were not part of the life of the sect, the scroll nonetheless seeks to define their details. Ironically, the *Temple Scroll* is curiously silent about carrying on Temple practice through observing ritual purity in everyday life, a central concern of the sect.

From the earliest analysis of this scroll, scholars have been aware of some commonality between the law in this scroll and that revealed in the Zadokite Fragments. Yet they have also noted startling incongruities between the two texts, such as in the laws of idolatry or oaths and vows.⁵ Those incongruities, along with other evidence, have led to the conclusion that the *Temple Scroll* cannot be identified simply as a Qumran sectarian document.

How can we explain the relationship of this enigmatic scroll to those authored by the Dead Sea sect? How can we account for the silence

from *Qumran Cave 11* (SAOC 49; Chicago: Oriental Institute of the University of Chicago, 1990); F. García Martínez, "Sources et rédaction du *Rouleau du Temple*," *Henoah* 13 (1991): 219–32; L.H. Schiffman, "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992): 543–68 (pp. 443–469 in this volume); and P.R. Callaway, "Source Criticism in the *Temple Scroll*: The Purity Laws," *RevQ* 12 (1986): 213–22. Cf. letter from J. Strugnell, published in B.Z. Wacholder, *The Dawn of Qumran: The Sectarian Torah and the Teacher of Righteousness* (Cincinnati, Ohio: Hebrew Union College Press, 1983) 205–6; White, S.A., "4Q364 & 365: A Preliminary Report," in *The Madrid Qumran Conference: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March, 1991* (eds. J. Trebolle Barrera and L. Vegas Montaner; 2 vols.; STDJ 11.1; Leiden: E.J. Brill, 1992) 1:217–28; and E. Tov, "The Textual Status of 4Q364–367 (4QPP)," in *The Madrid Qumran Congress*, 1:43–82. In our view, these sources are Sadducean. Sadducean aspects of the law of the *Temple Scroll* have certainly been noticed by others. Cf. M.R. Lehmann, "The *Temple Scroll* as a Source of Sectarian Halakhah," *RevQ* 9 (1978): 579–88; J.M. Baumgarten, "The Pharisaic Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980): 157–70; Y. Sussmann, "Heqer Toldot ha-Halakhah u-Megillot Midbar Yehudah: Hirhurim Talmudiyim Rishonim le-'Or Megillat Miqšat Ma'ase ha-Torah," *Tarbiz* 59 (1989/90): 11–76.

⁵ L.H. Schiffman, "Laws Concerning Idolatry in the *Temple Scroll*," in *Uncovering Ancient Stones: Essays in Memory of H. Neil Richardson* (ed. L.M. Hopfe; Winona Lake, Ind.: Eisenbrauns, 1994) 159–75 (pp. 471–486 in this volume); idem, "The Law of Vows and Oaths (Num. 30,3–16) in the *Zadokite Fragments* and the *Temple Scroll*," *RevQ* 15 (Mémorial Jean Starcky, 1991): 199–214 (pp. 557–572 in this volume).

of the *Temple Scroll* on precisely those matters that were of greatest concern to the sect? It is probable that despite its presence at Qumran and its many similarities to the sectarian literature, the *Temple Scroll* was not authored by members of the sect. Ever since its publication, I have suggested that the *Temple Scroll* may have emerged from a related group either contemporary with or earlier than the Qumran sect. Other scholars have sought to place it much earlier, which in my view confuses elements of the source material with the completed scroll. And so the enigma remains. To this day, we still do not know who wrote the scroll or why. Neither do we know how it made its way to the Qumran caves.⁶

CONTENTS OF THE *TEMPLE SCROLL*

The scroll presents itself as a rewritten Torah, beginning with the renewal of the Sinaitic covenant of Exodus 34 and then turning to the building of the Temple in Exodus 35. After these two chapters, the scroll continues in the order of the canonical Torah. In this document, the author/redactor tried to compose a complete Torah that expounded his views on the sanctity of the Temple, the land, and the Jewish people, as well as on his ideal conception of government and society. Working through the Torah in order, he gathered all the pertinent material at the first occurrence of a topic. In this way he reedited and reredacted legislation of the Pentateuch, inserting at the appropriate places the preexistent collections of laws at his disposal. To give the impression that his Torah was a complete body of law, he appended at the end a selection of laws from Deuteronomy, some of which deal only tangentially with the theme of his scroll. This collection is not simply a

⁶ The relation of this text to the Qumran sect has been debated in a series of studies: B.A. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978): 5–23; J. Milgrom, "'Sabbath' and 'Temple City' in the *Temple Scroll*," *BASOR* 232 (1978): 25–27; Y. Yadin, "Is the *Temple Scroll* a Sectarian Document?" in *Humanizing America's Iconic Book* (eds. G.M. Tucker and G.A. Knight; Chico, Calif.: Scholars Press, 1980) 153–69; L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code* (BJS 33; Chico, Calif.: Scholars Press, 1983) 13–17; and H. Stegemann, "The Origins of the *Temple Scroll*," in *Congress Volume: Jerusalem 1986, VTSup* 40 (ed. J.A. Emerton; 1988): 235–56 and idem, "The Institutions of Israel in the *Temple Scroll*," in *The Dead Sea Scrolls: Forty Years of Research* (eds. D. Dimant and U. Rappaport; Leiden: E.J. Brill; Jerusalem: Magnes and Yad Ben-Zvi, 1992) 146–85.

paraphrase of Scripture. Rather, it includes numerous halakhic and exegetical changes, as well as full-blown midrashic interpretations.

After the introductory columns, the *Temple Scroll* continues by discussing the structure, furnishings, and equipment of the Temple, according to the order of the Torah, and the offerings involved with these items. In the process, it covers the architecture of the Temple and its precincts, the laws of sacrifice, priestly dues and tithes, the ritual calendar, Festival offerings, ritual purity and impurity, the sanctity of the Temple, the laws of the king and the army, prophecy, foreign worship, witnesses, the laws of war, and various marriage and sex laws.⁷

However, this “new Torah” never claims to be messianic. The author tells us explicitly that the scroll describes the Temple in which Israel will worship before the End of Days:

These [you shall offer to the Lord at your Festivals, besides your votive and freewill offerings] for your burnt offerings and your libations [...] in the Temple upon which I [cause] My name [to dwell...], the burnt offerings [of each day] on that day, according to the law of this regulation, always from the children of Israel..., which they shall bring Me for acceptance for th[em]. And I will accept them, and they will be My people, and I will be their (God) forever. [And] I will dwell with them forever and ever. And I will sanctify My [Te]mple with My presence when I cause My presence to dwell on it, until the Day of Blessing (or: of Creation) when I will create My Temple, to establish it for Me for all times, according to the covenant which I made with Jacob at Bethel. (11QT 29:2–10)

This is an ideal Temple, built upon the principles of scriptural interpretation and the beliefs of the author or authors. The text expects that this Temple will be replaced in the End of Days (the Day of Blessing or Creation) with a divinely created sanctuary, as God had promised Jacob at Bethel when he dreamed his vision of the ladder

⁷ See the survey in J. Milgrom, “The *Temple Scroll*,” *BA* 41 (1978): 105–20 and the full listing of Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: The Israel Exploration Society and the Shrine of the Book, 1983) 1:39–70. That the scroll is not messianic is clear from 11QT 29:2–10. See L.H. Schiffman, “The Theology of the *Temple Scroll*,” *JQR* 85 (Qumran Studies, 1994): 109–23 (pp. 19–32 in this volume); contra Wacholder, *Dawn of Qumran*, 21–30; and M.O. Wise, “The Eschatological Vision of the *Temple Scroll*,” *JNES* 49 (1990): 155–72. On 11QT 29:2–10, cf. Wise, “The Covenant of *Temple Scroll* XXIX, 3–10,” *RevQ* 14 (1989): 49–60; P.R. Callaway, “Exegetische Erwägungen zur Tempelrolle XXIX, 7–10,” *RevQ* 12 (1985): 95–104; and J.L. Wentling, “Unraveling the Relationship between 11QT, the Eschatological Temple, and the Qumran Community,” *RevQ* 14 (1989): 61–74.

(Gen 28:10–22). Until that time, this scroll represents the correct way to build and operate the Temple.

The scroll also demonstrates a distinct form of harmonistic exegesis,⁸ in some ways similar to the Midrash of the later Rabbis, employed to reconcile the differences between the various texts of the Pentateuch so as to create a unified and consistent whole. At times, it makes minor additions to clarify its legal stance. In a few places, extensive passages appear that are not based on our canonical Scriptures. In this way the scroll presents its own views on the major issues of Jewish law. It is this exegetical and legal approach that makes the *Temple Scroll* so central for understanding the history of Jewish law and midrashic interpretation. In addition, the scroll contains allusions to contemporary events, shedding valuable light on the sects of the Second Temple period.

Although the authors of the various sources as well as the author/redactor of the finished composition drew from the canonical Torah, it is clear that their textual substratum was not in all respects identical to the Masoretic text. In noting these innumerable minor variants in the substratum, we must be careful to distinguish these from the intentional changes made by the author or the author's sources to convey their halakhic or exegetical views.

Because he wanted to claim that the law had been handed down directly by God without the intermediacy of Moses, the author altered the commandments of Deuteronomy, wherein God speaks through Moses, but preserved the language of Exodus, Leviticus, and Numbers, wherein God speaks directly in the biblical text.

Many unique features distinguish the *Temple Scroll* from other biblical or Second Temple literature. The architecture of the Temple proposed here differs from biblical accounts—although the author claims to base himself on those accounts—as well as from descriptions of the Second Temple in Josephus and the Mishnah. Most interesting is the extension

⁸ Yadin, *Temple Scroll*, 1:71–88; Schiffman, Deuteronomic Paraphrase; and idem, “The Septuagint and the *Temple Scroll*: Shared ‘Halakhic Variants.’” in *Septuagint, Scrolls and Cognate Writings* (eds. G.J. Brooke and B. Lindars; Atlanta, Ga.: Scholars Press, 1992) 277–97. Very important for the scroll's exegesis are the two articles by J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978): 501–23 and “Further Studies in the *Temple Scroll*,” *JQR* 71 (1980–81): 1–17, 89–106. The biblical text that underlies the scroll is discussed in E. Tov, “‘Megillat ha-Miqdash’ u-Viqqoret Nusah ha-Miqra’,” *Eretz-Israel* 16 (1981/82): 100–111 and G.J. Brooke, “The Textual Tradition of the *Temple Scroll* and Recently Published Manuscripts of the Pentateuch,” in *The Dead Sea Scrolls: Forty Years of Research*, 261–82.

of the “Temple City” to encompass a third courtyard, so large that it would have encompassed most of what was then Jerusalem.

In addition, the sacrificial Festival calendar includes a number of festivals not part of the biblical or rabbinic cycle. A second New Year Festival is celebrated on the first of Nisan, in the spring, and it is followed by an annual celebration of the eight days of priestly ordination. Besides the Omer Festival for the barley harvest (the second day of Passover) and the first fruits of wheat (Shavuot), the scroll adds two more first-fruits festivals, each at fifty-day intervals, for oil and wine. The wood offering is also celebrated as an annual festival in the summer.

Extensive laws deal with the sacrificial procedure and with ritual purity and impurity. Here we see a general tendency to describe additional ways to protect the sanctuary from impurity. This brief survey does not even begin to represent the rich nature of the scroll’s biblical interpretation and the many details of Jewish law in which the text diverges from the views of other sectarian documents or rabbinic literature.

Even in the scroll’s present form, it is not difficult to discern that the *Temple Scroll* has been redacted from a number of sources, actually units or sections that the author/redactor knitted together. To these he added his own Deuteronomic Paraphrase at the end (11QT 51:11–56:21, 60:1–66:17). In view of the parallels between the *Temple Scroll* and the Halakhic Letter and between both of these documents and descriptions of the Sadducees in rabbinic literature, it is most likely that the sources of the *Temple Scroll* stem from the Sadducean heritage of those who founded the sect.

If this is the case, we can reconstruct a variety of Sadducean laws not previously available to us. Further, if the polemics of the *Temple Scroll* are indeed directed against the views of the Pharisees, it would confirm the early dating of many Pharisaic-rabbinic laws known otherwise only from the later rabbinic corpus.

In addition, we learn from the *Temple Scroll* that the practice of interpreting Scripture in order to derive Jewish law—what the Rabbis later called Midrash—was already a central part of the Judaism of the Hasmonean period. This interpretive method produced highly developed legal teachings, demonstrating that among some groups of Second Temple Jews, strict adherence to a living and developing tradition of Jewish law was already normative.

The scroll also informs us about the views of those Jews who objected strenuously to the conduct of the Hasmoneans in the religious, political, and military spheres. Opponents of the Hasmoneans were at the forefront of the movement represented by the Qumran sect. Among the texts they brought with them to Qumran were the sources of the *Temple Scroll*.

THEOLOGY OF THE *TEMPLE SCROLL*

Certain basic theological notions, forming the core of all approaches to Judaism in Second Temple times, undergird much of what appears in this scroll. The author no doubt regarded these beliefs, which he appropriated from the Torah, as constituting a uniform theology.⁹ To the author and his sources, God is the creator, the ultimate legal authority, and the object of worship. However, we find here none of the characteristic theology of the Qumran sect: no dualism, determinism, or even messianism. Rather, the scroll makes explicit only a few specific theological notions that motivate the author's polemic against the dominant views of the Pharisees and of the reigning political and religious order in Hasmonean Palestine.

Implicit in the literary style of the *Temple Scroll* is a theological claim about the authority of the laws presented here. Although the author derives his laws through a type of midrashic interpretation of the canonical (and, therefore, authoritative) Torah, he presents them as actually deriving directly from Sinaitic revelation. In one passage this notion is stated explicitly:

And do not become impure by (contact with) those (sources of impurity) which I relate to you on this mountain. (11QT 51:6–7)

Although the passage refers directly only to purity regulations, it is unquestionable that the author/redactor regards his entire "Torah" as divine.

In order to emphasize this point, the text regularly excises Moses from the picture, constantly rewriting the scriptural text to eliminate Moses as intermediary. In one passage the author/redactor seems to have slipped, allowing an indirect reference:

⁹ A fuller presentation of much of the same material in this and the next section will be found in Schiffman, "Theology." On the elimination of Moses from the text, see Yadin, *Temple Scroll*, 1:71–73; Levine, "Temple Scroll," 17–18.

And the en[tire] right side of the gate of Levi and its left side you shall apportion to the sons of Aaron, your brother. (11QT 44:5–6)

But the overall picture presents God directly revealing the author's legal views to the entire people standing at Sinai.

The *Temple Scroll* begins with the covenant between God and Israel found in Exodus 34:10–16. The Land of Israel is to be given by God to Israel as part of a covenant requiring separation from the nations and from their idolatrous practices:

[For that which I] am do[ing] for you is awe-inspiring. I am about to drive out from before you] the A[morites, the Canaanites, the Hittites, the Girgash]ites, the Pe[rizzites, the Hivites, and the Jebusites. Take c]are of yourself, lest you enter a cove[nant with the inhabitants of the land] to whom [you are] going lest they become a sn[are among you]. (11QT 2:1–5)

The scroll emphasizes that Israel's tenure on the land is conditional on its avoidance of idolatry. Perhaps the author identified idolatry with Hellenism, intending to polemicize against the Hellenizing tendencies already observable under John Hyrcanus (134–104 B.C.E.) and Alexander Janneus (104–76 B.C.E.). It was during the reign of one of these kings that the *Temple Scroll* was compiled.¹⁰ Alternatively, the original source on which the scroll is based may have been targeting the extreme Hellenizers of the early second century B.C.E. But of course in the original biblical text, the dangerous idolaters were the Canaanites.

Basing itself on passages in Exodus and Deuteronomy, the text continues:

Indeed] you must tear down their [altar]s, [smash their] pillars, cut down their [Asherim], and [burn] the graven images of [their] god[s] with fire. You must n]ot covet (their) silver or gold, les[t you be ensnared by it, for it is an abomination to Me. You may not] take of it, so that you do not bri[ng (this) abomination into your house and become] accursed like it. (Rather,) you shall utterly dete[st and abhor it, for] it is an accursed thing. (11QT 2:5–15).

¹⁰ Yadin, *Temple Scroll*, 1:386–90; Schiffman, “The King, his Guard, and the Royal Council in the *Temple Scroll*,” *PAAJR* 54 (1987): 257–58 (pp. 487–504 in this volume). Cf. M. Hengel, J.H. Charlesworth, and D. Mendels, “The Polemical Character of ‘On Kingship’ in the *Temple Scroll*: An Attempt at Dating 11QTemple,” *JJS* 37 (1986): 28–38, who date the scroll to 103–88 B.C.E. The earlier dating of Wacholder, *Dawn of Qumran*, 202–12, cannot be accepted in light of the clear impression that the Law of the King of the scroll reacts to events that occurred in the early years of the Hasmonean dynasty.

These words are in reality no more than an explicit quotation from the Bible. Probably the author has here chosen to stress pure monotheism to protest the syncretism inherent in the views of the more Hellenized Jewish groups.

At the top of column 3 (which is missing from the scroll) may have stood some adaptation of Exodus 25:8, "And you shall make Me a sanctuary so that I can dwell in their midst," commanding the Jews to build the Temple. This notion is certainly one of the major themes of the scroll, derived from Deuteronomy 12:10–11. Here the scroll specifically commands that when the enemies of Israel give them rest in the land which God has given them, then they shall build the Temple in the place where God shall choose to place His name, that is, the sacred place of God's presence. This new Temple, the fulfillment of God's command in Deuteronomy, is to be even more perfect than the Temple of Solomon. It is this Temple alone that will be appropriate for the indwelling of God's presence.

The notion of this perfect Temple, repeated numerous times in all sections of the scroll, most probably represents the ideology of the author/redactor who imposed it upon his sources, or it may have been an idea already shared by all the sources used in the composition of the *Temple Scroll*.

The main purpose of this text is to prescribe the sacrificial worship that may take place in this Temple and nowhere else. The author of the *Temple Scroll* stresses that only if sacrifices are conducted according to the particular ritual calendar of the text, including its added Festivals dependent on the solar calendar, will God cause His name, that is, His presence, to dwell in the Temple.¹¹ The sacrifices are intended to bring God's favor upon Israel, both strengthening the bond between God and His people and bringing about atonement for transgression.

The sacrificial rites outlined here are intended for the present age and the present Temple. In the End of Days, God will create a new Temple to replace the present one. Such a Temple is actually mentioned in *4QFlorilegium* 1:2–3, where it is distinguished from that of the present age.

¹¹ Yadin, *Temple Scroll*, 1:89–136 and L.H. Schiffman, "The Sacrificial System of the *Temple Scroll* and the *Book of Jubilees*," in *SBLSP 1985* (ed. K.H. Richards; Atlanta, Ga.: Scholars Press, 1985) 217–33 (pp. 99–122 in this volume).

RITUAL PURITY AND THE PRESENCE OF THE LORD

In an independent literary unit, the *Temple Scroll* presents a series of purity regulations, consisting of laws designed to insure the purity of the Temple precincts and the land (columns 46–47).¹² The passage sets out the need for a barrier, apparently consisting of a wide, empty space of about 150 feet (45.75 meters), located beyond the Temple structure:

And you shall construct a barrier around the sanctuary one hundred cubits wide which shall divide between the holy sanctuary and the city, so that they will not enter suddenly into the midst of My sanctuary, so that they not profane it. And they shall consider My sanctuary holy and revere My sanctuary because I dwell in their midst. (11QT 46:9–12)

This barrier was intended to separate the Temple and its courtyards from the rest of the Temple Mount. Its function was to ensure the holiness of the three courtyards surrounding the Temple. The text specifically informs us why it is needed: so that the Temple (here the entire precincts) will not be defiled by sudden entry into the courtyards.

In this context, the *Temple Scroll* articulates its notion of sanctity: the worshiper's awe of the sanctuary where God's indwelling presence resides. This presence and the sanctity it engenders radiate from the Temple to the rest of the Land of Israel, thus endowing it and the people who dwell on it with holiness and sanctity.

The scroll returns to this same theme in the next column:

And the city which I will sanctify to cause My name and My sanctu[ary to dwell within it] shall be holy and pure from every type of impurity by which one can become impure. And everything which shall enter it shall be pure. (11QT 47:3–6)

The city in which God's presence dwells must be holy and free of all impurity. This law extends to everything in it and everything brought into it. The text goes on to require the purity of foodstuffs and to prohibit bringing into the Temple area the skins of animals not sacrificially

¹² Yadin, *Temple Scroll*, 1:277–307 and 321–43; L.H. Schiffman, “The Impurity of the Dead in the *Temple Scroll*” in *Archaeology and History in the Dead Sea Scrolls*, 135–56 (pp. 403–423 in this volume); idem, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985): 301–20 (pp. 381–401 in this volume); J. Milgrom, “The Scriptural Foundations and Deviations in the Laws of Purity of the *Temple Scroll*,” in *Archaeology and History in the Dead Sea Scrolls*, 83–99; and H.K. Harrington, *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations* (SBL Dissertation series 143; Atlanta: Scholars Press, 1993), 47–110.

slaughtered, for it is impossible to expect that God will coexist with impurity of any kind.

Even the hides of animals made into bags or sacks for transporting goods must be pure:

Therefore, all pure food for the Temple you shall bring in hides of (animals slaughtered in) the Temple so as not to render impure My Temple and My city, in which I dwell, with the hides of your abominations. (11QT 47:17–18)

The author, much like the compilers of the Halakhic Letter, carried on a sustained polemic against both the Hasmoneans and the Pharisees. However, his polemic had a unique style. Instead of condemning his opponents and castigating them, the author/redactor articulated his ideas in the form of an imitation Torah so as to present those ideas as the word of God, revealed directly at Sinai.

Against the Hasmoneans, in the section termed by scholars the Law of the King, he argued for a new system of government and for the separation of the roles of kingship and priesthood. Against the Pharisees, he argued about numerous legal matters and interpretations of Scripture, sometimes espousing views we know to be Sadducean.

Yet his polemic went even further. He called for a new Temple building and for new settlement patterns as well. In discussing the Temple building, settlement patterns, and his approach to the Land of Israel, the author took a distinctly utopian view. His plan envisioned concentric spheres of holiness, beginning with the Temple complex at the center and extending outward to the tribal allotments, to the cities of Israel, and into the houses where the people dwelled. He was also concerned with the sanctity of the entire land as sacred space.¹³

¹³ On the architecture of the Temple, see Yadin, *Temple Scroll*, 1:177–276; L.H. Schiffman, “Architecture and Law: The Temple and its Courtyards in the *Temple Scroll*,” in *From Ancient Israel to Modern Judaism: Intellect in Quest of Understanding: Essays in Honor of Marvin Fox* (eds. J. Neusner, E.S. Frerichs, and N.M. Sarna; 4 vols.; BJS 159; Atlanta, Ga.: Scholars Press, 1989) 1:267–84 (pp. 215–232 in this volume); “The Furnishings of the Temple according to the *Temple Scroll*,” in *The Madrid Qumran Conference* 2:621–34 (pp. 253–268 in this volume); “Sacred Space: The Land of Israel in the *Temple Scroll*,” in *Biblical Archaeology Today 1990: Proceedings of the Second International Congress on Biblical Archaeology* (eds. A. Biran and J. Aviram; Jerusalem: Israel Exploration Society, 1993) 398–410 (pp. 281–294 in this volume); and M. Broshi, “The Gigantic Dimensions of the Visionary Temple in the *Temple Scroll*,” *BAR* 13, no. 6 (Nov./Dec. 1987): 36–7. Note also that much architectural discussion is found in J. Maier, *The Temple Scroll: An Introduction, Translation & Commentary* (JSOTSup 34; Sheffield: JSOT Press, 1985) and idem, “The *Temple Scroll* and Tendencies in the Cultic

THE LAND OF ISRAEL AND THE TEMPLE

The *Temple Scroll* claims that Israel is given the land only conditionally. In order for the people to merit the land, they must uphold the highest judicial standards. Bribery and corruption in judgment must be avoided:

...in order that you live, and come and take (or: retain) possession of the land which I am giving you as a possession for ever. (11QT 51:15–16)

If they violate these principles, the land will experience destruction, and the people, exile. Only after repentance will Israel return again to its land (59:2–11). For the author of the *Temple Scroll*, the center of the Land of Israel was the Temple and its surrounding complex. The scroll presents a Temple plan of very different proportions from that which existed in First or Second Temple times. This new Temple plan envisions the Temple building enclosed by three concentric courtyards. This Temple, of course, was never built.

The Inner Court (11QT 36:3–7) was to measure some 280 cubits square, with an outside dimension of 294 cubits. (A cubit is approximately one and a half feet or half a meter.) The gates of the Inner Court would be located on each of its four sides. By extrapolating from the apportionment of chambers on the inside wall of the Outer Court, we can surmise that these gates represented the four groups of the tribe of Levi: the Aaronide priests on the east, the Levites of Kohath on the south, Gershon on the west, and Merari on the north. This arrangement corresponds exactly to that of the desert camp as described in Numbers 3:14–39. The courtyards and their gates would represent the Israelite encampment in the wilderness. The entire Temple plan was intended to re-create the experience of the desert period, when sanctity radiated to all Israel from the sanctuary at its epicenter.

The Middle Court (11QT 38:12–15) was to surround the Inner Court, 100 cubits farther out, covering an area 480 cubits square, with three gates on each side. Each of the twelve tribes would have its own

Architecture of the Second Commonwealth,” in *Archaeology and History in the Dead Sea Scrolls*, 53–82. P.B. Bean, *A Theoretical Construct for the Temple of the Temple Scroll*, (University of Oregon diss., 1987) 265–359, is an interesting study that, unfortunately, does not base itself on new textual scholarship. On the land, see Schiffman, “Sacred Space” and H. Stegemann, “‘Das Land’ in der *Tempelrolle* und in anderen Texten aus den Qumranfunden,” in *Das Land Israel in biblischer Zeit* (ed. G. Strecker; Göttingen: Vandenhoeck & Ruprecht, 1983) 154–71.

gate (11QT 39:11–13). The Outer Court (11QT 40:5–11), a concentric enclosure surrounding the Middle Court with sides measuring some 1,600 cubits, would also have twelve gates corresponding exactly to those of the Middle Court. Equally important were the chambers in the outer wall that faced inward. These areas, three stories high, were to be apportioned to the various tribes as well as to the priestly and Levitical groups. Aaron was assigned two groups of chambers in recognition of his status as a sort of “ritual firstborn,” entitling him to a double portion (11QT 40:13–45:2).

This unique Temple plan does not follow the plans of any of the biblical sanctuaries—either the Tabernacle, the Solomonic Temple, or the descriptions at the end of Ezekiel. Neither does it match the pre-Herodian or Herodian Second Temple structures. Rather, its layout represents a synthesis of the Tabernacle and the desert camp. Through this design, the architect sought to grant the tribes access to the Temple and even symbolic dwelling places for them within the Temple courtyards. Each tribe would enter the Temple precincts through its assigned gate and proceed first to its designated chambers. From there all members of the tribe or Levitical clan could circulate in the Outer Court. Those not disqualified from entry into the Middle Court could then proceed into that court, again through their respective gates. Only priests and Levites could proceed to the Inner Court through their gates where the Temple and its furnishings were located.

This entire plan envisions the Temple as the center of sanctity, accessible by entering further and further into the concentric spheres of holiness. The scroll repeatedly makes clear that what grants the Temple its special level of sanctity is the indwelling of the Divine Presence there. According to many passages throughout the text, God is to dwell in the Temple among the children of Israel forever. This motif, expressed in all of the possible sources for the scroll, is among its most dominant themes.

Beyond the Temple City were a few installations designed to ensure the sanctity of the holy place. Among them would be the place for the latrines, constructed as “roofed houses with pits within them.” These structures were to be located northwest of “the city,” that is, the Temple City, at a distance of 3,000 cubits (46:13–16).

Further, the scroll requires (46:16–47:1) that outside the Temple City, specific locations be assigned to the east for three groups that are impure: those with the skin disease *šaraʿat* (usually mistranslated as “leprosy”), gonorrheacs, and those who have had a seminal emis-

sion. The intention of the scroll is to locate the entire residential area of Jerusalem outside the Temple City. Those who came to Jerusalem in a state of impurity would not be allowed to enter the Temple until the seven-day purification rites were completed. They were to stay in these outside areas during the rituals, after which they could enter the Temple to offer their sacrifices in a state of purity.

Beyond the Temple City, which symbolized the desert camp, was the hinterland of Israel. There the territory of each tribe would be located, directly opposite its gate. Indeed, it was through these gates that the tribal territories would be tied to the sanctity of the central shrine and the Divine Presence that dwelled there.

We cannot be certain exactly how the tribal allotments were to be shaped. They may have been conceived as radiating from the epicenter, so that the tribes essentially dwelled in a circle around the Temple. Probably the scroll treated the Land of Israel as a square, with the tribes distributed in equivalent positions, each occupying square or rectangular areas. Only such a model could provide all the tribes with equal access to the Temple through their respective gates and at the same time accord with the scroll's predilection to square structures.

Since the author expected all the tribes of Israel to dwell in the land as ideally constituted, it appears that he assumed the return of the lost tribes, although this is nowhere stated directly. Throughout the scroll, in numerous cultic and other contexts, the twelve tribes as a whole play a role corresponding to that reflected in the architecture of the Temple and the apportionment of the land. In this respect, the Temple functions as a microcosm of the Land of Israel, with each tribe having its appointed place in the sanctuary.

THE LAW OF THE KING

The collection of laws pertaining to the king constituted a separate unit that the author incorporated into the *Temple Scroll*.¹⁴ The text first discusses the obligation of setting up a monarchy:

¹⁴ Yadin, *Temple Scroll*, 1:344–62; Schiffman, “King, His Guard and the Royal Council” and idem, “The Laws of War in the *Temple Scroll*,” *RevQ* 13 (Mémorial Jean Carmignac, 1998): 299–311 (pp. 505–517 in this volume); M. Weinfeld, “‘Megillat Miqdash’ o ‘Torah la-Melekh,’” *Shnaton* 3 (1978/9): 214–37, and idem, “The Royal Guard according to the *Temple Scroll*,” *RB* 87 (1980): 394–96; and Hengel, Charlesworth, and Mendels, “Polemical Character.”

When you enter the land which I am giving you, and you take possession of it and dwell in it, and you say, "I will set a king over me like all the nations who are around me," you shall set as king over you the one whom I choose. (11QT 56:12–14)

This passage is virtually identical to Deut 17:14–15, except that, as is his general habit, the author or redactor has replaced the third person—"which the Lord your God is giving you"—with the first person, to suggest the unmediated authority of the text.

The requirement that a king be appointed is most likely intended as a critique of the early Hasmonean rulers, who, while serving as high priests, arrogated to themselves the temporal powers of the king. Our passage requires that the monarchy and the high priesthood be two separate offices with two distinct incumbents.

The *Temple Scroll* goes on to require that the appointed king be Jewish and that he have written for him a special copy of the Torah for his edification. Adapting Deuteronomy 17:16–17, the scroll continues with a series of prescriptions that limit the power of the monarch:

But he may not keep for himself many horses nor may he send the people back to Egypt for war in order to accumulate for himself horses, silver and gold. For I have said to you, "You may never go back that way again." Nor may he have many wives lest they turn his heart from following Me, nor may he accumulate for himself silver and gold to excess. (11QT 56:15–19)

Josephus gives us a hint about the dating of this section. He reports that the unrest in Syria "gave Hyrcanus leisure to exploit Judea undisturbed, with the result that he amassed a limitless sum of money." No doubt Hyrcanus's extensive military campaigns outside the boundaries of Judea also contributed to his wealth. It is likely that this text, in repeating here the Torah's law against the king's sending his people to war to increase his own wealth, is reacting to conditions during the period of John Hyrcanus.

The king is obligated to raise an army and provide a royal guard:

He (the king) shall choose for himself from them (those he has mustered) one thousand from each tribe to be with him, twelve thousand warriors, who will not leave him alone, lest he be captured by the nations. And all those selected whom he shall choose shall be trustworthy men, who fear God, who spurn unjust gain, and mighty men of war. They shall be with him always, day and night, so that they will guard him from any sinful thing, and from a foreign nation, lest he be captured by them. (11QT 57:5–11)

The king is also required to select twelve thousand men, one thousand from each tribe, to serve as a palace guard. They must never leave him, lest he be captured by foreign enemies. The members of the guard are to be honest, God-fearing men, of the highest military prowess.

The author of this text may have based his number of twelve thousand men on the twelve thousand warriors who went out against the Midianites (Numbers 31:3–4) or the twelve thousand horsemen of Solomon (I Kings 5:6, 10:26). This description of the royal guard is in direct contrast to its Hasmonean counterpart, which was manned by foreign mercenaries. The author requires for the royal guard not only trustworthy Jews but also those who will keep the king from transgressing. Apparently, the author is here criticizing the Hasmonean rulers for being overly influenced by their foreign mercenaries.

The purpose of the guard was to prevent the capture of the king. These elaborate arrangements for the royal guard only make sense against the background of the last days of Jonathan, the Hasmonean ruler—namely, the years 152–143 B.C.E.—who while traveling with three thousand guards, was captured by Trypho, a Seleucid pretender, and later murdered.

The *Temple Scroll* further required that the king constitute a council of twelve princes, twelve priests, and twelve Levites to consult in matters of judicial rulings (11QT 57:11–15). He is forbidden to act without their advice. Historical sources inform us that a council of elders functioned in Judea both before and after Maccabean times. To ensure the influence of religious leaders in government, the *Temple Scroll* here requires the inclusion of priests and Levites. A further passage mandates that the king may not pervert the system of justice nor confiscate any of his subjects' property unlawfully (11QT 57:19–21).

The Law of the King concludes with an admonition. A king who turns aside from God's laws will find his kingdom taken from him. But as for the king who observes the Torah and rules justly:

...none of his sons shall be cut off from sitting on the throne of the kingdom of Israel forever. I will be with him, and I will save him from the hand of his enemies and from the hand of those who seek to take his life. (11QT 59:17–19)

Here the author, pronouncing the end of the royal line for a king who does not govern according to the Torah, clearly implicates the Hasmonean dynasty.

THE DEUTERONOMIC PARAPHRASE

There is a specific character to the section at the end of the *Temple Scroll* which we term the Deuteronomic Paraphrase, a section based on Deuteronomy 12–23 in 11QT 53–58 and 60–66.¹⁵ In these texts, the author consistently changed from the third person designation of God to the first, except where syntactic difficulties prevented him from doing so. The author made such changes in the text of Deuteronomy while retaining the original formulation of the commands of Exodus, Leviticus and Numbers.¹⁶ In this Paraphrase the sections of the *Temple Scroll* follow the order of Deuteronomy, and the Deuteronomic text serves as the basic text for the legal exposition of the scroll.

This entire section is based on adaptation of the canonical Deuteronomy with the addition of the material in the Law of the King, apparently a preexistent source, and other smaller pieces of original composition, written either by the author or a source. Further, most of the variations from the Masoretic Text in the paraphrase result from intentional activity, harmonistic, exegetical, halakhic or midrashic, and most of these variations are the result of the efforts of the author/redactor.

Indeed, this is to be expected in light of the manner in which the *Temple Scroll* was composed. It is not simply a selection of biblical quotations. Rather, it is a carefully undertaken reworking of the biblical text through which the author/redactor seeks to express his own unique message. The scroll as a whole must be seen as an exegetical work.

The author/redactor created this section to allow him to complete his new Torah, the *Temple Scroll*, and he incorporated into it the pre-existent material in the Law of the King, most probably one of the sources from which he compiled the *Temple Scroll*. The author created this Paraphrase from a Deuteronomy that while not exactly the same as the Masoretic Text differed only in minor, textual variations of the kind known to us from the ancient versions and the Qumran biblical manuscripts.

Hence, the Paraphrase also indicates to us that the canonical Deuteronomy served as the guide and authority of our author. This should

¹⁵ L.H. Schiffman, "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992): 543–68 (pp. 443–469 in this volume).

¹⁶ Yadin, *Temple Scroll* 1: 72–3, cf. 406, and Levine, "The *Temple Scroll*," 17–21. Cf. Wacholder, *Dawn of Qumran*, 13–17.

in no way surprise us in light of the many Deuteronomic passages known to us in the manuscripts of Deuteronomy and the *Phylacteries* from Qumran. There is no question that the author of our scroll worked from a Deuteronomy similar to that preserved in the canonical Deuteronomy.

In the main, then, the Deuteronomic Paraphrase is a work of exegesis, having much more in common with the rest of the *Temple Scroll* than often recognized. It illustrates the extent to which what may at first glance appear to be variant biblical texts may be the result of purposeful interpretive activity that took place throughout the Second Temple period.

In this scroll, compiled during the Hasmonean period, the author/redactor presents his utopian vision of the present, pre-messianic era: an ideal Temple, located in the sacred Land of Israel, settled by the twelve tribes in their allotments. Such idealistic hopes are also reflected throughout other sections of the scroll, probably from preexistent Sadducean sources. Indeed, this overall plan expressed the author's dream of a complete reform of the polity and worship of the Jewish people in the Hasmonean period.

The complete, edited scroll may be seen to a large extent as a polemic against the policies of the Hasmoneans on the one hand and against the rulings of the Pharisees on the other. A similar polemic underlies the Halakhic Letter, confirming that Pharisaic rulings were being followed in the Temple in the early Hasmonean period. Also composed during this period, the *Temple Scroll* called for a total reconstruction of the Temple and redistribution of the land around it, a rededication to strict purity laws, and the appointment of a high priest and a king who would uphold the holiness of the Temple and the Land of Israel. Only in this way, the author believed, would the future of Israel upon its land be guaranteed.

The scroll's plan, as we have examined it here, bears little relationship to the teachings of the Qumran sect as they are known from the sectarian texts. Further, the architecture of the Qumran structures reflects no attempt to follow any ideal blueprint. In this respect, the preceding study supports our general conclusion that some of the sources of the *Temple Scroll* are in fact pre-Qumranian and that the author/redactor, regardless of his own affiliation, was not reflecting the ideas of the Qumran sect.

It appears that the Sadducean sources of the scroll included laws dating back to pre-Maccabean days, a theory confirmed by comparing

this scroll to the Halakhic Letter. Whatever may eventually be decided about the many enigmatic issues surrounding this scroll, it is clear that its final author truly believed that the observance of Jewish law and sacrificial ritual brought the worshiper into the presence of God. This belief, common to all expounders of Jewish law throughout the ages, certainly was shared by the compilers of the legal material of the Dead Sea sect.

PART ONE

THE TEMPLE SCROLL

CHAPTER ONE

THE LAW OF THE *TEMPLE SCROLL* AND ITS PROVENANCE

The discovery of the *Temple Scroll* and its subsequent publication by the late Professor Yigael Yadin¹ has provided us with a gold mine of information pertaining to the views of its author(s) on Jewish law, what the Rabbis later termed *halakhah*. This scroll of 66 columns, larger than the Great Isaiah Scroll (54 columns), covers numerous topics in Jewish law. When first unrolled, and in the publications of Professor Yadin, it was assumed that this text testified to the traditions of the same group usually termed the Qumran sect, identified by most scholars with the Essenes (a matter about which we have elsewhere raised questions).² Beginning soon after publication, a series of articles to which this writer also contributed, took issue with this point, arguing that the *Temple Scroll* did not accord with various teachings of the better known Dead Sea sect and that it had to be considered as emerging from a closely related, but different group.³ It was also argued that the existence of a text in the sect's library did not indicate its provenance. In fact, we are only now realizing the extent to which the library at Qumran was eclectic. This past summer, at the meeting of the International Organization for the Study of the Old Testament in Jerusalem, Israel, Professor Hartmut Stegemann masterfully laid to rest the claim of Qumran sectarian authorship for the *Temple Scroll*.

¹ Y. Yadin, *Megillat Ha-Miqdash*, 3 vols. (Jerusalem: Israel Exploration Society, 1977) [Hebrew]; *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983) [English].

² L.H. Schiffman, *The Halakhah at Qumran* (Leiden: E.J. Brill, 1975) 135.

³ See L.H. Schiffman, "The *Temple Scroll* in Literary and Philological Perspective," *Approaches to Ancient Judaism* II, ed. W.S. Green (Chico, CA: Brown Judaic Studies, 1980) 143–58, and especially B.A. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 5–23. Note the reactions to Levine in J. Milgrom, "'Sabbath' and 'Temple City' in the *Temple Scroll*," *BASOR* 232 (1978) 25–27 and Y. Yadin, "Is the *Temple Scroll* a Sectarian Document?" *Humanizing America's Iconic Book*, ed. G.M. Tucker, G.A. Knight (Chico, CA: Scholars Press, 1980) 153–69. For bibliographic surveys on the *Temple Scroll*, see L.H. Schiffman, "Review of Y. Yadin, *The Temple Scroll*," *BA* 48 (1985) 122–26 and F. García Martínez, "El Rollo del Templo (11Q Temple): Bibliografía sistemática," *RevQ* 12 (1986) 425–40.

It is now time to try to determine more correctly the provenance of this scroll so that its place in the complex history of Jewish law can be properly appreciated. The continuity of this history, even in the face of the greatest adversity, is confirmed as I stand here only a short distance from Cracow, the home of the great sixteenth century codifier of Jewish law, Rabbi Moses ben Israel Isserles (1525 or 30–1572), and only slightly further away from the horrors of Auschwitz where between 1941 and 1945 countless scholars of the Jewish tradition perished among the more than a quarter of a million victims, Jews and non-Jews.

THE REDACTION OF THE TEXT

There can be no question that the *Temple Scroll* was created by an author/redactor who incorporated certain preexistent sources into his composition. Certainly among these sources is the sacrificial calendar of 11QT 13–29 and the Law of the King and Army of 11QT 56–59. A.M. Wilson and L. Wills have also argued for the separate origin of the purity laws of 11QT 48–51, a proposal as yet unconfirmed by our research.⁴ The author/redactor sought to compose a complete Torah which would expound his views of the sanctity of the Temple, land and people, as well as of the ideal government and society. He began with the command to build a sanctuary in Exod 34–35 and worked through the Torah, arranging all the pertinent material around the first occurrence of a topic. In this way he reedited and reredacted the Pentateuchal legislation, often making use as well of material from the Prophets and the Writings. At the appropriate places he inserted the preexistent collections at his disposal. To give the impression that his Torah was a complete Law, he appended at the end a selection of laws from Deuteronomy, some of which deal only tangentially with the theme of his scroll. This collection is simply a paraphrase of Scripture.

Yet this final author/redactor was not just a collector of scattered traditions. On the contrary, despite a few lapses, such as his treatment of the laws of war from Deut 20 in both the Law of the King (11QT 58:3–21) and in the Deuteronomic Paraphrase (11QT 61:12–62:16), the redactor is both organized and consistent. He has carefully inte-

⁴ A.M. Wilson and L. Wills, "Literary Sources in the *Temple Scroll*," *HTR* 75 (1982) 275–88.

grated his sources into his own composition. He presents materials which embody a consistent method of biblical exegesis, itself based on a particular ‘theology’ of law, as well as a consistent view of holiness and sanctity. Further, the nature of his subtle polemic is such that it runs like a thread throughout the entire composition. This consistency of approach means that we can examine his final product to determine what circumstances would have led him to include various materials in his work, just as we may ask what conditions may have led the author of these sections to have composed them. It goes without saying that we may ask similar questions regarding those portions of the scroll which are the compositions of the author/redactor.

“THEOLOGY” OF LAW

One of the fundamental issues in Second Temple Judaism was that of how to incorporate extra-biblical traditions and teachings into the legal system, and how to justify them theologically. Despite the fact that in antiquity and late antiquity there was little theoretical theological inquiry in Judaism (except in the Hellenistic Diaspora), issues of theology were of central importance and often lie behind other more clearly expressed disputes.

All Jewish groups in the Second Temple period endeavored to assimilate extra-biblical teachings into their way of life. Our detailed examination of the writings of the Dead Sea (Qumran) sect has led us to determine that they did so through the concept of the *nigleh* (“revealed”) and *nistar* (“hidden”). That which was revealed was the simple meaning of Scripture and the commandments which were readily apparent from it. These were known to all Jews. Only the sect possessed the hidden knowledge, discovered by it through what it saw as inspired biblical exegesis, regularly conducted by members of the sect. Tradition is regarded as having no authority, since all Israel has gone astray and the true way has only been rediscovered by the sect’s teacher. The laws which emerged from this interpretation were eventually composed in *serakhim*, lists of sectarian laws. These were then redacted into such collections as the *Zadokite Fragments* (*Damascus Document*) or the less organized *Ordinances* (4Q159, 513, 514). These rules and the interpretations upon which they were based served to make clear the application of the Law of the Torah to the life of the sect,

and to make possible life in accord with the ‘revealed’ Torah in the present, pre-Messianic age.⁵

Although we do not have Pharisaic texts from this period, we can suggest the general lines of the approach of this group based on later accounts in the New Testament, the writings of Josephus and on the reports in the even later tannaitic corpus. Apparently, the Pharisees possessed traditions “handed down by the fathers” and “unwritten laws”. These included various legal traditions of great antiquity as well as interpretations of the biblical texts. Indeed, the Pharisees were known as expounders of the Torah and seem to have excelled in the application of the laws of the Pentateuch to their own circumstances and times. Somewhat later, the successors to the Pharisees, the tannaim (teachers of the Mishnah) would develop the notion that these traditions had been revealed by God to Moses on Sinai as a second Torah. The rabbis asserted that God had given two Torahs to Israel, the written and the oral. For the rabbis, this view essentially elevated the oral Torah to a sanctity and authority equal to that of the written. Yet evidence does not point to such an assertion on the part of the Pharisees themselves, although our sources do not allow us to be certain.

The Sadducean approach has yet to be properly investigated. The general claim that the Sadducees were strict literalists represents a misunderstanding of their approach often predicated on late rabbinic sources and on a parallel misunderstanding of the medieval Karaite movement. In any case, we should note that the Sadducees apparently saw only the written law as authoritative, although they admitted the need to interpret it. Their interpretations attempted to adhere as closely as possible to the plain meaning (what the rabbis later called *peshat*) of Scripture.⁶ We will return below to the question of whether certain Sadducean views can be culled from the Qumran corpus.

Against this background we can now understand the approach of the author of the *Temple Scroll*. He seeks to assimilate extra-biblical traditions by the contention that his new, rewritten Torah properly expresses the will of God as revealed in the original document. He asserts that the correct meaning of the divine revelation at Sinai, apparently left vague in the canonical Torah, is to be found in the *Temple*

⁵ Schiffman, *Halakhah at Qumran*, 22–76.

⁶ Cf. J.M. Baumgarten, “The Unwritten Law in the Pre-Rabbinic Period,” *JSS* 3 (1972) 7–29; J. Neusner, “Rabbinic Traditions about the Pharisees before A.D. 70: The Problem of Oral Transmission,” *JJS* 22 (1971) 1–18.

Scroll. This means that like the sectarians of Qumran he has no dual Torah concept. Unlike this group, he does not accept the notion of a continuous, inspired revelation through biblical exegesis. He maintains only a one-time revelation, at Sinai. In this respect he agrees with the later tannaim, except that for them the one-time revelation is of two Torahs, yet for him it is of a single Torah, the true contents of which are expressed in the scroll he authored and redacted.

In this context two additional issues need to be raised. First, it must be emphasized that the scroll is not Messianic.⁷ Its author/redactor, in the material he copies from the conclusion of the Sacrificial Calendar in 11QT 29:2–10, states in no uncertain terms that the law of this scroll is intended for the period before the coming of the End of Days (*yom ha-berakhah*, “the day of blessing,” or *yom ha-beri’ah*, “the day of the [new] creation”). At that time God would construct His own eschatological Temple. This means that the author of the *Temple Scroll* sees its contents as expressing the will of God in the present age.

This, in turn, raises a more difficult question, the author’s view of the authority of the canonical Torah in the present age. First, it must be asserted that the *Temple Scroll* is clearly based on a canonical Torah which the author has reworked. While it is true that the Torah text available to the author had some readings at variance with those otherwise known to us, his text was, nonetheless, essentially that of the known canonical Torah. Attempts to claim that he had remnants of other pre-canonical Torahs have little evidence on which to base themselves. Like all other such texts from the Second Temple period, our text must be seen as a form of rewritten canonical Torah.

It is difficult to say what the author regarded as the role of the canonical Torah once he had composed his *Temple Scroll*. It is unlikely that he regarded it as abrogated or superceded, since it contains much information on matters of law not covered in his text. Further, the *Temple Scroll* does not even touch on the historical narratives of the Pentateuch.⁸ On the other hand, the author/redactor clearly regards the Torah he has written as having greater authority, and presents it as

⁷ We cannot accept the view of B.Z. Wacholder, *The Dawn of Qumran* (Cincinnati: Hebrew Union College Press, 1983) 21–32 who sees the *Temple Scroll* as an eschatological Torah. The difficulties in translating *’ad* as ‘during’ in 11QT 29:9 seem to us insurmountable.

⁸ Wacholder, *Dawn*, 41–61 claims that the author of Jubilees saw his own work as filling this gap. This is impossible in light of the dating of the *Temple Scroll* which, in our view, was certainly composed after Jubilees. Further, it ignores the divergences

the Torah which the king must write upon attaining the throne (11QT 56:20–57:1, partly restored).

DATING AND HISTORICAL BACKGROUND

The key to the dating of the *Temple Scroll* as a whole must be the Law of the King (11QT 56:12–59:21). This section, one of the sources used by the author/redactor, represents the most sustained example of original composition, as opposed to the rewriting of Scripture, in the entire document. Here are found the clearest references to specific historical events.

To grasp these references we have to understand the basic stance of the author, and the method of his subtle polemic. We ought not expect to date this text by seeking a period in which the author's approach was put into effect. Rather, we seek a period in which approaches opposite to his were in use, a time in which he might argue for a different order of things. We see the author as waging a subtle polemic against the existing order, regarding the Temple, government, and ritual life of the Jewish community. As opposed to the sectarians we already know so well from the literature they left us in the caves of Qumran, this author does not decry the practice of his opponents. He does not preach hatred for them, or even separation from them. Nor does he use various designations to indicate his disapproval of them.⁹ He simply sets out an alternative way of attaining sanctity and holiness, as he sees it. With this perspective, we will be able to detect the events of his day in his writing, and to closely date the Law of the King, and, in turn, the entire scroll.

The very requirement that a king be appointed (11QT 56:12–14) is probably a polemic against the Hasmonean control of both priesthood and kingship. Indeed, the text emphasizes in discussing the laws of offensive warfare (11QT 58:15–21) that the king and high priest are two different people. Among the limitations of the king's power (11QT 56:15–19) is that he may not "send the people back to Egypt for war". The addition of the qualification, "for war", may be taken as an expres-

between the presentations of Jewish legal topics in Jubilees and the *Temple Scroll* such as will be noted below.

⁹ Contrast the material alluded to in C. Rabin, *Qumran Studies* (Oxford: University Press, 1957) 53–70.

sion of opposition to the attacks by John Hyrcanus on his neighbors for the purpose of increasing the wealth of the kingdom. The royal guard required by our scroll (11QT 57:5–11) has as its purpose prevention of the king's being kidnapped and killed. This regulation can only be understood against the background of the capture and murder of Jonathan the Hasmonean by Trypho. The requirement that the guard be made up of Israelites is certainly to be taken as a polemic against the mercenaries employed from the time of John Hyrcanus on. The evenly divided king's council, made up of priests, Levites and Israelites (11QT 57:11–15) seeks again to react to the power the Hasmoneans wielded together with the *gerousia* they appointed. Indeed, in the time of John Hyrcanus the nation suffered unrest because of disagreements between the Pharisaic and Sadducean members of this *gerousia*. Our author sought not a political coalition, but, rather, an evenly divided council in which priestly and Levitical representatives, concerned with the Law of God, would dominate the proceedings. The complex laws of offensive and defensive warfare (11QT 58:3–21), designed to limit the power of the king, were likewise an indication of disagreement with the powers and the policies of the Hasmonean rulers.¹⁰

These details all point to a Hasmonean dating. At this time, the author of the Law of the King sought a complete reformation of the existing structures of the Temple and its cult, as well as of the governmental system. The paleographic study of the earliest fragments of the scroll leads to the conclusion that the scroll as a whole dates to no later than the time of Alexander Janneus (103–76 B.C.E.). It is possible that a still unpublished fragment may be dated earlier. The paleographic evidence, therefore, supports the notion that the scroll was composed in the Hasmonean period. Since the text reflects the historical experience of the Hasmoneans Jonathan (160–143 B.C.E.) and John Hyrcanus (135–104 B.C.E.), we must see the composition of the Law of the King as taking place no earlier than the second half of the reign of John Hyrcanus, himself termed king by Josephus.¹¹ He is the first of the Hasmoneans to have consolidated a stable empire.

Yet we must account for two levels of composition: (1) that of the Law of the King, and (2) its redaction into the complete scroll. The

¹⁰ For a detailed discussion see L.H. Schiffman, "The King, his Guard, and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987) 237–259 (pp. 487–504 in this volume).

¹¹ *Ant.* XIII, viii, 4 (249); *Ant.* XIII, x, 5 (288).

completed scroll had to be composed either at the end of the rule of John Hyrcanus, or early in the reign of Alexander Jannaeus. We would accordingly date the composition of the scroll as it now survives to ca. 110–90 B.C.E., a date closely agreeing with that proposed by a number of distinguished colleagues.¹²

THE SCROLL AND CONTEMPORARY JEWISH LAW

We now know when the author completed his work, and that the basic direction of his work was to propose a radical change in the nature of religious and public life as it was then conducted under Hasmonean rule. Further, we know that the views of the author/redactor regarding the basic “theology” of Jewish law do not accord with those of any group the views of which can be documented in this period. It remains for us to try to determine if the content of the author’s rulings can in any way be related to that of known groups or sects of Jews in this period. We shall consider, in turn, the Qumran sect, the Book of Jubilees and whatever circles produced it, the Sadducees, and the Pharisaic-rabbinic tradition. For each group, a representative group of laws for which both the *Temple Scroll* and the corpus to be compared have sufficient material, will be analyzed.

Oaths and Vows: The Temple Scroll and the Qumran Sect

Laws pertaining to oaths and vows occur in both the *Temple Scroll* (53:9–54:7) and in the *Zadokite Fragments* (16:6–13). Both of these passages constitute exegeses of Num 30:3–16 and Deut 23:22–24. Since this subject is likely to be free of political ramifications, and since in this case both scrolls present interpretations of Scripture, this proves to be an excellent point of comparison. We take the *Zadokite Fragments* to be a text emanating from the Qumran sect, and, in matters of Jewish law, prescribing the view of the sect.

A brief summary of the results of our study follows: Certain fundamental differences characterize the two texts. The *Zadokite Fragments* derives only the rules pertaining to oaths, ignoring the fact that the

¹² Cf. M. Hengel, J.H. Charlesworth, D. Mendels, “The Polemical Character of ‘On Kingship’ in the *Temple Scroll*: An Attempt at Dating 11Q Temple,” *JJS* 37 (1986) 28–38.

text of Num 30:3–16 addresses vows as well. It is as if the author purposely expunged vows from the text. He may have believed that it was forbidden to vow, as does apparently the author of the *Temple Scroll*. By contrast, the author of the *Temple Scroll* repeatedly goes out of his way to point out that both categories are covered by his legislation. The *Temple Scroll* treats all the categories raised in the Bible, the oaths and vows of a minor woman, annulment by the father, annulment by the husband, a wife's vows of self affliction, and vows of widows and divorcees. The *Zadokite Fragments* only remarks that the father and husband have the same status for annulment. The *Temple Scroll*, however, distinguishes the minor woman from the wife. Further, the *Zadokite Fragments* are concerned with the problem of oaths taken to fulfill or to violate the laws of the Torah, a matter raised in tannaitic literature¹³ but not in the *Temple Scroll*.

In light of the complete incongruity of the treatments, it is almost superfluous to ask if the texts agree or not. What we observe is a totally different agenda, a different literary form and exegetical method, and results, which disagree. At the same time, some few details, often of great importance, are found to agree. An example is the discouragement of vows by both texts. But let us not forget that vows were discouraged also by rabbinic tradition later on.¹⁴ This example, I may add, is typical for the few areas of law in which sustained comparisons are possible between the *Temple Scroll* and materials attributed to the Qumran 'sect'.

The Festival Calendar: The Temple Scroll and Jubilees

The sacrificial festival calendar of the *Temple Scroll* (13:10–29:10) reviews all the required sacrifices for the daily and festival offerings, including some festivals not explicitly known from other sources. This passage may be easily compared with the scattered but copious references in the Book of Jubilees to various sacrificial observances.¹⁵ The centrality of sacrificial worship to all Jews in this period makes this an excellent test case.

¹³ *m. Nedarim* 2:2; *t. Nedarim* 1:5; *b. Nedarim* 28b; cf. *p. Nedarim* 11:1 (42c).

¹⁴ *Sifre Devarim* 265; *b. Nedarim* 22a and 77b.

¹⁵ What follows is a summary of my detailed study, "The Sacrificial System of the *Temple Scroll* and the Book of Jubilees," *Society of Biblical Literature 1985 Seminar Papers*, ed. K.H. Richards (Atlanta: Scholars Press, 1985) 217–233.

Whereas the *Temple Scroll* agreed with the position of the Boethusians (Sadducees in some texts) that the daily sacrifices could be privately contributed by the priest, Jubilees requires that they be paid for by communal funds, as do the Pharisees. Jubilees seems to permit only daily offerings and additional Sabbath offerings on the Sabbath, and the *Temple Scroll* seems to agree, although definitive evidence is lacking. The *Zadokite Fragments* (11:17–18) seem to permit only the Sabbath offering, seeing it as a replacement for the daily offering.¹⁶

Both Jubilees and the *Temple Scroll* expect a new year type festival on the first day of the first month, *Rosh Hodesh Nisan* in rabbinic terminology. But although the *Temple Scroll* ordains these new years twice a year, Jubilees expects four. Both texts use the sacrifices of the first of the seventh month as a basis for the offerings on these additional new year days, and both require the he-goat to be offered first. However, the *Temple Scroll* requires that all rites associated with the he-goat be completed before offering the festival sacrifices, while Jubilees requires only that the slaughter of the goat take place first.

The *Temple Scroll* requires an annual ordination ceremony (*millu'im*). This does not occur in Jubilees. Both texts require that the paschal offering be eaten in the Temple precincts and only by those above twenty years of age. Yet Jubilees requires that it be eaten by 10:00 pm while the *Temple Scroll* seems to allow it to be eaten until morning.¹⁷ The *omer* festival of the *Temple Scroll* has no parallel in Jubilees.

Regarding the additional harvest festivals of the *Temple Scroll*, those of oil and wine, no parallel exists in Jubilees. No conclusions can be drawn from the accounts of the Day of Atonement in these sources, since they deal with different aspects of the holy day. The animals to be offered on the holiday of *Sukkot* are different in the two texts. Whereas the *lulav* and *etrog* are mentioned in Jubilees, they do not appear in the *Temple Scroll*.

Regarding some of the festivals we find agreement, yet in others absolute disagreement. Sometimes the subject matter is simply incongruous, sometimes as a result of the differing emphases of the documents. Yet many of these inconsistencies probably result from additional disagreements. When the texts agree, it may be because of commonly

¹⁶ Schiffman, *Halakhah at Qumran*, 128–131; Wacholder, *Dawn*, 49–50 and 152; and Yadin, *Temple Scroll*, I, 130f.

¹⁷ The tannaim required that it be eaten by midnight, but cf. *m. Berakhot* 1:1.

held traditions, or because the authors or their teachers followed similar exegetical techniques regarding the same biblical texts. In any case, one cannot find substantial agreement in matters of Jewish law between the *Temple Scroll* and the Book of Jubilees.

Some Purity Laws: The Temple Scroll and the Sadducees

Tannaitic sources ascribe certain views to the Sadducees. These views can be compared in a few scattered cases to those of the *Temple Scroll*. The fragmentary nature of our first-hand knowledge of the Sadducees makes it difficult to do more, despite the fact that this comparison is perhaps the most tantalizing of all.¹⁸

The *Temple Scroll* requires that those undergoing purification rituals be considered totally impure on the last day of their impurity until sundown, even after having completed their immersions. This ruling, repeated several times (11QT 45:7–8, 49:19–21, 51:4–5), is in accord with the view of the Sadducees who denied the Pharisaic category of *tebul yom*.¹⁹ The Pharisees considered such a person pure for the purposes of allowing him contact with pure food outside of the sanctuary.

According to the *Temple Scroll*, bones of both humans and animals rendered those who came in contact with them impure (11QT 51:4–5). It may be that this very same position was held by the Sadducees.²⁰ In contradistinction to the Pharisees who required purification of the menorah after festivals, even though it was out of reach of the populace, the Sadducees saw no reason to purify it,²¹ assuming the priests who entered the sacred precincts to be free of any ritual impurity. Yet the *Temple Scroll* even requires that the chambers of the Temple court be regularly purified, and that priests avoid defiling each other when the courses changed (11QT 45:3–6). While this is not an express disagreement, it does seem to point toward a disagreement between the *Temple Scroll* and the position attributed to the Sadducees.

¹⁸ The section that follows derives from the research of J.M. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980) 157–170.

¹⁹ *m. Parah* 3:7, *t. Parah* 3:8.

²⁰ *m. Yadayim* 4:6.

²¹ *t. Hagigah* 3:35.

J.T. Milik has published a sentence from a purity law he termed 4QMisn^a.²² This passage assumes that in pouring a liquid from a pure vessel into an impure vessel, the impurity can flow back through the stream of liquid so as to render the vessel from which it is being poured impure. This is termed *nīššoq* (literally “that which is [or was] poured out”) in tannaitic terminology. Indeed, the very same view is attributed to Sadducees in tannaitic sources and is disputed by the Pharisees.²³

This text has now been termed 4Q *Miqṣat Ma‘aše Ha-Torah* (4QMMT) and is being edited by J. Strugnell and E. Qimron. The text is a polemical letter which purports to have been sent to the leader of the sect’s opponents by the leadership of the sect. About twenty halakhic disagreements are discussed in the ‘letter’. Among them is the excerpt regarding the *nīššoq* which Milik had published as well as a passage which, like the *Temple Scroll* and the Sadducees, requires the setting of the sun for purification, thus denying the Pharisaic concept of *tevul yom*.²⁴ A number of other passages in this text agree with rulings reported by tannaitic tradition in the name of the Sadducees. In fact, of the six Pharisee-Sadducee disputes in *m. Yadayim*, four appear here. In each one, the author of 4QMMT takes the view of the Sadducees, and prefaces the view ascribed in tannaitic sources to the Pharisees with *‘attem ’omerim*, “you say”, or the like. At the same time, there is agreement or near agreement in a number of other regulations with the *Temple Scroll*. Yet here also, a number of minor points of disagreement or incongruity can be observed.²⁵ Full discussion of this matter will have to await publication of the text. What can be said here is that in the *Temple Scroll* and in the so-called letter, 4QMMT, various views previously attested to as Sadducean are found. Indeed, these texts raise anew the need to reevaluate our views on the Sadducees and to determine if we can recover further evidence of their beliefs with the help of the manuscripts of the Qumran corpus.

²² M. Baillet, J.T. Milik, R. de Vaux, *Les “petites grottes” de Qumrân*, DJD 3 (Oxford: Clarendon Press, 1962) 225, in Milik’s commentary to the *Copper Scroll*.

²³ *m. Yadayim* 4:7.

²⁴ E. Qimron, J. Strugnell, “An Unpublished Halakhic Letter from Qumran,” *Biblical Archaeology Today*, ed. J. Amitai (Jerusalem: Israel Exploration Society, 1985) 400–407.

²⁵ I am indebted to the editors for allowing me to examine both the text and their halakhic discussion.

A brief digression about the calendar is in order. The well known Qumran sectarian calendar, known also from Enoch and Jubilees,²⁶ has often been identified with the Sadducees. Actually, tannaitic sources attribute this calendar to the Boethusians²⁷ who were in some way related to the Sadducees, although our sources are not clear regarding this sect. Apparently the Boethusians, like the Qumran sect, began counting the fifty day *omer* period on the Sunday after the last day of the festival of Passover, so that *Shavuot* fell in their calendar on a Sunday, in accord with the literalist interpretation of Lev. 23:11, *mi-moharat ha-shabbat*. The text of the *Temple Scroll*, when understood properly, is here in accord with the later Rabbinic calendar, also attested in certain prayer texts from cave 4, and does not agree with the Boethusian calendar or that of the Qumran sect.²⁸

The Three Camps: The Temple Scroll and the Rabbinic Tradition

In the last section attention was called to a number of matters concerning which the *Temple Scroll* disagreed with fundamental Pharisaic rulings. By the destruction of the Temple in 70 C.E., the Pharisees had passed their legacy on to the tannaim, the teachers of the Mishnah. It is therefore instructive to compare the *halakhah* of tannaitic sources with the laws of the *Temple Scroll*. Here, a comparison of the views of the scroll regarding the sanctity of the three courtyards of the Temple with the notion of the three camps in tannaitic teaching will be undertaken.²⁹ The *Temple Scroll* lists various classes of people excluded from the Temple and its precincts (11QT 35:1–8, 39:5–9, 45:7–18). A similar classification is undertaken by the tannaim. The lists are all based on biblical prescriptions requiring exclusion of those classes or their expulsion from the “camp”. In interpreting the difficult use of the

²⁶ See S. Talmon, “The Calendar Reckoning of the Sect from the Judaean Desert,” *Aspects of the Dead Sea Scrolls*, ed. C. Rabin, Y. Yadin, Scripta Hierosolymitana 4 (Jerusalem: Magnes Press, 1958) 162–199.

²⁷ *m. Menahot* 10:3; a *baraita* in *b. Menahot* 65a–b; *Megillat Ta’anit*, beginning.

²⁸ Contrast Yadin, *Temple Scroll*, I, 116–119. The view adopted here is argued by my colleague B.A. Levine, “A Further Look at the Mo’adim of the *Temple Scroll*,” *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman, JSOTSup 8; JSOT/ASOR Monographs 2 (Sheffield: Sheffield Academic Press, 1990) 53–60. Levine proves his point by allusion to the omission of the phrase *mi-moharat ha-shabbat* in the *Temple Scroll*’s repeated reformulation of the biblical material.

²⁹ For detailed discussion, see L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985) 301–320 (pp. 381–401 in this volume).

term “camp” (*maḥaneh*) in Scripture, both sources developed a three-fold notion. The *Temple Scroll* spoke of the inner, middle, and outer camps of the Temple,³⁰ whereas the tannaim spoke of the camp of the Divine Presence, the camp of the Levites, and the camp of Israel.³¹

The *Temple Scroll*, like the Book of Ezekiel, expected an enlarged Temple. Whereas the plan of the Temple of Solomon and that described in tannaitic sources consists of two concentric courtyards, the *Temple Scroll* describes a third courtyard as well. This additional, outer courtyard was intended to be part of the Temple precincts, termed *‘ir ha-miqdash*, “the city of the sanctuary”. In essence, this means that the *Temple Scroll* sought to include the three ‘camps’ in its Temple plan. The tannaim, however, expected that the camp of Israel would be the dwelling place of the people, as it had been in the period of the desert wandering. Accordingly, the Rabbis expected a Temple structure of only two courtyards.

Regarding several classes of people the *Temple Scroll* maintains stringent rulings unknown in tannaitic legislation. Boys under twenty and proselytes are limited to the outer court according to the scroll, although the tannaim know of no such regulation. Women, permitted in the Levitical camp according to the tannaim, were only permitted into the outer court according to the *Temple Scroll*. The scroll denied access to the entire Temple precincts to those with physical defects, a law in no way paralleled in tannaitic tradition. The exclusion of those with communicable skin diseases from the entire sanctuary and from all cities is parallel in both sources. Although those with seminal emissions and gonorrhoea are excluded by the scroll from the entire city of the sanctuary, tannaitic tradition only excluded such people from the Levitical camp. While those who contracted impurity of the dead were excluded in the *Temple Scroll* from the entire *temenos*, the tannaim only excluded them from the camp of the Divine Presence.

On the other hand, there is substantial agreement in that those excluded from the scroll’s inner court, are excluded by the tannaim from the camp of the Divine Presence. Those excluded from the Levitical camp of the tannaim, the Temple Mount, are likewise excluded from the city of the sanctuary of the *Temple Scroll*. The middle court seems

³⁰ See Yadin, *Temple Scroll*, I, 200–210, 241–76.

³¹ *t. Kelim B. Qam.* 1:12; *Sifre Bemidbar Naso* 1; *Be-Midbar Rabbah* 7:8; B. *Ṣevahim* 116b; cf. Maimonides, *h. Bet Ha-Behirah* 7:14.

to have served the author of the *Temple Scroll* as a demarcating line for those whom he wished to exclude from the *sancta* of the inner court, but who were allowed into the camp of the Divine Presence according to the tannaim.

In the present comparison, we cannot really speak of agreement or disagreement. The author of the *Temple Scroll* sought to extend the sanctity of the sanctuary. His rulings can only be understood on the assumption that tannaitic *halakhah* regarding the camps, even if not the terminology, was in fact the previously existing order in the Temple. Indeed, the Temple was constructed with two courtyards, and Second Temple parallels indicate that similar regulations to those in tannaitic sources were in effect. The 'halakhic' letter, 4QMMT, would seem to show that Temple practice actually was in accord with views elsewhere attributed to the Pharisaic-Rabbinic tradition. The author of the *Temple Scroll* therefore extended the rules for the Levitical camp, the Temple Mount, to his entire sanctuary, thus expanding the purity laws along with his architectural plan for an expanded *temenos*.

CONCLUSIONS

An attempt has been made here to illustrate what is encountered whenever we try to compare an area of Jewish law in the *Temple Scroll* to the other documents of this period. Virtually all areas exhibit the same kind of partial agreements and disagreements. Indeed, matters of what the Rabbis later termed *halakhah* were very much at the center of the sectarian polemics and arguments of this period, and, in fact, such matters constituted the very core of Second Temple Judaism. There was widespread agreement on the basic principles, yet the overwhelming mass of detail was to reach consensus only much later on.

The *Temple Scroll* is indeed the largest and most comprehensive of the legal texts from the Hasmonean period. We know its date, and we know that it does not actually agree in large measure with any corpus. There is a need to re-evaluate its connections with the Sadducean traditions available to us, yet this will have to await further publication. We are also awaiting much material of halakhic character from cave 4. Yet it is already clear that we cannot expect to locate the provenance of the *Temple Scroll* in any of the already known sects. The author of this scroll and those whose traditions he embodied in his work were visionaries, hoping for a better day. If they constituted a recognizable sect or group,

we have no additional evidence for it. Therefore, the scroll cannot be used to determine the origins or provenance of the Qumran sectarian materials. The *Temple Scroll* is simply not closely enough related, and, in its final form, is to be dated to a period after the founding of the sect and the establishment of its center at Qumran.

The *Temple Scroll* was the vision of the author/redactor for the ideal Israel. It was to be a nation built on Temple, sacrifice, priesthood and kingship, a nation whose Torah he rewrote, charting its way of life in the remaining years prior to the redemption. The end of days would dawn only if his Torah were observed. Then would be fulfilled the words of our author (11QT 59:11–13):

והושעתים מיד אויביהמה ופדיתים מכף שונאיהמה. והביאותים לארץ
 אבותיהמה. ופדיתים והרביתים. וששתי עליהמה והייתי להמה לאלוהים.
 והמה יהיו לי לעם.

I will save them from the hands of their enemies and deliver them from the hand of those who hate them, and bring them to the land of their fathers, where I will deliver them and multiply them. Then I will take delight in them, and I will be their God, and they shall be My people.

CHAPTER TWO

THE THEOLOGY OF THE *TEMPLE SCROLL*

Among the topics given minimal attention in Yadin's monumental study of the *Temple Scroll* is the theological basis which underlies the work of the author/redactor as well as that of his various sources. The author/redactor did his work sometime in the early Hasmonean period, bringing together a diverse group of sources and adding the Deuteronomic Paraphrase with which the scroll closes.¹ Yet the sources, some of which clearly go back to a time before the Maccabean uprising, themselves embody certain theological or ideological statements.² In the study presented here we will analyze the relevant passages in the scroll in order to determine if there is a consistent view or if specific sources may take differing approaches. I will, of course, distinguish carefully between the copying of biblical statements into the text and independent compositions, although the inclusion of biblical material in this scroll, especially of a non-legal nature, certainly indicates that the author/redactor or the source saw it as particularly important.

It is apparent that certain basic theological notions which formed the core of all approaches to Judaism in Second Temple times provide the basis for much of what appears in this scroll. These were taken over from the Torah which the author no doubt read as presenting a uniform theology. To the author and his sources, God is the creator, the ultimate legal authority, and the object of worship. At the same time, it is worth noting that none of the characteristic theology of the Qumran sect is found here; there is no dualism, determinism, or even messianism.³ I deal in this article, however, not with the entire theological universe of the scroll, but with those theological aspects which the scroll chooses

¹ Cf. L.H. Schiffman, "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992) 533–567 (pp. 443–469 in this volume).

² On the sources of the scroll, see A.M. Wilson and L. Wills, "Literary Sources in the *Temple Scroll*," *HTR* 75 (1982) 275–288; M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Chicago: Oriental Institute, 1990) 195–198; F. García-Martínez, "Sources et rédaction du *Rouleau du Temple*," *Hen* 13 (1991) 219–232.

³ We do not accept the conclusions of M.O. Wise, "The Eschatological Vision of the *Temple Scroll*," *JNES* 49 (1990) 155–173.

to make explicit. In this manner, I hope to arrive at a more thorough understanding of the document as a whole and its sources.

THE AUTHORITY OF THE LAW

Even before looking at aspects which are explicit in the scroll, we must begin with what is for the most part implied by its very structure and the manner in which it relates to the biblical text. The author/redactor clearly attempts to portray his scroll as a complete Torah. This is certainly his reason for adhering more or less to the order of the Torah, beginning as he does with the command to build the sanctuary (i.e., the Tabernacle) in Exodus and ending with the last laws of Deuteronomy. After assembling sources which would cover the greatest part of the canonical Pentateuch, he completed the Deuteronomic Paraphrase specifically in order to present his Torah as complete.⁴

We should not overstate this point however. The redactor did not really intend his Torah to eliminate the need for the canonical one or he would certainly have prohibited such transgressions as murder and adultery, which are never mentioned in the *Temple Scroll*. Rather, the author/redactor chose aspects of the law about which he wanted to polemicize with the dominant views of the Pharisees and the political and cultic order of the day in Hasmonean Palestine.

Yet implicit in his literary style is a theological claim regarding the authority of the laws he has presented. Despite the fact that his laws are really derived from a type of midrashic exegesis of the material in the canonical Torah, which he effectively accepted as authoritative, he presents his law as actually being the substance of Sinaitic revelation.⁵ In one passage (11QT 51:6–7) this notion is stated explicitly:

And do not become impure by (contact with) those (sources of impurity) which I relate to you on this mountain.⁶

⁴ Cf. Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) I, 392.

⁵ *Ibid.*, I, 71–73; cf. B.Z. Wacholder, *The Dawn of Qumran, The Sectarian Torah and the Teacher of Righteousness* (Cincinnati: Hebrew Union College Press, 1983) 30–32.

⁶ All translations in this article are by the author.

Although this passage directly refers only to purity regulations, there can be no question that the entirety of his 'Torah' is regarded as divine by the author/redactor.⁷

In order to emphasize this point the text has regularly excised Moses from the picture, constantly rewriting the scriptural text to eliminate the intermediacy of Moses.⁸ One allusion, however, the author/redactor seems to have missed, allowing an indirect reference in 11QT 44:5–6:

And the en[tire] right side of the gate of Levi and its left side, you shall apportion to the sons of Aaron, your brother.

But the overall picture is one of direct revelation by God of the author's views on Jewish law to the entire people standing at Sinai.

Our scroll has gone one step further, and here it differs from the other approaches to Jewish law current in Second Temple times. One of the fundamental challenges to all the systems of Jewish law in use in this period was how to understand the authority of laws not included in the Bible or not explicitly stated. The Pharisees, as described by Josephus⁹ and the New Testament,¹⁰ claimed authority for such laws as traditions of the fathers—ancient and hoary traditions passed on from generation to generation. The tannaim spoke of these very traditions as having been given by God at Sinai.¹¹ To them, the one-time revelation at Sinai was of two Torahs, one written and the other oral. The latter was both an explanation and an expansion of the first. The Qumran sectarian documents speak of the revealed and the hidden Torahs, the נגלה and נסתר. The former is the written Torah and the latter is the inspired biblical interpretation of the sect which takes place over a long period of time and which involves a concept of revelation supplementary to that of the Sinai experience.¹²

The *Temple Scroll* takes a different view. This text assumes a one-time revelation at Sinai which includes both the written Torah plus the laws

⁷ J. Maier, *The Temple Scroll, An Introduction, Translation & Commentary* (Sheffield: JSOT Press, 1985) 120.

⁸ Yadin, *Temple Scroll*, I, 71–73; B.A. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 17–21.

⁹ *Ant.* XII, 10, 6 (297); XIII, 16, 3 (408); XVII, 2, 4 (41).

¹⁰ Mark 7:3, Matt 15:2.

¹¹ E.g. the three occurrences in the Mishnah: *m. Peah* 2:6, *'Eduyot* 8:7, *Yadayim* 4:3.

¹² See L.H. Schiffman, *The Halakhah at Qumran* (Leiden: E.J. Brill, 1975) 22–32; idem, *Halakhah, Halikhah u-Meshihiyut be-Khat Midbar Yehudah* (Jerusalem: Merkaz Shazar, 1993) 45–53.

that the author regards as binding in addition. In other words, the text asserts that the results of the legal exegesis which underlie the scroll—what we would call ‘halakhic *midrash*’ in rabbinic parlance—were actually part and parcel of the original revelation, of the same authority and status as the written Torah.

There are reasons to believe that this view is in turn linked with that of the Sadducees, since it seems that Sadducean sources underlie parts of the scroll.¹³ If that is true it may be that this kind of approach is synonymous with the Sadducean denial of oral Law.¹⁴ Sadducees, like our author, may have believed that the Torah revealed the entirety of the law to those who understood it properly. Hence, they would have denied notions of dual or continuous revelation but rather maintain that their own views had actually been revealed at Sinai as part of the written Torah given to Israel by God.

THE OPENING PASSAGE

The *Temple Scroll* begins, most probably, one or two columns before the extant first column, numbered col. 2.¹⁵ This column consists of the rehearsing of Exod 34:10–16, which constitutes a covenant between God and Israel.¹⁶ Lines 1–5 repeat the biblical statement that the Land of Israel is to be given by God to Israel as part of a covenant involving separation from the nations and idolatrous practice:¹⁷

¹³ See L.H. Schiffman, “The *Temple Scroll* and the Nature of its Law: the Status of the Question,” *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, ed. E. Ulrich and J.C. VanderKam CJAS 10, (Notre Dame IN: University of Notre Dame Press, 1994) 37–55 (pp. 33–51 in this volume).

¹⁴ *Ant.* XIII, 10, 6 (297); XVIII, 1, 4 (16). Cf. *m. Makkot* 1:6 where the basis of the Sadducean dispute with “the sages” is exegetical. See the discussion in L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, CA: Scholars Press, 1983) 91, 104–105 n. 44; idem, *Halakhah, Halikkah u-Meshihiyut*, 192–193 and n. 130. The suggestion of L.H. Feldman, *Josephus IX* (Cambridge: Harvard University Press / London: William Heinemann, 1969) 14 that these were גזרות (“decrees”) is based on the post-amoraic scholion to *Megillat Ta’anit* which speaks of a Book of Decrees of Sadducean law. There is no further support for the retrojection of this term into the Second Temple period.

¹⁵ Yadin, *Temple Scroll*, I, 5; II, 1.

¹⁶ Cf. the adaptation of this same material in *Jub.* 1:1–18.

¹⁷ Cf. L.H. Schiffman, “The Laws Concerning Idolatry in the *Temple Scroll*,” *Uncovering Ancient Stones: Essays in Memory of H. Neil Richardson*, ed. L.M. Hopfe (Winona Lake IN: Eisenbrauns, 1994) 159–175 (pp. 471–486 in this volume), where I discuss the legal side of this issue.

[for that which I] am do[ing] with you is awe-inspiring. I am about to drive out from before you] the A[morites, the Canaanites, The Hittites, the Gargash]ites, the Pe[rizzites, the Hivites, and the Jebusites. Take c]are of yourself, lest you enter a cove[nant with the inhabitants of the land] to whom¹⁸ [you are] going lest they become a sn[are among you.

The scroll may wish to emphasize that Israel's tenure on the land is conditional on its avoidance of Hellenism, a matter which our text may intend as a polemic against the Hellenizing tendencies already observable under John Hyrcanus (134–104 B.C.E.) and Alexander Jannaeus (104–76 B.C.E.) during the reign of one of which his text was compiled.¹⁹ But the source on which the scroll is based may have originally intended the extreme Hellenizers of the early second century B.C.E. Obviously, for the biblical text, the ultimate source, it was the Canaanites who were described here.

The continuation of this passage (lines 4–15) is for the most part a quotation of the prohibition of idolatry given at length in Exod 34:12–17 (there our scroll breaks off at the bottom of the column).²⁰ The passage also contains an expansion based on Deut 7:26 (lines 7–11):

Indeed] you must tear down their [altar]s, [smash their] pillars, cut down their [Asherim], and [burn] the graven images of [their] god[s] with fire. You must n[ot] covet (their) silver or gold, les[t you be ensnared by it, for it is an abomination to Me.²¹ You may [not] take of it, so that you do not bri[ng] (this) abomination into your house and become] accursed like it. (Rather,) you shall utterly dete[st and abhor it, for] it is an accursed thing.

While these words are in reality no more than an explicit quotation of the Bible, with the harmonization of material from Exodus and Deuteronomy typical of the editorial technique of the scroll,²² we should note that the author/redactor chose to begin his scroll with the prohibition of idolatry. This certainly is the clearest possible affirmation of the

¹⁸ Exod 34:12: "to which."

¹⁹ Some date the Scroll to 103–88 B.C.E.; see Yadin, *Temple Scroll*, I, 386–390; L.H. Schiffman, "The King, His Guard and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987) 257–259 (pp. 487–504 in this volume); M. Hengel, J.H. Charlesworth, D. Mendels, "The Polemical Character of 'On Kingship' in the *Temple Scroll*: An Attempt at Dating 11QTemple," *JJS* 37 (1986) 28–38.

²⁰ The passage may also have continued with Exod. 34:17 in the first line (01) of column 3.

²¹ The scroll follows Deut 7:25–26. Note the substitution of the first person for the third in divine discourse.

²² Yadin, *Temple Scroll*, I, 74–77.

obvious: that the *Temple Scroll* fully affirms the position, which all later exegetical traditions take to be that of the Hebrew Bible, namely that only the pure, monotheistic worship of the God of Israel is permissible and appropriate. The stressing of this notion in the Hellenistic period cannot be anything other than a clear statement against the syncretism that was inherent in the views of the more Hellenized elements of the Jewish community.

At the top of column 3 there may have stood some adaptation of Exod 25:8, “And you shall make Me a sanctuary so that I can dwell in their midst,” which would have served as a general command to build the Temple.²³ This notion is certainly one of the major themes of the scroll. After the list of the materials to be used, preserved only in the fragmentary line 2, a very fragmentary passage has God addressing Israel (it cannot be Moses since his intermediacy is everywhere rejected by the scroll). The full text must have presented God commanding that when Israel is at rest from its enemies all around, it should build a house upon which God may place His name. This passage is clearly based on biblical analogs in which Solomon is expected to build the Temple after the enemies of Israel are defeated (2 Sam 7:1–5, 1 Chr 17:10, 1 Chr 22:9–11). What is most important here is that this notion derives from Deut 12:10–11.²⁴ Here we specifically are told that when the enemies of Israel give it rest in the land which God has given them, then the place which God chose upon which to place His name will serve as the locus for Israel’s sacrifices to God. In other words, our author did not intend simply to tie his Temple to that of Solomon. Solomon’s Temple was not regarded by him as correctly designed, whereas he saw his Temple as the fulfillment of that which God had commanded in Deuteronomy. The scroll’s Temple was the one that should have been built then. It is this Temple that is appropriate for the indwelling of God’s presence.

We should emphasize that already here, right at the beginning of the scroll, the author sets forward his basic notion of the sanctity of the Temple resulting from God’s name, i.e., His presence, being located there. This Deuteronomic concept guides him throughout, and this notion is repeated numerous times in all sections of the scroll, leading to the assumption that it is most probably the ideology of the author/redactor who imposed it upon his sources. On the other hand, it is

²³ Ibid., II, 4.

²⁴ Cf. Ibid., II, 5.

also possible that this idea was shared by all the sources used in the composition of the *Temple Scroll*.

THE CONCLUSION TO THE SACRIFICIAL CALENDAR

We next encounter theological issues at the end of the sacrificial festival calendar. This section of the scroll was originally a separate source which the author/redactor placed into his scroll.²⁵ The passage as a whole is based on the festival calendar of Num 28–29.²⁶ At the conclusion of that section, Num 29:39 rounds out the calendar of sacrifices, stating that all these offerings are “in addition to your votive and freewill offerings, be they burnt offerings, meal offerings, libations, or offerings of well-being.”²⁷ In place of this verse, 11QT 29:2–10 introduces this fascinating passage:

These (sacrifices) [you shall offer to the Lord at your appointed times besides your votive and freewill offerings,] for your burnt offerings, your libations, [or your *shelamim* offerings,] in the house in (lit. “on”) which I shall [cause] My name [to dwell] [...] the burnt offerings, each (appropriate offering) on its day according to the law of this ordinance, continually from the children of Israel, besides their freewill offerings, for whatever they shall offer, for all their libations, and for all their gifts which they will bring Me, so that [th]ey may be accepted. And I will indeed accept them. They shall be My people, and I will be their God forever, and I will dwell with them for ever and ever. And I will sanctify my [Tem]ple with My glory, for I will cause My glory to dwell upon it until the day of blessing (Qimron: “day of creation”)²⁸ when I will build My Temple to found it for Myself for all the days, according to the covenant which I made with Jacob at Bethel.

Lines 2–3, as restored,²⁹ parallel Num 29:39. Lines 4–6 represent an adaptation of the similar passage in the festival calendar of Leviticus, found at 23:37–38.

²⁵ Wilson and Wills, “Literary Sources,” 279–280; Wise, *Critical Study*, 129–133.

²⁶ Cf. L.H. Schiffman, “The Sacrificial System of the *Temple Scroll* and the Book of Jubilees,” *Society of Biblical Literature 1985 Seminar Papers*, ed. K.H. Richards (Atlanta: Scholars Press, 1985) 217–233 (pp. 99–102 in this volume).

²⁷ So NJPS.

²⁸ E. Qimron, “Le-Nushah shel Megillat ha-Miqdash,” *Leshonenu* 42 (1978) 142.

²⁹ Following the commentary in Yadin, *Temple Scroll*, II, 127 and the reconstruction on p. 352.

In lines 3–4 we again encounter the dominant theological theme of the scroll, the Deuteronomic notion that God’s name will dwell in this Temple. This time, the text (or the source) is stressing that only if the sacrifices are conducted according to the particular ritual calendar of the text, which adds festivals apparently dependent on the solar calendar,³⁰ will God cause His name, i.e., His presence, to dwell in the Temple. Of course, the scroll also means to stress that sacrifices may only take place in this Temple and nowhere else. The text clearly takes as synonymous the presence of God’s name and His own dwelling in the Temple.³¹ The name of God appears here almost as an hyposticization,³² like the *Shekhinah*, the Divine Presence, as understood by the rabbis.³³

After the adaptation of Lev. 23:37–38, there follows the introduction of an important theme in the scroll’s view of sacrifice. By weaving in Exod. 28:38, the scroll states that the sacrifices are intended to bring God’s favor (רצון) upon Israel, and that if properly offered, according to the above ritual calendar and procedures, God will desire them. A similar idea had appeared earlier in 11QT 27:4 where we are told that the Day of Atonement sacrifice is accepted on behalf of the Children of Israel. There the root רצה has clearly replaced לכפר, “to atone for,” of Lev 16:34.³⁴ In other words, in the view of the scroll, the acceptance of the sacrifice simply means its efficacy for ‘atonement’. In view of this usage at the conclusion of the festival calendar in 11QT 29:6–7, it seems that the scroll understands the root כפר in exactly the same way as it is used in rabbinic literature, to denote the efficacy of a sacrifice, even one which does not intend the moral sense of ‘atonement’.

In line 7 the scroll begins to recount the result of this efficacious sacrifice. It leads to the bond between God and Israel, a notion patterned here on Ezek 37:23. It is based on this relationship that the indwelling of God in Israel’s Temple takes place, as mentioned in the following lines (7–9). This crucial statement, influenced to some extent

³⁰ Ibid., I, 116–119. Contrast Levine, “The *Temple Scroll*,” 7–11 and idem, “A Further Look at the *Mo’adim* of the *Temple Scroll*,” *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman; JSOTSup 8, JSOT/ASOR Monographs 2 (Sheffield: JSOT Press, 1990) 53–66.

³¹ Yadin, *Temple Scroll*, II, 127–128.

³² Cf. M. Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: University Press, 1972) 193–195.

³³ Cf. E.E. Urbach, *The Sages, Their Concepts and Beliefs*, trans. I. Abrahams (Jerusalem: Magnes Press, 1987) 37–65.

³⁴ For the use of רצה, cf. 2 Chr 10:7, Ezek 43:27, Jer 14:12, Gen 33:10 (Yadin, *Temple Scroll*, II, 128).

by Exod 29:43–45, must be seen as the result of the intimate bond of God and Israel, itself coming about because of the correct offering of the sacrifices for the festivals, according to the scroll's ritual calendar.

There can be no question that the words *יום הברכה* or *יום הבריה* refer to the end of days. In other words, the sacrificial rites outlined here are for the present age and the present Temple.³⁵ In the end of days God will create a new Temple which will replace the present one. Such a Temple is actually mentioned in 4QFlor where it is distinguished from that of the present age.³⁶ In the context of the sacrificial laws, this statement may have originally intended to say that the sacrificial order would change in that new Temple. In the context of the complete scroll, one gains the impression that it is the building itself which is to be replaced by that commanded in the sections of the *Temple Scroll* that follow.

Line 10, because the top of the next column is not preserved, remains a great enigma. Clearly, the notion is that God promised to Jacob at Bethel that He would establish a Temple for Israel at the end of days.³⁷ The basis for this idea lies in the exegesis of Exod. 15:17, "The sanctuary, O Lord, which Your hands have established." This passage is interpreted as well in 4QFlor 1–2, lines 2–3 to refer to an eschatological Temple.³⁸

The concept behind our passage in the *Temple Scroll* is clearly connected with the interpretation which this scroll had of the dream of Jacob and the ladder. For the author, the dream indicated the notion of a connection between heaven and earth, a Temple, but one to be constructed by God Himself. Indeed, this kind of a heavenly Temple was already expected by Exod 15:17 which influenced the language of

³⁵ Yadin, *Temple Scroll*, I, 182–183. The view of Wacholder (*Dawn of Qumran*, 21–24) that the reference here is to an eschatological sanctuary is contradicted by the text itself, unless one accepts his impossible translation of *דב* as "during."

³⁶ 4QFlor 1–2, lines 1–5. Cf. Y. Yadin, "A Midrash on 2 Sam. VII and Ps. I–II (4 Q Florilegium)," *IEJ* 9 (1959) 95–98; J. Strugnell, "Notes en marge du volume V des 'Discoveries in the Judaean Desert of Jordan,'" *RevQ* 7 (1970) 220–221; D.R. Schwartz, "The Three Temples of 4 Q Florilegium," *RevQ* 10 (1979) 83–91; G.J. Brooke, *Exegesis at Qumran, 4QFlorilegium in its Jewish Context* (Sheffield: JSOT Press, 1985) 129–144.

³⁷ M.O. Wise, "The Covenant of *Temple Scroll* XXIX, 3–10," *RevQ* 14 (1989) 49–60 maintains that the text originally mentioned Abraham and Isaac in the continuation. Cf. also P. Callaway, "Exegetische Erwägungen zur Tempelrolle XXIX, 7–10," *RevQ* 12 (1985) 95–104; J.L., Wentling, "Unraveling the Relationship Between 11QT, the Eschatological Temple, and the Qumran Community," *RevQ* 14 (1989) 61–73.

³⁸ Yadin, *Temple Scroll*, I, 185 and n. 7.

our text. The notion of a heavenly sanctuary is attested in many aggadic texts.³⁹ In particular, the medieval work *Bereshit Rabbati* connects this idea with Jacob's dream at Bethel, suggesting that Jacob saw the vision of the earthly and heavenly Temples.⁴⁰

A parallel to the role of Jacob in this text is found in 5Q13 ("A Rule of the Sect") 2:6⁴¹ which probably refers to God's having made known his covenant to Jacob at Bethel.⁴² Close parallels to these notions are found also in *Jub.* 1:15–17 and 26–29.⁴³ It should be remembered that Jubilees 1 also refers to the covenant with which the *Temple Scroll* as presently preserved opens in column 2.

PURITY RATIONALES

Columns 46–47 are part of a series of purity regulations which have been seen by some as a source which pre-existed the scroll.⁴⁴ There is some question if such a source actually existed.⁴⁵ In any case, this section is certainly an independent literary unit which collects the laws designed to insure the purity of the Temple precincts and the land. This passage sets out the need for a barrier, apparently consisting of a wide empty space,⁴⁶ located beyond the Temple structure (11QT 46:9–12):

And you shall construct a barrier (חיל) around the sanctuary one hundred cubits wide which shall divide between the holy sanctuary and the city, so that they will not enter suddenly into the midst of My sanctuary, so that they not profane it. And they shall consider My sanctuary holy and revere My sanctuary because I dwell in their midst.⁴⁷

³⁹ The notion of a heavenly sanctuary in aggadic tradition has been studied by V. Aptowitzer, "Bet Ha-Miqdash shel Ma'alah 'al pi ha-Aggadah," *Tarbiz* 2 (1930/1) 137–153, 257–287.

⁴⁰ *Midrash Bereshit Rabbati*, ed. H. Albeck (Jerusalem: Mekize Nirdamim, 1940) 136. This text is attributed to Rabbi Moses Ha-Darshan (13th century).

⁴¹ DJD 3, 182 M. Baillet, J.T. Milik, and R. de Vaux, eds. *Les 'Petites Grottes' de Qumrân*, DJD 3 (Oxford: Clarendon Press, 1962) 182. See my edition, translation and commentary on this text in *The Dead Sea Scrolls. Hebrew, Aramaic and Greek Texts with English Translations*, ed. J.H. Charlesworth (Tübingen and Louisville, 1994), I, 132–143.

⁴² As restored in Yadin, *Temple Scroll*, II, 129.

⁴³ *Ibid.*, I, 183–184.

⁴⁴ Wilson and Wills, "Literary Sources," 280.

⁴⁵ Cf. Wise (*Critical Study*, 133–154) who challenges the existence of such a source, following P. Calloway, "Source Criticism of the *Temple Scroll*: the Purity Laws," *RevQ* 12 (1985–86) 213–222.

⁴⁶ See Yadin, *Temple Scroll*, I, 274–275.

⁴⁷ On this passage see J. Milgrom, "Further Studies in the *Temple Scroll*," *JQR* 71 (1980–81) 95–96.

This barrier is meant to set off the City of the Sanctuary, the *temenos* as a whole, from the city around it. We cannot agree with those who take the City of the Sanctuary as the entire Jerusalem and the Sanctuary as the Temple precincts. Rather, the City of the Sanctuary, termed here simply the **מקדש** (“sanctuary”) in the widest sense of the term, or **הקודש מקדש** (“holy sanctuary”), refers to the entire area of the Temple and the three surrounding courtyards, which was assumed to be located in the midst of the city of Jerusalem, here termed **עיר** (“city”).⁴⁸

The **חיל** was some kind of a barrier intended to separate the Temple and its courtyards from the rest of the Temple Mount. In rabbinic use this word actually designates a low fence,⁴⁹ although here it appears to denote the fenced in area. Whatever the exact nature of this boundary, its function was to insure the holiness of the three courtyards surrounding the Temple.⁵⁰

The text specifically informs us of why it is needed, so that the Temple (here the entire precincts), will not be defiled by sudden entry into the courtyards.⁵¹ In this context, we get some additional sense of the notion of sanctity underlying the *Temple Scroll*. The text explicitly defines for us what treating the Temple with sanctity means; it is being in awe of the sanctuary because of the indwelling of God’s presence. Once again the key to sanctity here is the Divine Presence. This presence and the attendant sanctity it engenders are understood to radiate from the Temple to the rest of the land, thus endowing it and the people who dwell on it with holiness and sanctity.⁵²

The scroll returns to this same theme on the next column after some rules to keep impurity out of the Temple and the surrounding *temenos*, 11QT 47:3–6 states regarding the Temple precincts:

And the city which I will sanctify to cause My name and My sanctu[ary to dwell within it] shall be holy and pure from every type of impurity by

⁴⁸ Cf. L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary,” *HAR* 9 (1985) 306–318 (pp. 381–401 in this volume). Contrast J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978) 513–518.

⁴⁹ Cf. “**חיל**,” *Encyclopedia Talmudit* 15 (Jerusalem: Talmudic Encyclopedia, 1976) cols. 1–9.

⁵⁰ See Maier, *Temple Scroll*, 117.

⁵¹ For this interpretation of the root **בלע** in Num 4:20, see Yadin, *Temple Scroll*, II, 198. Cf. E. Qimron, “Le-Millonah shel Megillat Ha-Miqdash,” *Shnaton* 4 (1980) 259.

⁵² See L.H. Schiffman, “Sacred Space: The Land of Israel in the *Temple Scroll*,” *Biblical Archaeology Today 1990: Proceedings of the Second International Conference on Biblical Archaeology*, ed. A. Biran and J. Aviram (Jerusalem: Israel Exploration Society, 1993) 398–410 (pp. 281–294 in this volume).

which one (lit. “they”) can become impure. And everything which shall enter it shall be pure.

The city in which God’s presence is to dwell must be holy and pure of all impurity. This extends to everything in it and everything which is to be brought in it. Indeed, the text goes on to require the purity of foodstuffs and to prohibit the bringing of skins of animals not sacrificially slaughtered into the Temple area.⁵³

Again, the indwelling of God’s presence appears as the reason for the need for ritual purity. There is no sense here of fear of the demonic, or of the danger of impurity. Such notions, prominent in earlier periods, are totally absent from the scroll and its theology. It is, rather, impossible to expect that God will coexist with impurity. At the beginning of line 4 we are told specifically that God has sanctified the place directly by deciding to locate His own presence there. That is the essence of the sanctity of the Temple.

The same point of view appears again in the purity section below in the same column. In explaining the prohibition of non-sacrally slaughtered skins in the Temple precincts, 11QT 47:10–11 states:

For you may not render impure the city in the midst of which I cause My name and My Temple to dwell.

Here again, impurity may not be brought into the *temenos* in which God has made His presence (here His name) to dwell, and where his Temple is (therefore!) located.

After further explanations regarding the law of hides, the text continues in line 7:

Therefore, all pure food for the Temple (*ṭahorat ha-miqdash*)⁵⁴ you shall bring in hides of (animals slaughtered in) the Temple so as not to render impure My Temple and My city, in which I dwell, with the hides of your abominations.

The reason why one must avoid rendering the Temple precincts impure by bringing in hides of animals slaughtered outside is that God dwells in the sanctuary. This theme is repeated again and again and clearly constitutes the basic notion of the sanctity of the Temple in this portion of the scroll.

⁵³ See Yadin, *Temple Scroll*, I, 308–311; L.H. Schiffman, “*Miqsat Ma’ase Ha-Torah* and the *Temple Scroll*,” *RevQ* 14 (1990) 442–448 (pp. 123–147 in this volume).

⁵⁴ “Everything sent to the Temple” (Yadin, *Temple Scroll*, II, 205 [commentary]).

A similar theme is expounded in 11QT 51:7–10, a passage dealing with impure creeping things (שרצים) of Lev 11:29–39, but this time it is not the purity of the Temple and its courtyards that is to be guaranteed, but rather that of the people of Israel:

For I the Lord dwell among the Children of Israel and you shall sanctify them so that they will be holy. But they shall not render themselves abominable by (contact with) anything (from) which I have separated them to render (them) impure, but they shall be holy.

The text here tells us why God revealed the Sinaitic prescriptions of ritual purity, namely to guarantee the purity of the people among whom He dwells, i.e., among which His Temple is located. Because of God's presence in their midst they are to be sanctified and to be holy, avoiding rendering themselves impure by contact with dead creeping animals. Indeed, holiness is effectively defined here as abstinence from that which renders impure; holiness here is the equivalent of purity.

REWARD AND PUNISHMENT

A final theological aspect of this scroll is the discussion of reward and punishment which occurs in column 59, a sort of rebuke passage which appears as part of the Law of the King. Based on Deut 28, this passage presents a series of curses to be visited upon the king and his people if they fail to follow God's Torah (11QT 59:2–13):

... [and] He will scatter them in many lands and they will be a [dis]grace, an example, and a lesson. And they will suffer under a heavy yoke and lack of everything. And there they will worship gods which are the handiwork of men, of wood, stone, silver and gold. And during all this their cities will be destroyed, a wasteland and a ruin, and even their enemies will be horrified by them. And in the lands of their enemies they will sigh and cry out because of the heavy yoke, but when they call out, I will not listen; and when they cry out, I will not answer them, because of the evil of their deeds. And I will hide My face from them, and they will be destroyed, plundered, and vanquished and there will be none to save them because of their evil. For they have violated My covenant and disdained My Torah until they became guilty of every transgression. Afterwards, they will return to Me with all their heart and all their soul, according to the words of this Torah. And I will save them from the hand of their enemies and deliver them from the hand of those who hate them, and bring them to the land of their fathers, where I will deliver them and multiply them. Then I will take delight in them, and I shall be their God, and they shall be My people.

The thrust of the passage is that because of their transgressions, Israel will be exiled and scattered among the nations where they will worship idols and, as a result, God will not hear their cry for redemption. He will hide his face and allow them to suffer the punishment they deserve for breaking His covenant. Afterwards, however, after they repent and return to the Torah, God will redeem them and bring them back to the land of Israel.

This passage repeats the Deuteronomic notions of sin, punishment, atonement and redemption.⁵⁵ The author of the Law of the King subscribed to this view and presented it unmodified to his readers. This passage has close parallels in the 4QMMT text, at the end (according to the composite text of E. Qimron and S. Strugnell), which also appears in the context of addressing the king. There too the king is warned of the curses that may come upon him if he does not follow God's law. In 4QMMT the author claims that this prophecy is already being fulfilled in his very days and that the period of return expected by Deuteronomy has indeed dawned. In any case, both of these texts accept completely the classical notions of reward and punishment put forward in Deuteronomy.

CONCLUSION

The scroll as a whole sees the Temple as the place of God's dwelling, a notion similar to that of the rabbis who saw the *Shekhinah* as somehow localized, concentrated, and dwelling on the Temple Mount. Indeed, this notion can be found in virtually all the sources used by the author/redactor in his work. From this location, sanctity was to radiate to the entire nation. This sanctity was the motivation, in the view of the scroll, for all the purity laws. Purity ensured the sanctity of the central City of the Sanctuary, which in turn made possible the dwelling of God at the center of the Jewish people. Accordingly, idols and their worship were to be expunged from God's holy land. Israel itself had to conform to God's commands to dwell on this land, and would be expelled and punished if they did not. Yet the Jewish people could be expected to repent and to once again return to the shelter of God's forgiving presence in the Land of Israel.

⁵⁵ Cf. Weinfeld, *Deuteronomy*, 316–319.

CHAPTER THREE

THE *TEMPLE SCROLL* AND THE NATURE OF ITS LAW: THE STATUS OF THE QUESTION

To assess the current state of research on a document known to the scholarly world for less than thirty years is at best a daunting challenge. One lacks the perspective of time to make possible a realistic and fair evaluation of where matters stand. To do so when the document is 60 columns long and has attracted so much well deserved attention is doubly difficult. To do so fairly when one is himself the author of so large a part of the research to be summarized may make this task virtually impossible.¹ Nonetheless, a serious attempt will be made here to present a sense of where research on this scroll has been going, taking into account the studies of the many scholars working on this important text.

In many ways this discussion will proceed in encyclopedic fashion, beginning with text and manuscripts, then moving to contents, sources, dating, theology of law, connection with other scrolls and finally historical significance. Along the way, I hope to trace the debate that has ensued since the exciting announcement of the existence of this scroll in the aftermath of the Six Day War in 1967.² For me, research on this document has occupied much of the intervening years, and I hope to convey at least some sense of what it is that has led me to devote so much energy to what Yadin has termed “the hidden law of the Dead Sea Sect.”³

¹ For bibliography see F. García Martínez, “El Rollo del Templo (11 Q Temple): Bibliografía sistemática,” *RevQ* 12 (1986) 425–40; idem, “The *Temple Scroll*: A Systematic Bibliography 1985–1991,” *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March 1991*, ed. J. Trebolle Barrera and L. Vegas Montaner, STDJ 11 (Leiden: Brill/Madrid: Editorial Complutense, 1992) vol. 2, 393–403.

² Initial impressions are conveyed in Y. Yadin, “The *Temple Scroll*,” *BA* 30 (1967) 135–139; idem, “The *Temple Scroll*,” *New Directions in Biblical Archaeology*, ed. D.N. Freedman and J.C. Greenfield (Garden City, NY: Doubleday, 1967) 139–148.

³ This is the subtitle of a popular volume by Y. Yadin, *The Temple Scroll: The Hidden Law of the Dead Sea Sect* (London: Weidenfeld and Nicholson, 1985).

The *Zohar* tells us that הכל תלוי במזל אפילו ספר תורה בהיכל, “everything is dependent on fortune, even a Torah scroll in the ark.”⁴ It was the good fortune of this Torah scroll, known to us as *Megillat Ha-Miqdash*, the *Temple Scroll*, to have come into the hands of Yigael Yadin, Israel’s leading scholar of Judean Desert documents. It was his dogged determination to marshal all the forces at his disposal to produce the finest possible edition and commentary on this scroll that provided the launching pad for all later research.⁵ There can be no question that we are all indebted to his great work, even where, as we will see, scholarship continues to proceed in new directions.⁶

TEXT AND MANUSCRIPTS

The *Temple Scroll* (11QT^a) was first brought to the attention of Yadin in 1960 by Joseph Uhrig, a Virginia minister, who claimed it was in the hands of a Jordanian antiquities dealer.⁷ After two years of negotiations and a loss of \$10,000, Yadin had little more to show than a small fragment proffered as a sample, and he gave up hope of recovering the scroll. Some of us recently heard Frank M. Cross relate that he traveled to Beirut in early 1967 where the well known scrolls dealer Kando, who passed away in 1993, involved him in negotiations for the purchase of what later turned out to be the *Temple Scroll*. In the aftermath of the Six Day War in 1967, Yadin located Kando and the scroll, and it was eventually purchased for the Shrine of the Book in Jerusalem for \$105,000.⁸

The scroll was in poor condition when it reached Yadin. It had been kept under the floor of the antiquities dealer’s home in a shoe box. In addition, other fragments were in a cigar box and some had

⁴ *Zohar* 3.134a. The actual meaning of this statement, as opposed to the popular usage which led us to include it here, is that everything is dependent for its sanctity on the flow (from the root גזל) of divine effulgence from above, even the Torah scroll which only derives its holiness from that divine emanation.

⁵ Y. Yadin, *Megillat Ha-Miqdash*, 3 vols. and Supplementary Plates (Jerusalem: Israel Exploration Society, 1977); idem, *The Temple Scroll*, 3 vols. and Supplementary Plates (Jerusalem: Israel Exploration Society, 1983).

⁶ Cf. my review in *BA* 48 (1985) 122–126 in which I surveyed the outlines of the debate as it had then taken shape.

⁷ H. Shanks, “Intrigue and the Scroll: Behind the Scenes of Israel’s Acquisition of the *Temple Scroll*,” *BAR* 13/6 (1987) 23–27.

⁸ Yadin, *Temple Scroll*, I, 1–5.

been hidden elsewhere. The task of unrolling the scroll and placing the fragments in order was made even more difficult because the writing of some columns was preserved only on the back of the preceding column. The upper edge had been severely damaged by dampness, either in antiquity or in the care of the antiquities dealer.

The scroll consists of nineteen sheets, mostly of 3–4 columns each. Adding space for the damaged beginning, the entire scroll would have been approximately 8.75 m, making it the longest of the preserved scrolls (1QIsa^a is 7.34 m). It is written in two hands, one scribe writing columns I–V and another (with some overlap of text) the remainder of the scroll. Yadin suggests that the scribe of the first part of the scroll repaired the scroll by rewriting the first part which had become worn through use.⁹ The scribal techniques and script are typical of the other Qumran manuscripts.

E. Tov associates the language of the manuscript with Qumran scribal practice.¹⁰ While the language of the scroll does indeed have much in common with the dialect in which the sectarian compositions from Qumran are written, in certain linguistic features and in its legal terminology, it exhibits more affinities to rabbinic Hebrew than do most of sectarian scrolls.¹¹

The editing of 11QT^a posed particular problems. Because the scroll had been closely rolled, as is clear from the photograph published by Yadin,¹² writing had left impressions on the back of the adjacent columns, even at points where that text was not preserved on the front. Yadin produced mirror photos of this writing and used it to supplement the text available on the front of the manuscript.

Immediately with the publication of the text, Elisha Qimron began to reexamine the readings in Yadin's edition. By the time Yadin published his English version some six years later, he had already accepted some of Qimron's readings.¹³ Numerous differences in reading or identification

⁹ *Ibid.*, 12.

¹⁰ E. Tov, "The Orthography and Language of the Hebrew Scrolls Found at Qumran and the Origins of the Scrolls," *Textus* 13 (1986) 55.

¹¹ L.H. Schiffman, "The *Temple Scroll* in Literary and Philological Perspective," *Approaches to Ancient Judaism II*, ed. W.S. Green, BJS 11 (Chico, CA: Scholars Press, 1980) 143–158.

¹² Yadin, *Temple Scroll*, III, plate 6, nos. 1–2.

¹³ Yadin, "Addenda and Corrigenda," in *Temple Scroll*, I, 405–419; II *passim*.

of letters which Yadin was unable to read have been suggested in published articles by Qimron.¹⁴

The techniques used by Yadin were developed further in the last few years. Bruce and Kenneth Zuckerman rephotographed the scroll in color with high resolution and special lighting techniques, thereby providing some additional readings. Elisha Qimron used these along with the older photos to read even more text which will appear in a new edition of the scroll which he is preparing. Qimron and Zuckerman are utilizing computerized techniques to rejoin the partial readings on the fronts and backs of often more than one column in order to confirm the accuracy of the readings Qimron has reconstructed. It is hoped that this edition will serve as the basis for the extensive commentary which I am preparing.

In Yadin's view, the *Temple Scroll* is extant in two other fragmentary Qumran manuscripts which he used in restoring parts of the text. In dealing with the date of the 11QT scroll, he identified the script of the two scribes of 11QT^a as Herodian, dating to around the turn of the eras.¹⁵ He then discussed what he considered to be two fragmentary manuscripts, dating Rockefeller 43.975 to the Herodian period but 43.366 to the Hasmonean, from the end of the second century B.C.E. Here Yadin was making use of the designations of the Palestine Archaeological Museum (PAM) photograph numbers for large fragments to identify manuscripts scattered on a number of plates. As it turns out, 43.975 is indeed another manuscript of the *Temple Scroll* from cave 11 and is now designated 11QT^b. The entire corpus of surviving fragments of this text has been published in an edition by B.Z. Wacholder¹⁶

¹⁴ See E. Qimron, "The Text of the *Temple Scroll*," *Leshonenu* 42 (1978) 136–145; idem, "New Readings in the *Temple Scroll*," *IEJ* 28 (1978) 161–172; idem, "Three Notes on the Text of the *Temple Scroll*," *Tarbiz* 51 (1981–82) 135–137; idem, "Textual Notes on the *Temple Scroll*," *IEJ* 37 (1987) 31–35; idem, "Column 14 of the *Temple Scroll*," *IEJ* 38 (1988) 44–46 and plate 11; idem, "The Need for a Comprehensive Critical Edition of the Dead Sea Scrolls," *Archaeology and History in the Dead Sea Scrolls: The New York Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman, *JSPSup* 8 (Sheffield: JSOT Press, 1990) 121–131.

¹⁵ Yadin, *Temple Scroll*, I, 17.

¹⁶ B.Z. Wacholder with M. Abegg, "The Fragmentary Remains of 11QT^aTorah (*Temple Scroll*): 11QT^aTorah^b and 11QT^aTorah^c plus 4QparaTorah Integrated with 11QT^aTorah^a," *HUCA* 62 (1991) 1–116.

and the official editor of these fragments, F. García Martínez, recently published his edition in the Madrid conference volume.¹⁷

The Hasmonean manuscript, PAM 43.366, was determined by J. Strugnell to belong, not to a manuscript of the *Temple Scroll* but rather to a Pentateuch with supplementary materials. Further, Strugnell called attention to a group of cave 4 fragments which quote the *Temple Scroll* or one of its sources and which dated no later than about 150 B.C.E.¹⁸

We now know this expanded Pentateuch to be the Pentateuchal Paraphrase, or Rewritten Pentateuch being prepared for publication by E. Tov and S. White.¹⁹ Of the manuscripts of this document or documents, one of these, 4Q365, is in the exact same hand as these supposed *Temple Scroll* fragments, and it was to this material which Strugnell alluded. Recent examination by White makes possible greater understanding of the problem, but leaves matters undecided. Briefly, the passages in question are found in 4Q365, among fragments of the reworked Pentateuch. They stand out for their different style, and they overlap in part with passages from the *Temple Scroll*. Yet the presence there of material not found in the *Temple Scroll* (as presently preserved) as well as the textual differences between this material and the scroll makes it impossible to say that these fragments simply come from another copy of the scroll copied by the scribe of 4Q365. So we are in the position which the Mishnah calls *חמר גמל*,²⁰ driving a donkey while dragging along a camel, i.e. pulled from both sides. We have the incongruity of this material with 4Q365 arguing that it is not part of that text, and the differences between it and 11QT^a arguing that it is not simply a copy of the *Temple Scroll*. Accordingly, it has been designated by Tov and White as 4Q365a. In any case, the date and the character of this material must lead to the conclusion that either it itself, or 4Q365 as a whole, served as a source for the *Temple Scroll* as suggested by Strugnell, or that it is closely related to the scroll in some other way.

¹⁷ F. García Martínez, "11Q^aTemple^b: A Preliminary Publication," *Madrid Qumran Congress*, vol. 2, 363–391.

¹⁸ Letter from J. Strugnell, published in B.Z. Wacholder, *The Dawn of Qumran: The Sectarial Torah of the Teacher of Righteousness*, HUCM 8 (Cincinnati: Hebrew Union College Press, 1983) 250–256.

¹⁹ S.A. White, "4Q364 & 365: A Preliminary Report," *Madrid Qumran Congress*, vol. 1, 217–228; E. Tov, "The Textual Status of 4Q364–367 (4QPP)," *Madrid Qumran Congress*, vol. 1, 43–82.

²⁰ *m. Erub.* 3:4; 4:10.

Accordingly, we can summarize that there are two manuscripts of the text of the scroll preserved in cave 11 and some cave 4 fragments which overlap sufficiently to indicate the existence of either sources for our document or closely related texts.

In addition, this discussion has ramifications for the question of dating. The manuscript of 11QT^a was written first by a Herodian period scribe and then repaired with some columns replaced by a second scribe in the same period. It has been carbon dated to 97 B.C.E.–1 C.E.²¹ 11QT^b was also copied in the Herodian period. Although I continue to agree with Yadin's dating of the composition of the document to the Hasmonean period,²² as I will explain below, it must be remembered that the manuscript Yadin took as a Hasmonean period text of the *Temple Scroll* is that known to be 4Q365a, or parts of it. Therefore, there remains no actual manuscript of the scroll as we know it from earlier than the Herodian period.

CONTENTS

The scroll presents itself as a rewritten Torah which begins with the renewal of the Sinaitic covenant of Exod 34 and then turns to the building of the Temple in Exod 35. From this point, the scroll continues in the order of the canonical Torah. The author began by discussing the structure, furnishings and equipment of the Temple according to the order of the Torah but constantly digressed to discuss the relevant offerings that utilized these structures or equipment, only to return to the Scriptural order. In the process, he treated the architecture of the Temple and its precincts, laws of sacrifice, priestly dues and tithes, the ritual calendar, festival offerings, ritual purity and impurity, sanctity of the Temple, laws of the king and the army, prophecy, foreign worship, witnesses, laws of war, and various marriage and sex laws. He dealt first with the cult and ritual and only then moved on to discuss various prescriptions culled from Deut 18–22. The author apparently worked through the Pentateuch in order, at the same time bringing in the relevant materials from the rest of the biblical corpus, so creating his

²¹ G. Bonani, et al., "Radiocarbon Dating of the Dead Sea Scrolls," *Atiqot* 20 (1991) 27–32.

²² Yadin, *Temple Scroll*, I, 386–390; L.H. Schiffman, "The King, his Guard and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987) 257–258 (pp. 487–504 in this volume).

composition.²³ Yadin maintains that the author and the members of the sect regarded the *Temple Scroll* as a “veritable Torah of the Lord.”²⁴ He supports this assertion by pointing out that the divine name is written in the same square script in which the rest of the scroll is written, a characteristic of the ‘canonical’ books at Qumran.

This ‘new Torah’ nevertheless does not purport to be messianic. The author tells us explicitly that the scroll describes the Temple in which Israel worship *before* the end of days (11QT 29:2–10).²⁵ It is an ideal Temple, built upon the principles of Scriptural exegesis and the beliefs of the author or authors. This Temple, it was expected, would be replaced in the end of days with a divinely created sanctuary. Until then, the author/redactor saw his scroll as representing the correct way in which the Temple was to be built and operated.

The scroll does not simply recapitulate the prescriptions of Exodus, Leviticus, Numbers and Deuteronomy. It collects together the various Pentateuchal (and sometimes prophetic) material relevant to the issue at hand and weaves together a unified, consistent text. In this respect it can be said that the text reredacts the Torah, combining all materials on the topic together.

Yet the scroll goes farther. It uses a distinct form of exegesis, in some ways similar to the *midrash* of the later rabbis, to reconcile the differences between the various Pentateuchal texts so as to create a unified and consistent whole. At times, it makes minor additions to clarify its legal stance. In a few places, extensive passages appear which are not based on our canonical Scriptures. In this way the scroll propounds its own views on the major issues of Jewish law relating to Temple, cult, government, and sanctity.²⁶ It is this exegetical and legal approach which makes the *Temple Scroll* so central for the history of Jewish law and midrashic exegesis. In addition, the scroll contains allusions to contemporary events and sheds light on the sects of the Second Temple period.

We should note that by and large the manuscript is built on a Pentateuchal text of the canonical Torah. In other words, there is no question that the authors of the various sources, and the author/redactor of the finished product, made use of the canonical Torah.

²³ Cf. J. Milgrom, “The *Temple Scroll*,” *BA* 41 (1978) 105–120.

²⁴ Yadin, *Temple Scroll*, I, 392.

²⁵ Cf. M.O. Wise, “The Covenant of the *Temple Scroll* XXIX, 3–10,” *RevQ* 14 (1989) 49–60.

²⁶ Cf. Yadin, *Temple Scroll*, I, 71–88.

Yet as is to be expected, the Torah which served as the textual substratum for the scroll was not in all respects identical to that of the Masoretic text. Innumerable minor variants existed in the substratum.²⁷ These must be carefully distinguished from the intentional modifications made by the author or the sources in order to convey their halakhic or exegetical views.²⁸

Yadin devoted considerable attention to the all-important question of the manner in which the scroll was composed and edited in antiquity. He states that the editing took several forms: drafting the text in the first person to indicate that God Himself gave these commands, unifying duplicate commands including those which are contradictory, modifying and adding to commands to indicate halakhic rulings, and adding entirely new sections. Yadin notes the author's modification of Pentateuchal verses to dispel any doubt that it is God who is speaking. On the other hand, entire sections retain the Torah's phrasing with no such adaptations. Yadin maintains that the author sought to claim that the law had been handed down directly by God without the intermediacy of Moses. Hence, the author of the *Temple Scroll* modified the commands of Deuteronomy, in which God speaks through Moses, while preserving the language of Exodus, Leviticus and Numbers in which God is mentioned explicitly in the Pentateuchal text.

The author gathered together all material on each subject from the Five Books of Moses, and merged it into a unitary text. Whenever the various Pentateuchal texts presented apparent contradictions, the author harmonized these in accordance with his own brand of halakhic interpretation and drafted his version of the law of the Pentateuch to indicate his ruling. Often words are inserted or passages are otherwise modified to clarify matters ambiguous in the Torah in accord with the views of the author of our scroll. The author's use of the first person, according to Yadin, also marks the additional material not based on the Pentateuch as the word of God.²⁹

Yadin notes that the existence of a Temple plan is alluded to in 1 Chr 28:11–19 and that it served the author as the “starting point for

²⁷ E. Tov, “The *Temple Scroll* and Old Testament Textual Criticism,” *ErIsr* 16 (1982) 100–11 (in Hebrew).

²⁸ See L.H. Schiffman, “The Septuagint and the *Temple Scroll*: Shared ‘Halakhic Variants,’” *Septuagint, Scrolls and Cognate Writings: International Symposium on the Septuagint and its Relation to the Dead Sea Scrolls and Other Writings*, ed. G.J. Brooke and B. Lindars, SBLSCS 33, (Atlanta: Scholars Press, 1992) 277–297 (pp. 85–98 in this volume).

²⁹ Yadin, *Temple Scroll*, I, 71–73.

his composition of the scroll.” This passage provided the basis for the supplementary sections as “the authority for the existence in the biblical text itself.”³⁰ For the Law of the King (11QT 56–59), the author based himself on an exegesis of Deut 17:18 and 1 Sam 10:25 from which he inferred the existence of a compilation of statutes. The detailed laws of festivals stem from the allusions to such prescriptions in the incomplete codes of the Torah. The laws of purity are an adaptation of the Pentateuchal legislation concerning the desert Tabernacle to the later circumstances of the Temple in Jerusalem. Yadin did not distinguish composite sources within the scroll. Many unique features distinguish the *Temple Scroll* from other biblical or Second Temple literature. The architecture of the Temple proposed here differs from biblical accounts, on which the author claims to base himself, as well as from descriptions of the Second Temple in Josephus and the Mishnah. Most interesting is the extension of the *temenos* (the “Temple City”) by the addition of a third courtyard, so large that it would have encompassed most of what was then Jerusalem.³¹ The courtyards and their gates represented the Israelite encampment in the wilderness. The entire Temple plan was intended to recreate the experience of the desert period in which sanctity was understood to radiate to all Israel from the sanctuary at its epicenter.³² Unique approaches appear here for the construction of the Temple furnishings.³³

The sacrificial festival calendar includes a number of festivals not part of the biblical or rabbinic cycle. A second new year festival is to be celebrated on the first of Nisan, in the spring, followed by annual celebration of the eight days of priestly ordination. Besides the Omer festival for the barley harvest (the second day of Passover) and the first fruits of wheat (שבועות), the scroll adds two more first fruits festivals, each at fifty day intervals, for oil and wine. The wood offering is also

³⁰ Ibid., I, 83.

³¹ L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary,” *HAR* 9 (1985) 317 (pp. 381–401 in this volume); M. Broshi, “The Gigantic Dimensions of the Visionary Temple in the *Temple Scroll*,” *BAR* 13 (1987) 36–37.

³² L.H. Schiffman, “Architecture and Law, The Temple and its Courtyards in the *Temple Scroll*,” *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding: Essays in Honor of Marvin Fox*, ed. J. Neusner, E.R. Frerichs, N.M. Sarna, *BJS* 159 (Atlanta: Scholars Press, 1989) vol. 1, 267–284 (pp. 215–232 in this volume).

³³ Cf. Yadin, *Temple Scroll*, I, 177–200; L.H. Schiffman, “The Furnishings of the Temple according to the *Temple Scroll*,” *Madrid Qumran Congress*, vol. 2, 621–634 (pp. 253–268 in this volume).

celebrated as an annual festival in the summer.³⁴ Extensive laws deal with the sacrificial procedure and ritual purity and impurity.³⁵ Here we see a general tendency to provide additional ways to protect the sanctuary from impurity. This brief survey does not even begin to represent the rich nature of the scroll's exegesis and the many details of Jewish law in which the text diverges from the views of other sectarian documents or rabbinic literature.

SOURCES

Even in its present form, it is not difficult to discern that the *Temple Scroll* has been redacted from a number of sources by an author/redactor who is himself the creator of the Deuteronomic Paraphrase at the end (11QT 51:11–56:21; 60:1–66:17). His sources most certainly included the sacrificial festival calendar (13:9–29:1) and the Law of the King and army (56:12–59:21). It has been suggested as well that the description of the Temple precincts and furnishings (2:1–47:18, *passim*) and the laws of purity (48:1–51:10) also constituted separate sources.³⁶

The author/redactor sought to compose a complete Torah which would expound his views of the sanctity of the Temple, land and people, as well as of the ideal government and society. He worked through the Torah, arranging all the pertinent material around the first occurrence of a topic. In this way he reedited and redacted the Pentateuchal legislation. At the appropriate places he inserted the preexistent collections at his disposal. To give the impression that the Torah was a complete Law, he appended at the end a selection of laws from Deuteronomy, some of which deal only tangentially with the theme of his scroll. This collection is not simply a paraphrase of Scripture. Rather, it includes numerous halakhic and exegetical modifications, as well as

³⁴ Yadin, *Temple Scroll*, I, 89–136; L.H. Schiffman, “The Sacrificial System of the *Temple Scroll* and the Book of Jubilees,” *SBLSP* 24 (1985) 217–233 (pp. 99–102 in this volume).

³⁵ Cf. Yadin, *Temple Scroll*, I, 321–343; L.H. Schiffman, “Impurity of the Dead in the *Temple Scroll*,” *Archaeology and History*, 135–136 (pp. 403–423 in this volume); J. Milgrom, “The Scriptural Foundations and Deviations of the Laws of Purity of the *Temple Scroll*,” *Archaeology and History*, 83–99.

³⁶ A.M. Wilson and L. Wills, “Literary Sources in the *Temple Scroll*,” *HTR* 75 (1982) 275–88; M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, *Studies in Ancient Oriental Civilization* 49 (Chicago: Oriental Institute, 1990) 195–198; F. García Martínez, “Sources et rédaction du *Rouleau du Temple*,” *Hen* 13 (1991) 219–232.

full blown midrashic interpretations.³⁷ Stegemann suggested that the Deuteronomic Paraphrase may itself stem from an “expanded Torah scroll” or Deuteronomic scroll,³⁸ a proposal which we do not accept since from our literary studies we have discovered that the paraphrase is based more or less on our canonical Torah.

Yet this final author/redactor was not just a collector of scattered traditions. On the contrary, despite a few lapses, such as his redundant treatment of the laws of war from Deut 20 in both the Law of the King (11 QT 48:3–21) and in the Deuteronomic Paraphrase (11QT 61:12–62:16),³⁹ the redactor is both organized and consistent. He has carefully integrated his sources into his own composition. He presents materials which embody a consistent method of biblical exegesis, itself based on a particular ‘theology’ of law, as well as a consistent view of holiness and sanctity.⁴⁰ Further, his subtle polemic runs like a thread throughout the entire composition. This consistency of approach means that we can examine his final product to determine what circumstances would have led him to include various materials in his work, just as we may ask what conditions may have led the authors of these sections to have composed them. It goes without saying that we may ask similar questions regarding those portions of the scroll which are the compositions of the author/redactor.

In view of the parallels between the *Temple Scroll* and the *Miqsat Ma’ase Ha-Torah*, and between both of these descriptions of the Sadducees in tannaitic literature, it is most likely that the sources we are discussing here stem from the Sadducean heritage of those who founded the sect. In these sources, therefore, we may begin to discover the nature of the approach to biblical exegesis of this group.

³⁷ L.H. Schiffman, “The Deuteronomic Paraphrase of the *Temple Scroll*,” *RevQ* 15 (1992) 543–567 (pp. 443–469 in this volume).

³⁸ H. Stegemann, “Is the *Temple Scroll* a Sixth Book of the Torah Lost for 2500 years?” *BAR* 13/6 (1987) 28–35; idem, “The Origins of the *Temple Scroll*,” *Congress Volume Jerusalem*, ed. J.A. Emerton, VTSup 40 (Leiden: Brill, 1988) 248–249.

³⁹ L.H. Schiffman, “The Laws of War in the *Temple Scroll*,” *RevQ* 13 (1988) 299–311 (pp. 505–517 in this volume).

⁴⁰ L.H. Schiffman, “The Theology of the *Temple Scroll*,” (pp. 19–32 in this volume).

DATING

Rockefeller 43.366 (4Q365a), taken by Yadin as the earliest manuscript of the *Temple Scroll*, was one of the factors which led him to date the composition of the scroll to no later than the reign of John Hyrcanus (134–104 B.C.E.) or slightly earlier.⁴¹ Yet, as already noted, this fragment cannot definitely be established as a manuscript of our scroll. It does prove the existence of elements of the scroll in similar or even the same form in that period, but it says nothing about the document in its entirety as preserved in 11QT^a.

All sources now included in the scroll presuppose the existence of a canonical Torah differing from MT only in minor details. Only a few legal rulings can be shown to derive from variant biblical texts. For this reason the scroll had to have been completed after the period of the return from exile in Babylonia, *circa* late sixth to mid-fifth centuries B.C.E.). As we have mentioned, all manuscripts of the *Temple Scroll* identified thus far are of Herodian date. It is within these parameters that we must seek both a dating and a *Sitz im Leben* for the scroll.

The language of the scroll indicated to Yadin that the text could not have been composed before the Hasmonean period. For Yadin, “the blatantly Qumran-sectarian nature of several laws”⁴² was further evidence for this dating. Indeed, the contents of the scroll, emphasizing the sacrificial Temple and ritual, the laws of the king and the death penalty regulations, would call for a Hasmonean dating, in Yadin’s view. Based on the law describing the use of rings for holding sacrificial animals, Yadin concludes that “the scroll—or its doctrine—was already known in the time of John Hyrcanus”⁴³ and that this view influenced him to install such rings, as related in rabbinic sources.⁴⁴ He further argues that the Law of the King and laws of conscription (11QT 56–59) are most appropriate to the reign of John Hyrcanus against whose practices the scroll polemicizes. Yadin concludes that the scroll must have been composed by the time of John Hyrcanus or slightly earlier. This dating, he notes, accords with the archaeological finds at Qumran which

⁴¹ Yadin, *Temple Scroll*, I, 390; cf. I, 20.

⁴² *Ibid.*, I, 387.

⁴³ *Ibid.*, I, 388.

⁴⁴ Cf. S. Lieberman, *Hellenism in Jewish Palestine* (New York: Jewish Theological Seminary of America, 1962) 139–143.

indicate that the sectarian settlement there was founded in the second half of the second century B.C.E.⁴⁵

The key to the dating of the *Temple Scroll* as a whole must indeed be the Law of the King (11QT 56:12–59:21). This section represents the most sustained example of original composition, as opposed to the rewriting of Scripture, in the entire document. The Law of the King was previously composed as a unit which was then transferred into the *Temple Scroll* by its author/redactor. Here are found the clearest references to specific historical events.

The Law of the King emphasizes the separation of roles of the high priest and king and the need to constitute the *gerousia*, the “council of elders,” consisting of twelve each of priests, Levites and Israelites. It argues against the hiring of mercenaries which were used extensively by John Hyrcanus. The *Temple Scroll* requires that the king have a special palace guard to protect him against kidnapping. Here we have an allusion to the perfidious kidnapping and murder of Jonathan the Hasmonean in 143 B.C.E. (1 Macc 13:24). The text further polemicizes against campaigns such as those of John Hyrcanus and Alexander Jan-naeus when it prohibits wars with Egypt for the sake of accumulating wealth.⁴⁶

Elsewhere, in a detailed study of the Law of the King, we concluded that both the legal and historical aspects of this material all point to a Hasmonean dating.⁴⁷ As this time, the author of the Law of the King sought a complete reformation of the existing structures of the governmental system. Both extant copies of the *Temple Scroll* are Herodian. We must, of course, allow time for composition. Since the text reflects the historical experience of the Hasmoneans, Jonathan (160–143 B.C.E.) and John Hyrcanus (134–104 B.C.E.), we must see the composition of the Law of the King as taking place no earlier than the second half of the reign of John Hyrcanus. He is the first of the Hasmoneans to have consolidated a stable empire.

Since the Law of the King is incorporated into the fully redacted scroll, it is therefore appropriate to date the scroll as a whole to no earlier

⁴⁵ Yadin, *Temple Scroll*, I, 390.

⁴⁶ Cf. M. Weinfeld, “‘*Temple Scroll*’ or ‘Kings Law’,” *Shnaton* 3 (1978) 214–237 (in Hebrew); idem, “The Royal Guard according to the *Temple Scroll*,” *RB* 87 (1980) 394–396.

⁴⁷ See above, n. 22.

than the second half of the reign of John Hyrcanus.⁴⁸ At this time, the author/redactor called for a thoroughgoing revision of the existing Hasmonean order, desiring to replace it with a Temple, sacrificial system, and government which was the embodiment of the legislation of the Torah according to this view.

B.Z. Wacholder has adopted Yadin's basic theory that the scroll was a second Torah. Arguing that the scroll ought to be named 11Q Torah, Wacholder propounded an extremely unlikely thesis to the effect that this text was part of what was intended to be a messianic, second Torah written by none other than the Teacher of Righteousness. Wacholder took the view, in accord with Yadin's suggestion,⁴⁹ that the Teacher was named Zadok as described in the *Zadokite Fragments*, and further claimed that this was the same Zadok whose grave was mentioned in the *Copper Scroll*. Wacholder claimed that the *Temple Scroll* was the second part of a two-part text of which the first part was the book of *Jubilees*. This second Torah was the messianic Torah which was to replace the current Torah at the dawn of the eschaton. He claimed that these were understood to be the two Torahs given to Israel at Sinai, and found supposed allusions to this tradition in other Jewish works. According to Wacholder, the *Temple Scroll* was to be dated to approximately 200 B.C.E.⁵⁰

Wacholder's view, where they diverge from those advanced earlier by Yadin, are highly speculative. On most matters, the work of Yadin easily withstands his challenge. Wacholder's date of 196 B.C.E. is simply too early in view of the provenance of the Law of the King. The *Temple Scroll* explicitly states (29:2–10) that it describes the laws of the sacrificial ritual to be practiced until the time of the messianic era (עד יום הברכה or, in the widely accepted reading of Qimron, עד יום הבריה). The scroll is certainly not a description of an eschatological Temple and its ritual; it is pre-messianic. It intends to describe the way in which the rituals should be practiced in the present age. *Jubilees*, while sharing certain motifs with the Qumran scrolls, are already observed by Yadin, and while manuscripts of it were found in the Dead Sea caves, is not part of the same text as the *Temple Scroll*. Its style, Hebrew, orthography,

⁴⁸ The scroll is dated to 103–88 B.C.E. by M. Hengel, J.H. Charlesworth, D. Mendels, "The Polemical Character of 'On Kingship' in the *Temple Scroll*: An Attempt at Dating 11QTemple," *JJS* 37 (1986) 28–38.

⁴⁹ Yadin, *Temple Scroll*, I, 395 and 1.395–96 n. 18.

⁵⁰ Wacholder, *Dawn of Qumran*, 202–212.

and theme are completely different from those of the *Temple Scroll*. The details of its ritual calendar and sacrificial laws differ as well. Zadok is most probably a symbolic name and not that of the Teacher of Righteousness (even Yadin was very tentative on this point), and we do not even know for sure if the *Copper Scroll* is part of the sect's literature. In our view, it is unrealistic for any scholar to expect to determine the name of the Teacher or his exact dates, or to identify the author of any given scroll definitively. Such precision is beyond the limits of the evidence available to us.

It is worth pausing to explain a common mistake in dating the *Temple Scroll*. From the beginning of the research on this scroll, scholars have attempted to find a period in which in some way the Temple architecture or the laws of the scroll would have been practiced. The assumption here was that the *Temple Scroll* described some kind of a reality which could actually be located somewhere in the history of the Land of Israel in the Second Temple period. But, in fact, the text is a polemic against the existing order, calling for radical change in the order of the day, putting forward reforms in areas of cultic, religious and political life. So the true *Sitz im Leben* of the scroll is precisely one in which the circumstances of real life are the opposite of those called for by the author.

THEOLOGY OF LAW

One of the fundamental issues in Second Temple Judaism was that of how to incorporate extra-biblical traditions and teachings into the Jewish legal system and how to justify them theologically. Despite the fact that in antiquity and late antiquity there was little theoretical theological inquiry in Judaism (except in the Hellenistic Diaspora), issues of theology were of central importance and often lie behind other more clearly expressed disputes.

All Jewish groups in the Second Temple period endeavored to assimilate extra-biblical teachings into their way of life. Our detailed examination of the writings of the Dead Sea sect has led us to determine that they did so through the concept of the נגלה ("revealed") and נסתר ("hidden").⁵¹ That which was revealed was the simple meaning of

⁵¹ L.H. Schiffman, *Halakhah at Qumran* (Leiden: Brill, 1975) 22–32; idem, *Halakhah, Halikhah U-Meshihiyut be-Khat Midbar Yehudah* (Jerusalem: Merkaz Zalman Shazar, 1993) 45–53.

Scripture and the commandments which were readily apparent from it. These were known to all Jews. Only the sect possessed the hidden knowledge, discovered through what is saw as inspired biblical exegesis, regularly conducted by members of the sect. Tradition was regarded as having no authority, since all Israel had gone astray and the true way had only been rediscovered by the sect's teacher. The laws which emerged from this interpretation were eventually composed in *serakhim*, lists of sectarian laws. These were then redacted into such collections as the *Zadokite Fragments (Damascus Document)* or the less organized "Ordinances" (4Q159, 513, 514). These rules and the interpretations upon which they were based served to make clear the application of the law of the Torah to the life of the sect in the present, pre-messianic age.⁵²

Although we do not have Pharisaic texts from this period, we can suggest the general lines of the approach of this group based on later accounts in the New Testament, on the writings of Josephus and on the reports in the even later tannaitic corpus. Apparently, the Pharisees possessed traditions "handed down by the fathers" and "unwritten laws." These included various legal traditions of great antiquity as well as interpretations of the biblical texts. Indeed, the Pharisees were known as expounders of the Torah and seem to have excelled in the application of the laws of the Pentateuch to their own circumstances and times. Somewhat later, the successors to the Pharisees, the tannaim (teachers of the Mishnah) would stress the notion that these traditions had been revealed by God to Moses on Sinai as a second Torah. Thus, the rabbis asserted, God had given two Torahs to Israel, the written and the oral. For the rabbis, this view essentially elevated the oral Torah to a sanctity and authority equal to that of the written. Yet evidence does not point to such an assertion on the part of the Pharisees themselves, although our sources do not allow us to be certain.⁵³

The Sadducean approach has yet to be properly investigated. The general claim that the Sadducees were strict literalists represents a misunderstanding of their approach, to a great extent predicated on late rabbinic sources and on a parallel misunderstanding of the medieval Karaite movement. In any case, we should note that the Sadducees

⁵² Cf. S. Fraade, "Interpretive Authority in the Studying of the Community at Qumran," *JJS* 44 (1993) 46–69.

⁵³ Cf. L.H. Schiffman, "Pharisees and Sadducees in *Pesher Nahum*," *Minhah le-Nahum: Biblical and Other Studies Presented to Nahum N. Sarna in Honor of his 70th Birthday*, ed. M. Brettler and M. Fishbane (Sheffield: JSOT Press) 274–284.

apparently saw only the written law as authoritative, although they admitted the need to interpret it. Their interpretations attempted to adhere as closely to as possible to the plain meaning (what the rabbis later called *peshat*)⁵⁴ of Scripture.

Against this background, we can now understand the approach of the author/redactor of the *Temple Scroll*. He seeks to assimilate extra-biblical traditions by the contention that his new, rewritten Torah properly expresses the will of God as revealed in the original document. He asserts that the correct meaning of the divine revelation at Sinai, apparently left vague in the canonical Torah, is to be found in the *Temple Scroll*. This means that like those at Qumran, he has no dual Torah concept such as that of the tannaim. Neither does he accept the notion of the Qumran sectarian documents of a continuous, inspired revelation through biblical exegesis. He maintains only a one-time revelation at Sinai of a single Torah, the true contents of which are expressed in the scroll he authored and redacted.

THE SCROLL AND THE QUMRAN CORPUS

In his initial study of the *Temple Scroll*, Yadin assumed that it was part of the Qumran sectarian corpus and that it represented a text of Essene provenance. Accordingly, he interpreted the scroll to agree with the previously known Dead Sea sectarian texts and the description of the Essenes of Philo and Josephus. Many scholars have followed this lead. Others have pointed to the absence of the usual Qumran polemical language and distinctive terminology, and the lack of some characteristic linguistic features in these texts.⁵⁵ Further, this text has a different view of the origins, authority and derivation of Jewish law. Some recent scholarship has seen the *Temple Scroll* as emerging from a related group which was either contemporary with or earlier than the Qumran sect.

⁵⁴ Cf. D.W. Halivni, *Peshat and Derash* (Oxford-New York: Oxford University Press, 1991) 52–79.

⁵⁵ B.A. Levine, “The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character,” *BASOR* 232 (1978) 5–23; J. Milgrom, “‘Sabbath’ and ‘Temple City’ in the *Temple Scroll*,” *BASOR* 232 (1978) 25–27; Y. Yadin, “Is the *Temple Scroll* a Sectarian Document?” *Humanizing America’s Iconic Book*, *Biblical Scholarship in North America* 6, ed. G.M. Tucker and D.A. Knight (Chico, CA: Scholars Press, 1980) 153–169; Stegemann, “Origins of the *Temple Scroll*,” 237–246; Schiffman, *Sectarian Law*, 13–17.

Others have sought to place it much earlier,⁵⁶ in our view confusing elements of the source material with the completed scroll.

From the earliest analysis of the scroll by Yadin, it has been apparent that there was a certain commonality between law in this scroll and the law in the *Zadokite Fragments*. With the release of the Qumran manuscripts of the *Zadokite Fragments*, these affinities have become even more apparent. Yet at the same time we should call attention to examples of incongruity between these texts, such as that which we found in our investigations of the laws of idolatry or oaths and vows.⁵⁷ These incongruities, along with other evidence, led us to conclude that the *Temple Scroll* could not simply be identified as a document of the Qumran sect.

Yet this view certainly must be modified in light of the even closer link between the *Temple Scroll* and 4QMMT. This 'halakhic letter', to be published by J. Strugnell and E. Qimron, describes a series of some twenty-two laws about which the authors disputed with the established authorities of the Jerusalem priesthood. Due to this disagreement, 4QMMT claims, its authors left Jerusalem and forswore worship in its Temple.⁵⁸ It is most likely that this letter dates to the origin of the Qumran community.⁵⁹ In general, 4QMMT takes positions equivalent to those of the Sadducees in rabbinic literature and ascribes to the Jerusalem priests views identified as Pharisaic in rabbinic literature.⁶⁰

⁵⁶ Stegemann, "Origins of the *Temple Scroll*," 246–256. Cf. his "The Institutions of Israel in the *Temple Scroll*," *The Dead Sea Scrolls: Forty Years of Research*, ed. D. Dimant and U. Rappoport, STDJ 10 (Leiden: Brill; Jerusalem: Magnes/Yad Ben-Zvi, 1992) 156–185.

⁵⁷ L.H. Schiffman, "The Law of Vows and Oaths (Num. 30, 3–16) in the Zadokite Fragments and the *Temple Scroll*," *Mémorial Jean Starcky, RevQ* 15 (1991) 199–213 (pp. 557–572 in this volume). Contrast also the texts discussed in idem, "Legislation Concerning Relations with Non-Jews in the Zadokite Fragments and in Tannaitic Literature," *RevQ* 11 (1983) 379–389 with those treated in my "Laws Concerning Idolatry in the *Temple Scroll*," *Uncovering Ancient Stones: Essays in Memory of H. Neil Richardson*, ed. L.M. Hopfe (Winona Lake, IN: Eisenbrauns, 1994) 159–175 (pp. 471–486 in this volume).

⁵⁸ E. Qimron and J. Strugnell, "An Unpublished Halakhic Letter from Qumran," *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, April 1984*, ed. J. Amitai (Jerusalem: Israel Exploration Society, 1985) 400–407; cf. another article by the same name, *Israel Museum Journal* 4 (1985) 9–12.

⁵⁹ Cf. L.H. Schiffman, "The New 'Halakhic Letter' and the Origins of the Dead Sea Sect," *BA* 53 (1990) 64–73.

⁶⁰ M.R. Lehmann, "The *Temple Scroll* as a Source of Sectarian Halakhah," *RevQ* 9 (1978) 579; J.M. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980) 157–170; Y. Sussmann, "The Study of the History of Halakha and the Dead Sea Scrolls: Initial Talmudic Reflections in the Light of MMT," *Tarbiz* 59 (1989/90) 11–76 (in Hebrew).

In many cases, the rulings of this text agree with those of the *Temple Scroll*. This new evidence suggests that the sources of the *Temple Scroll* stem from forerunners of the sect who shared Sadducean rulings on many matters.

If this is the case, we can reconstruct a variety of Sadducean laws not previously available to us. Further, if the polemics of the *Temple Scroll* are indeed directed against the views of the Pharisees, as Yadin suggested over and over in his commentary, it would confirm the early dating of many Pharisaic-rabbinic laws known otherwise only from the later rabbinic corpus.

SIGNIFICANCE

This scroll is the largest of the Dead Sea Scrolls and for this reason alone it vastly enriches the textual heritage of Second Temple Judaism. Further, it shows that the exegesis of Scripture for the derivation of Jewish law, the activity which the later rabbis called *midrash*, was already a central part of the Judaism of some groups in the Hasmonean period. This exegesis served as the basis of highly developed legal teachings which are evidence that among some groups of Second Temple Jews strict adherence to a living and developing tradition of Jewish law was the norm. Further, some of these Jews objected strenuously to the conduct of the Hasmoneans in both the religious, political and military spheres. These opponents were at the forefront of the movement represented by the Qumran sect. Among the texts they brought with them to Qumran were the sources of the *Temple Scroll*.

Since these sources probably reflected Sadducean views and exegesis, it now seems that from the *Temple Scroll* we will be able to increase substantially our knowledge of this hitherto elusive group which played so important a role in Second Temple Judaism. Further, it may allow us to reconstruct as well a variety of Pharisaic teachings from the Second Temple period. All in all, the study of the *Temple Scroll* promises to enrich many aspects of our knowledge of the richness of Second Temple Judaism.

CHAPTER FOUR

IR HA-MIQDASH AND ITS MEANING IN THE *TEMPLE SCROLL* AND OTHER QUMRAN TEXTS

In my presentation at our first conference, on the topic, 'Jerusalem in the Dead Sea Scrolls', I touched on a controversy that has now been debated for almost one hundred years regarding the meaning of עיר המקדש, translated as either "the City of the Sanctuary" or "Temple City."¹ I took the view in that study that this term referred to the *temenos*, the Temple area itself, as opposed to referring to the entire city of Jerusalem as some other scholars have observed. It was noted there that the matter was also connected with a passage in 4QMMT which required detailed investigation. Since then, the release of the full corpus of Judean Desert manuscripts, including most notably the Qumran scrolls, has made available another example of this usage as well, in addition to those already known from the *Zadokite Fragments* (also known as the Damascus Document) and the *Temple Scroll*. Accordingly, it is time for a new and complete study of this term.

1. THE ZADOKITE FRAGMENTS

The starting point for our investigation must be the first passage to come to light, that in CD 12:1–2:

אל ישכב איש עם אשה בעיר המקדש לטמא את עיר המקדש בנדתם.

Let no man have sexual relations with a woman in the City of the Sanctuary so as to make impure the City of the Sanctuary with their impurity.²

That this reading is correct is confirmed by the presence of this same text in the Qumran fragments of the *Zadokite Fragments* (4Q271 frg.

¹ L.H. Schiffman, "Jerusalem in the Dead Sea Scrolls," *The Centrality of Jerusalem: Historical Perspectives*, ed. M. Poorthuis and Ch. Safrai (Kampen, Netherlands: Kok Pharos, 1996) 82–83, presented at the first conference between Catholic Theological University Utrecht and Bar Ilan University, held in June 1993 in Israel.

² All translations presented in this paper are by the author.

5 i 17–18).³ Already in his pioneering study, L. Ginzberg set out both of the possible interpretations.⁴ Ginzberg first argues in favor of seeing this as a law prohibiting sexual relations in the entire city of Jerusalem, understanding **עיר המקדש** to refer to the entire city. He understood the **מקדש** to be the Temple in Jerusalem, and the “city” to be the city as a whole. He suggested that the text had widened the prohibition known from rabbinic literature (*m. Kel.* 1:8)⁵ which forbids one who had a seminal emission from entering the Temple Mount. Here the prohibition, he said, had been widened to include the entire city of Jerusalem which was now endowed with a higher status of sanctity. He suggested that this law would have made life in the city of Jerusalem impossible for the sectarians of this document and that it would have led to their departure from the city—all this he suggested with no knowledge of the Dead Sea Scrolls.

But after setting down this proposal, he immediately back-tracked. “Probably, however” the true meaning of the city of the sanctuary was just the Temple Mount, in the same way that **עיר דוד** “City of David”, had this meaning as well. He then asserted that accordingly this text was in complete agreement with rabbinic *halakhah* which likewise forbids one who had a seminal emission from entering the Temple Mount. He saw our law as derived in this way from 2 Chr 8:11.⁶

In his commentary on this passage,⁷ C. Rabin refers to Lev 15:18 as the basis of this law, but there it only says that a man and a woman who have had sexual relations become impure until the evening, and are required to wash. Interesting is his not-so-precise reference to Josephus, *War* V, v, 6 (227) which says that those afflicted with gonorrhea

³ J.M. Baumgarten, *Qumran Cave 4.XIII, The Damascus Document (4Q266–273)* [= DJD 18] (Oxford: Clarendon Press, 1996) 181.

⁴ L. Ginzberg, *Eine unbekannte jüdische Sekte* (New York, 1922) *ad loc.*; English translation, *An Unknown Jewish Sect* (New York: Jewish Theological Seminary, 1976) 73–74. The entire issue is ignored by the first editor of the text, S. Schechter, *Documents of Jewish Sectaries*, Volume I, *Fragments of a Zadokite Work* (originally published in 1910; reprint New York: Ktav Publishing, 1970) p. L.

⁵ Cf. *b. Pesahim* 67b.

⁶ The text states there, **לא תשב אשה לי בבית דויד... כי קדש המה אשר באה אליהם** which he understands to mean: “A woman may not dwell (i.e. sexual relations are prohibited) in the House of David (i.e., the Temple Mount), for that area is sanctified as the ark of the covenant has been brought there.” Cf. Rashi and Radak *ad loc.*

⁷ C. Rabin, *The Zadokite Documents* (Oxford: Clarendon Press, 1954) 59.

or leprosy (the skin disease **צרעת**) were excluded from “the entire city”. But contrary to the general reference of Rabin to “one affected with flux”, Josephus is clearly referring only to specific impurities of more serious nature. His comment is noncommittal on the meaning of **עיר** here—*temenos* or, literally, city.

The recent commentary of J.M. Baumgarten and D.R. Schwartz⁸ appears to follow the views that were developed by Y. Yadin based on the *Temple Scroll* (on which see below) and to interpret the “City of the Sanctuary” as referring to the entire city of Jerusalem. In view of the common halakhic substratum of these documents, it is certainly not unreasonable to expect the term to have a similar meaning in both texts. But the problem before us is actually to determine the meaning of this expression in the *Temple Scroll*, and we will see that there it remains ambiguous as well.

One point is clear from the investigation of this text. It seeks to avoid the rendering of the **עיר** impure “with their impurity”, that is, with the impurity of the man and woman who have sexual relations in the city. This means that they become impure through sexual relations and as a result the impurity is transmitted to the **עיר המקדש**. In this respect, Rabin appears to be correct. The Bible tells us that sexual relations result in ritual impurity and this text goes one step further saying that if done in certain holy precincts, the impurity which results will render the area impure. Further, we should note that in this passage, as elsewhere in Qumran texts, **נדה** appears as a general term for impurity. It is not a reference to menstrual impurity as is most usual in the Bible and as is virtually the exclusive usage in rabbinic literature.

2. THE TEMPLE SCROLL

The question of the meaning of the expression **עיר המקדש** was again raised with the discovery and publication of the *Temple Scroll*, where this expression occurs several times. One can summarize the argument as

⁸ J.M. Baumgarten and D.R. Schwartz, “Damascus Document,” in *The Dead Sea Scrolls, Hebrew, Aramaic, and Greek Texts with English Translations*, vol. 2, ed. J.H. Charlesworth (Tübingen: J.C.B. Mohr (Paul Siebeck) / Louisville: Westminster John Knox Press, 1995) 51.

follows: Y. Yadin,⁹ followed by J. Milgrom,¹⁰ took the view that this term refers to the city of Jerusalem (the city in which there is a Temple), and B.A. Levine,¹¹ followed by this author and recently S. Japeth,¹² took the view that it referred only to the *temenos*, the Temple precincts.

It is most logical to begin with the parallel to CD 12:1–2 which appears in 11Q^T 45:11–12 and then to study the remaining occurrences of this term in the *Temple Scroll*:

ואיש כיא ישכב עם אשתו שכבת זרע לוא יבוא אל כל עיר המקדש אשר
אשכין שמי בה שלושת ימים.¹³

And if a man has sexual relations with his wife¹⁴ he may not enter any part of the City of the Sanctuary in which I cause My name to dwell¹⁵ (for) three days.

This passage is also based on Lev 15:18.¹⁶ But the wording of the first part of the sentence is taken from Lev 19:20, **ואיש כי ישכב את אשה**.¹⁷ **שכבת זרע**. While there is no question that this passage is in agreement with CD 12:1–2 quoted above, some of the conclusions that have been reached on this basis are unproven.

⁹ Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) vol. I, 277–307. His views had already appeared in a number of preliminary articles and in his Hebrew edition, **מגילת המקדש** (Jerusalem: Israel Exploration Society, 1977) vol. I, 215–238. See also Yadin's "Addenda et Corrigenda" to the English edition, I, 415–416.

¹⁰ J. Milgrom, "'Sabbath' and 'Temple City' in the *Temple Scroll*," *BASOR* 232 (1978) 25–27 (a response to Levine, see below); idem, "The City of the Temple, A Response to Lawrence H. Schiffman," *Qumran Studies, JQR N.S.* 85 (1994) 125–128.

¹¹ B.A. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 5–23. Yadin responded to this article in "Is the *Temple Scroll* a Sectarian Document?" *Humanizing America's Iconic Book*, ed. G.M. Tucker and D.A. Knight, SBL Centennial Addresses 1980 (Chico, CA: Scholars Press, 1980) 153–169.

¹² S. Japeth, "The Prohibition of the Habitation of Women: The *Temple Scroll's* Attitude Toward Sexual Impurity and its Biblical Precedents," *JANES* 22 (1993) 69–88.

¹³ The text is also preserved partly in 11Q^T^b. Cf. Yadin, *Temple Scroll*, II, 188–189 and E. Qimron, *The Temple Scroll, A Critical Edition with Extensive Reconstructions* (Beer Sheva and Jerusalem: Ben Gurion University of the Negev Press and Israel Exploration Society, 1996) 63.

¹⁴ Or more literally, "And if a man lies with his wife so as to have a seminal emission."

¹⁵ For the use of this expression and its significance in the scroll, see L.H. Schiffman, "The Theology of the *Temple Scroll*," *JQR* 85 (1994) 119–121 (pp. 19–32 in this volume). Unfortunately, the two excellent responses to my paper published there by J. Milgrom and J.C. VanderKam (pp. 125–35) do not take up this particular issue.

¹⁶ For MT **איש**, "man", the Samaritan reads, **אשה**, "her husband".

¹⁷ Yadin, *Temple Scroll*, II, 193 who also compares Num 5:12–13.

Yadin interpreted this passage according to his two basic assumptions, that the City of the Sanctuary is the entire city of Jerusalem, and that the scroll is the product of a celibate Essene community.¹⁸ The second assumption is beyond the scope of our paper, except to observe that in our view, the sect of Qumran was not celibate.¹⁹ This paper concerns the other issue on which we hope to show that Yadin was not correct.

Two particular problems with this view must be raised. The first is the matter of the opening of this passage with “And”. It implies strongly that this law is closely connected to what has gone before. In this case, the preceding law is that of 11QT 45:7–10 which concerns one who has had a seminal emission. That this previous law is connected to that under discussion here (lines 11–12) is also clear because there are paragraphing spaces in line 7 and 12, before and after this unit of two laws. We must therefore briefly examine that passage.

There the text is based on Deut 23:11 and accordingly refers to someone who has had a “nocturnal emission”, although it clearly refers to anyone who has a seminal emission regardless of when. Such a person is excluded from “the entire Temple” (כול המקדש) until he completes a three-day purification period, washes his clothes and immerses.²⁰ The three-day period is clearly based on the scroll’s understanding of the purification period observed by Israel before receiving the Torah at Sinai. But what concerns us here is the specific restriction. The one who has had a seminal emission, what the Rabbis called the בעל קרי, may not enter the entire Temple. But immediately afterwards we learn that one who has had sexual relations (hence a seminal emission) may not enter the City of the Sanctuary for three days. There appears to be a direct parallel between these two terms and it seems from this passage, when viewed as a totality, that the “City of the Sanctuary” and

¹⁸ See his analysis in *ibid.*, II, 285–289.

¹⁹ L.H. Schiffman, *Reclaiming the Dead Sea Scrolls* (Philadelphia: Jewish Publication Society, 1994) 127–143; contrast J.M. Baumgarten, “The Qumran-Essene Restraints on Marriage,” *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman (Sheffield: JSOT Press, 1990) 13–24; E. Qimron, “Celibacy in the Dead Sea Scrolls and the Two Kinds of Sectarians,” *The Madrid Qumran Congress, Proceedings of the International Congress on the Dead Sea Scrolls*, Madrid, 18–21 March 1991, ed. J. Treballe Barrera and L. Vegas Montaner (Leiden: E.J. Brill, 1992) vol. I, 287–294.

²⁰ On the rejection of the concept of the טבול יום by this passage, see L.H. Schiffman, “Pharisaic and Sadducean Halakhah in Light of the Dead Sea Scrolls, The Case of the Tēvul Yom,” *DSD* 1 (1994) 291–293 (pp. 425–439 in this volume).

the “Sanctuary” are one and the same thing—the *temenos* or Temple area, not the entire city of Jerusalem.²¹ Another passage with similar significance to our study is 11QT 45:15–17:

וכול איש אשר יטהר מזובו, וספר לו שבעת ימים לטהרתו. וכבס ביום השביעי בגדיו ורחץ את כול בשרו במים חיים. אחר יבוא אל עיר המקדש. וכול טמא לנפש²² לוא יבואו לה עד אשר יטהרו.

And any man who becomes pure of his gonorrhoeic flow shall count seven days for his purification (period). On the seventh day he shall wash his clothes and bathe his entire body in living waters. Afterwards, he may enter the City of the Sanctuary. And anyone who is impure with impurity of the dead may not enter it (the city) until they (sic!) have been purified.

This passage makes clear that until purification, a gonorrhoeic or one who became impure through contact with the dead²³ may not enter the City of the Sanctuary. Now the *Temple Scroll* specifically sets up areas outside of the city, to the east, for those afflicted with the disease of צרעת, those who have had gonorrhoeic discharges, and those who have a seminal emission. Despite the claims that have been made, these laws refer to the City of the Sanctuary, not to the entire city of Jerusalem. Before offering their purification offerings, these people had to wait outside the Temple during the period of purification.

The next passage to be considered is 11QT 47:7–15. This text forbids bringing into the City of the Sanctuary, even to serve as storage containers, the skins of animals which were not slaughtered sacrificially within the Temple. The details of this law, which also appears in 4QMMT, have been explicated by us previously,²⁴ so that we need only to present a summary and an analysis of the specific Temple terminology. The preserved portion of the column begins with a general statement that “the city (עיר) which I sanctify so as to cause My name and My

²¹ This argument is heightened by the parallel use of the term נדה in CD 12:1–2 and in our passage. One contrast between these passages must be noted. As opposed to the parallel from CD 12:1–2 quoted above, this text only speaks of the male and says that he may not enter the City of the Sanctuary for three days after sexual relations.

²² The פ is written above the line.

²³ Cf. L.H. Schiffman, “The Impurity of the Dead in the *Temple Scroll*,” *Archaeology and History*, 135–56 (pp. 403–423 in this volume).

²⁴ Idem, “*Miqsat Ma’ase ha-Torah* and the *Temple Scroll*,” *RevQ* 14 (1990) 442–8 (pp. 123–147 in this volume). Cf. E. Qimron and J. Strugnell, *Qumran Cave 4. V, Miqsat Ma’ase ha-Torah* [= DJD 10] (Oxford: Clarendon Press, 1994) 154–156.

sanctuary (מקדש) to dwell in its midst” must be kept holy and pure²⁵ and that all food brought into it must be pure. Then we encounter the prohibition of bringing in skins of animals slaughtered elsewhere (בתוך עריהמה, “in their cities”). The fundamental command is stated as follows in 11QT 47:9–11:

ואל עיר מקדשי לוא יבואו... ולוא תטמאו את העיר אשר אנוכי משכן
את שמי ומקדשי בתוכה.

And they may not enter into the city of My sanctuary...so as not to render impure the city in which I cause to dwell My name and My sanctuary.

Rather, the scroll rules (lines 11–14):

כי בעורות אשר יזבחו במקדש בהמה יהיו מביאים... לעיר מקדשי ולוא
יגאלו את מקדשי בעורות זבחי פגוליהמה...

Rather, in skins which have been slaughtered sacrificially in the Temple shall they bring...to the City of the Sanctuary, so that they not defile My Temple with the hides of their disgusting sacrifices...

From this passage, it is clear that if improperly slaughtered hides are brought into the City of the Sanctuary, the result is that the Temple is rendered impure. This only makes sense if the City of the Sanctuary is the Temple precincts which are required to maintain Temple standards of purity. In this case, therefore, there would be a slight technical difference between the terms מקדש and עיר המקדש. The former would refer to the Temple building proper, while the latter refers to the *temenos*—the Temple complex which in our scroll is the entire structure of three concentric courtyards and the Temple within. But in no way can the City of the Sanctuary here be a reference to the entire city of Jerusalem.²⁷

An important passage to consider in this context is that which requires that a barrier, termed חיל, be erected around the three courts of the Temple (11QT 46:9–10):

²⁵ Qimron, *Temple Scroll*, 68 has restored considerably more than Yadin, *Temple Scroll*, II, 202.

²⁶ Following the reading of Qimron, *Temple Scroll*, 68. Yadin reads יביאו.

²⁷ Cf. Yadin, *Temple Scroll*, I, 308–311. Several passages not examined here use מקדש in an unambiguous manner to refer to the Temple precincts or to the Temple building itself: 11QT 3:11; 29:8–9; 35:7; 43:12; 46:2, 3, 8, 11 (twice); 52:14, 15, 17, 18, 20. Yadin also restores עיר מקדש tentatively in 11QT 16:11, but apparently influenced by 4QMMT Qimron restores מחנה הקודש.

ועשיתה חיל סביב למקדש רחב מאה באמה אשר יהיה מבדיל בין מקדש הקודש לעיר.

And you must make a barrier around the Temple at a distance of 100 cubits which shall separate between the holy Temple²⁸ and the city.

This text shows that the term עיר could be used in the sense of the city, that is, the area of residence. In this case, the barrier is designed to separate the sanctified *temenos*, which we have argued is termed עיר המקדש, from the city of Jerusalem which was intended by the author to surround the Temple complex.²⁹

3. THE PARALLEL EVIDENCE OF 4QMMT

When the text of 4QMMT, the so-called ‘Halakhic Letter’, became known, it was immediately cited as evidence for the notion that the City of the Sanctuary was indeed the entire city of Jerusalem, including the residential areas.³⁰ But we will see that this conclusion was highly questionable. In providing the justification for a law prohibiting dogs in the “holy camp”,³¹ because they might eat of the flesh remaining on bones of sacrificial offerings, the text states (B 59–62):

כי ירושלים היאה מחנה הקדש והיא המקום שבחר בו מכל שבטי ישראל, כי ירושלים היא ראש מחנות ישראל.

For Jerusalem is the holy camp and it is the place which He (God) chose from among all the (territory of the) tribes of Israel, for it is the chief of the camps of Israel.³²

The second passage, occurring earlier in 4QMMT, comes in connection with a section that requires that within a certain distance of the sanctuary, all slaughter take place in sacrificial fashion and in the north of ‘the camp’ (B 27–28).³³ The text of 4QMMT then continues (B 29–33):

²⁸ Note also line 11 in which the Temple is referred to twice as המקדש.

²⁹ On this passage cf. Yadin, *Temple Scroll*, I, 274–275; II, 198 and Qimron and Strugnell, DJD 10, 145 n. 70.

³⁰ A parallel discussion of this material by the editors of MMT may be found in Qimron and Strugnell, DJD 10, 143–146. On p. 144 they identify the camp with the City of the Sanctuary, which in their view is the entire city of Jerusalem.

³¹ Literally, “the camp of holiness”.

³² See the edition and commentary in Qimron and Strugnell, DJD 10, 52–53.

³³ See the detailed analysis in Qimron and Strugnell, DJD 10, 156–157.

ואנחנו חושבים שהמקדש [משכן אוהל מועד היא וי]רושלי[ם] מחנה היא וחוצה למחנה [הוא חוצה לירושלים ו]הוא מחנה ער[י]הם... [כי ירושלים] היא המקום אשר [בחר בו] מכול שב[טי ישראל].

But we are of the opinion that the sanctuary [is (equivalent to) ‘the Tabernacle, the Tent of Meeting’, and Je]rusale[m] is (equivalent to) ‘the camp’. And ‘outside of the camp’ [is (equivalent to) outside of Jerusalem, and] that is the camp of their cities³⁴... [for Jerusalem] is the place [which He (God) chose] from all the (territory of the) tri[bes of Israel].

This text sets up a simple set of equivalencies between the various boundaries of sanctity which were in effect in the desert period in Israel’s history with the boundaries in the Land of Israel in the author’s own day. We may summarize the equivalencies in a simple table:

<i>present-day:</i>	<i>desert period:</i>
sanctuary	Tent of Meeting
Jerusalem	camp
outside of Jerusalem	outside of the camp
(camp of their cities)	

Qimron and Strugnell have argued that the presentation of these equivalencies is intended to argue for the position of this text that the entire city of Jerusalem is “the chosen place”, as opposed to the view of the opponents of the sect that only the Temple precincts are equivalent in sanctity to the chosen place.³⁵

It seems that they have noticed the discrepancy between their interpretation of this text and Yadin’s claim that the City of the Sanctuary is the Temple as a whole, although they never state it directly. They note that in their opinion Yadin was correct in saying that in the view of the *Temple Scroll*, the city of Jerusalem was more sacred than other settlements. But they also say that the sanctuary must still be seen as a separate area more sacred than the city of Jerusalem, as can be seen in 4QMMT B 24. This separation, in their view, is the purpose of the rampart (חיל) required in 11QT 46:9–11.³⁶

In order to evaluate properly these terms and their equivalencies, and then to compare them to similar or parallel expressions in the *Temple*

³⁴ This is the only use of the word עיר in 4QMMT, Qimron and Strugnell, DJD 10, 222 (Concordance).

³⁵ Ibid., 144 para C.

³⁶ Ibid., 144–145 para D.

Scroll, we must first establish the biblical background of these terms. The restored phrase **משכן אהל מועד** occurs in Exod 39:32, 40:2, 40:6 and 29, and 1 Chr 6:17. In Exod 39:32 and 40:2 it clearly refers to the entire complex of the Tent of Meeting and the various furnishings and ritual objects fashioned for it (cf. v. 33). But in Exod 40:6 and 29 it is differentiated from the attendant furnishings and refers only to the Tabernacle structure itself. In 1 Chr 6:17 it seems to be used in the same way since it is set opposite the “House of the Lord” which Solomon built in Jerusalem. From these descriptions it appears that the term applies in both Exodus and in our text to the entire Temple complex, including the courtyards surrounding the sanctuary.

That Jerusalem is equal to the desert camp (**מחנה**) is a statement that raises the question of the meaning of the term “camp” (**מחנה**) in the Bible. This constitutes a difficult problem since the term is used in various ways. To solve the ambiguity of this term in the Bible, tannaitic opinion determined that there were three “camps”: The camp of the Divine Presence was the actual Tabernacle area itself, in which the rituals were performed. The second camp, located concentrically around it, was known as the “camp of the Levites,” since the Aaronide priests and the Levites were said to have actually lived in the immediate area surrounding the Tabernacle. Finally, the entire camp of the rest of the tribes was termed the “camp of Israel”. This was the residence of the tribes which was also arranged concentrically around the Tabernacle and the camp of the Levites.

The tannaim then transferred this assumed pattern of ritual and residence from the desert camp to the Land of Israel in order to make possible following the sacrificial laws originally set in the Tabernacle and desert camp. The Temple building and the courts of the priesthood and Israel were equivalent to the “camp of the Divine Presence”. The court of women and the rest of the Temple Mount area were taken as equivalent to the “camp of the Levites”. The city of Jerusalem was equivalent to the “camp of Israel”.³⁷

This system corresponds to that adopted in the MMT text. The present Temple is in the eyes of the authors of MMT equivalent to the Tabernacle of the Tent of Meeting which in tannaitic terms is the

³⁷ Cf. L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985) 308 (pp. 381–401 in this volume).

camp of the Divine Presence and the camp of the Levites. The City of Jerusalem is “the camp” of the Bible which for the tannaim is “the camp of Israel”. But MMT adds a discussion of the area outside of the camp. This area is known as “outside of the camp” in their terminology. This term occurs numerous times in the Bible in the form of *מחוץ למחנה* and refers to the area outside of the camp of Israel. This camp, we have just seen, is equivalent to the City of Jerusalem in the rabbinic view as it is according to MMT. The area outside, described as “the camp of their cities” in MMT, refers to the residence of the Jewish people who dwell outside of Jerusalem.

The above discussion shows that the notion in MMT, as correctly realized by the editors, is not that proposed by Yadin for the *Temple Scroll*. In MMT there is an established boundary between the *temenos* and the city of Jerusalem, where people actually lived. The laws of Temple purity applied to the *temenos*—the equivalent of the Temple Mount—and not to the entire city of Jerusalem, which was one step below in its purity status.

We would argue that the same is the case with the *Temple Scroll*. The so-called City of the Sanctuary is in fact the *temenos* and the surrounding sanctified precincts. Its purity laws were observed only in its own boundaries. Outside, the rest of the city had a special status above that of other cities, but it was still not equivalent to the Temple. Outside of Jerusalem were the cities of Israel in which in the ideal view of the *Temple Scroll* lived the twelve tribes.

4. 4QHISTORICAL TEXT (4Q248)

One final text (4Q248) preserves usage of the term City of the Sanctuary. This manuscript, 4QHistorical Text, used to be known as ‘Acts of a Greek King’ or ‘Pseudo-History’. It is an account of the conquest of Judea and some neighboring countries by a Hellenistic king. The text is only a fragment, but the lower right and bottom margins are preserved. Essentially, then, we have the right part of the last few lines of a text at the bottom of a column.³⁸

³⁸ See the edition, commentary and analysis of M. Broshi and E. Eshel, “The Greek King is Antiochus IV (4QHistorical Text = 4Q248),” *JJS* 48 (1997) 120–129.

The editors, M. Broshi and E. Eshel, have been able to locate the historical details presented in this text. It describes a series of events in the reign of Antiochus IV Epiphanes (ruled 175–164 B.C.E.), including his first invasion of Egypt in 169 B.C.E.,³⁹ the subsequent sale of Egyptian land, his capture of Jerusalem soon afterwards (also in 169), probably his conquest of Cyprus, and his second campaign against Egypt in 168 C.E.—all in the form of *ex eventu* prophecy.⁴⁰ Then our reference appears (lines 6–7):

ואת[ה] אל עיר המקדש ותפשה עם כ[ל] אוצרותיה[.]

Then he shall com[e] to the City of the Sanctuary and seize it with all its treasures.⁴¹

Our interest in this passage in the present context is in regard to the meaning of the designation “City of the Sanctuary”. The fragmentary nature of the passage makes it difficult to be certain of all its details. The editors propose to understand this phrase as referring to the entire city of Jerusalem, comparing its use in the *Zadokite Fragments* and *Temple Scroll*. Regardless of its meaning in other sources, it would seem at first glance that the entire city of Jerusalem is referred to here. But detailed analysis of the passage in 1 Maccabees describing this invasion raises serious doubt about this interpretation, especially in light of the attractive restoration of Broshi and Eshel. 1 Macc 1:20 tells us that Antiochus came to Jerusalem where he apparently met with no resistance. But verses 21–24 describe his entering the Temple where he helped himself to the golden altar, the menorah and its utensils, the table of the showbread, other sacrificial vessels, censers, the curtain (פרוכת), and gold decorations. Further, he took the hidden treasure kept there as well, probably a reference to public funds collected for financing the sacrificial offerings. All this indicates that the ‘treasures’ described in our text—as restored by the editors—are Temple treasures only, and, therefore, it is quite probably that the City of the Sanctuary in this text is the Temple from which Antiochus expropriated the various treasures. In this case, the City of the Sanctuary would be the *temenos*, as we have claimed.

³⁹ See 1 Macc 20:24 and cf. 2 Macc 5:1, 11–16.

⁴⁰ For bibliography, see Broshi and Eshel, “The Greek King,” 128 n. 28.

⁴¹ My translation according to the restorations of Broshi and Eshel, “The Greek King,” 125.

CONCLUSION

The term City of the Sanctuary denoted the *temenos* or Temple precincts in the legal terminology of the *Zadokite Fragments* and the *Temple Scroll*. This expression was used in the same way in 4QHistorical Text. The authors of the Qumran texts we have studied did indeed believe that the sanctity of Jerusalem, God's chosen city, was greater than that of the rest of the Land of Israel. Yet the Temple precincts, in the view of the *Temple Scroll* constituted of three concentric courtyards, were themselves of even greater sanctity. In the view of these authors, God was truly thrice sanctified. Holy, Holy, Holy was the Lord of Hosts: Holy in His Temple, Holy in His city Jerusalem, and Holy in His land, the Land of Israel.

CHAPTER FIVE

THE ARCHITECTURAL VOCABULARY OF THE *COPPER SCROLL* AND THE *TEMPLE SCROLL*

From the earliest discussions of the *Copper Scroll* it was realized that its vocabulary shared aspects of the later Hebrew dialect generally termed Mishnaic Hebrew or Middle Hebrew.¹ In fact, the presence of large numbers of what appeared to be lexical items from this later dialect led many to state incorrectly that the *Copper Scroll* had actually been composed in the Mishnaic dialect generally in evidence in the rabbinic texts from the tannaitic period. In these discussions, issues of morphology and syntax were generally ignored and the language was classified based on its lexicon alone.

The same problems were raised in relation to two other important texts, the *Temple Scroll* and 4QMMT. In the case of the former, aspects of the grammar and syntax required that the text be classified generally with other Qumran Hebrew documents.² Indeed, the *Temple Scroll* is somewhere in between the Hebrew of the Masoretic text and that of the Qumran sectarian writing practice,³ but its vocabulary has decidedly 'Mishnaic' elements.⁴ In many cases, whereas the sectarian documents as a whole use archaizing biblical terminology,⁵ this scroll uses that known from later usage. 4QMMT was also mistakenly identified as being in Mishnaic Hebrew.⁶ Actually, this document has the grammar

¹ J.T. Milik, "Le rouleau de cuivre provenant de la grotte 3Q (3Q15)," in M. Baillet, J.T. Milik and R. de Vaux, *Les 'petites grottes' de Qumrân*, DJD 3 (Oxford: Clarendon Press, 1962) 222, 275–276. Milik's full study of the language is on pp. 221–259. The Mishnaic connection seems to have eluded J.M. Allegro, *The Treasure of the Copper Scroll* (London: Routledge & Kegan Paul, 1960) 29–30, where he recognizes the links with other Second Temple period texts.

² Cf. E. Tov, "The Orthography and Language of the Hebrew Scrolls Found at Qumran and the Origin of these Scrolls," *Textus* 13 (1986) 31–57.

³ L.H. Schiffman, "The *Temple Scroll* in Literary and Philological Perspective," in W.S. Green (ed.), *Approaches to Ancient Judaism*, BJS 9 (Chico, CA: Scholars Press, 1980) 143–158.

⁴ Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, Hebrew University, Shrine of the Book, 1983) I, 33–39.

⁵ C. Rabin, *Qumran Studies*, Scripta Judaica, 2 (London: Oxford University Press, 1957) 108–111.

⁶ Milik, DJD 3, 225.

and syntax of Qumran Hebrew, but numerous terms used here are known from later tannaitic texts.⁷

Various historical explanations have been given for these facts. However, my purpose here is not historical, but philological. In this chapter I seek to investigate a variety of lexical items and terms that occur in both the *Copper Scroll* and the *Temple Scroll*, in the hope that both texts will thereby be illuminated. The chapter will be limited to the discussion of architectural terminology since both of these texts, in very different ways, relate to architecture.⁸

ARCHITECTURAL TERMS IN THE COPPER SCROLL AND THE TEMPLE SCROLL

In what follows I investigate one by one, in alphabetical order, the architectural terms that occur in both texts.⁹

בור. In *Copper Scroll* 1:6 this word appears for a “cistern”, and in 2:1 it occurs in the phrase **בור המלח**, “salt pit”, referring to a pit for storing salt. This pit is located below the steps. This term also appears in 2:7

⁷ A thorough study of the language of this text by E. Qimron appears in E. Qimron and J. Strugnell, *Qumran Cave 4. V: Miqsat Ma'ase ha-Torah*, DJD 10 (Oxford: Clarendon Press, 1994) 65–110. See also the discussion of ‘Halakhic Terminology’ on pp. 138–142.

⁸ Architectural terms also appear in the New Jerusalem texts. See M. Broshi, “Visionary Architecture and Town Planning in the Dead Sea Scrolls,” in D. Dimant and L.H. Schiffman (eds.), *Time to Prepare the Way in the Wilderness, Papers on the Qumran Scrolls by Fellows of the Institute for Advanced Studies of the Hebrew University, Jerusalem, 1989–90* (Leiden: E.J. Brill, 1995) 9–22.

⁹ The *Temple Scroll* citations follow the numeration of Yadin, *The Temple Scroll*, II, and the text follows the editions of both Yadin and E. Qimron, *The Temple Scroll, A Critical Edition with Extensive Reconstructions* (Beer Sheva-Jerusalem: Ben Gurion University- Israel Exploration Society, 1996). Architecture is emphasized in J. Maier, *The Temple Scroll: An Introduction, Translation and Commentary*, JSOTSup, 34 (Sheffield: JSOT Press, 1985), although I generally prefer the analysis of Yadin. For the *Copper Scroll*, the chapter is based on the readings and numeration of J.K. Lefkovits, *The Copper Scroll-3Q15: A New Reading, Translation and Commentary*, 2 vols. (Ph.D. dissertation, New York University, 1993), now published in a revised form as *The Copper Scroll-3Q15: A Reevaluation: A New Reading, Translation and Commentary*, STDJ 25 (Leiden, E.J. Brill, 2000). The discussion that follows is everywhere indebted to the excellent and detailed commentary by Lefkovits. A discussion of the vocabulary of the *Copper Scroll* is found in Milik, DJD 3, 236–275, with architectural terms discussed on pp. 247–249. Our classification differs from that of Milik, and my readings are substantially different due to the vastly improved readings of Lefkovits. Another new reading of the *Copper Scroll* is A. Wolters, *The Copper Scroll: Overview, Text and Translation* (Sheffield: Sheffield Academic Press, 1996).

where it refers to a pit or cistern that has been filled with vessels and money. Another בור is mentioned in 2:10 and still another under the wall (חומה) in 2:10. In 4:1 there is mention of הבור הגדול, indicating that there was also a small cistern. Another cistern appears in 10:3. This same usage is found in both biblical and Mishnaic Hebrew. In 11QT^a 46:14, its only occurrence in the *Temple Scroll*, it means a “pit” within a latrine, “into which the excrement will descend” (line 15).¹⁰

בית. This word in the *Copper Scroll* can mean just a “building” as in 2:5 where the בתי העצין are storehouses for wood, and these are located in a courtyard. A בית אוצר, “storehouse”, is mentioned in 8:1. The בית המים of 10:15 is either a water storage facility or a toilet facility. In 11:12 בית האשוחין can also be a water facility of some kind. בית המשכב is apparently a burial structure in 11:16, some kind of a tomb. Two buildings (בתין) are mentioned in 4:6. This same meaning is found in the *Temple Scroll*, where, for example, the stairhouse can be termed a בית (11QT^a 31:8¹¹), as are many other structures. Interesting in our context is the use of בתים ומקורים “roofed buildings”,¹² to designate latrines in the *Temple Scroll* (11QT^a 46:14). The usage in 7:9 of בית הקץ, which seems to be a summer house or summer palace, is more literal. The usage of בית for “house” in the normal sense is also found in the *Temple Scroll*.¹³ This usage is most common in both biblical and Mishnaic Hebrew.¹⁴

חצר. In 1:6 this appears to refer to a “courtyard” for residence, since it has a cistern (בור) in it. A courtyard appears also in 2:5 where there is a storehouse for wood in it. But the court of 1:6 is referred to as the Court of the Peristyle, probably referring to a colonnaded structure.

¹⁰ Trans. Yadin, *Temple Scroll*, II, 199; cf. Yadin, *Temple Scroll*, I, 294–304. See also A.I. Baumgarten, “The *Temple Scroll*, Toilet Practices, and the Essenes,” *Jewish History* 10 (1996) 9–20, who in my view has exaggerated the importance of this aspect of sectarian identity.

¹¹ Also restored by Yadin in 11QT^a 30:3–4 and read by Qimron in 30:5. The reading of the top of this column varies markedly in the two editions.

¹² Note the use of *vav* of explication. See GKC § 154 n. 1 (b).

¹³ For example, see the laws of the impurity of the dead in 11QT^a 49:5–51:10 and L.H. Schiffman, “The Impurity of the Dead in the *Temple Scroll*,” in L.H. Schiffman (ed.), *Archaeology and History in the Temple Scroll: The New York University Conference in Memory of Yigael Yadin*, JSPTSup 8, JSOT/ASOR Monograph series 2 (Sheffield: JSOT Press, 1990) 135–156 (pp. 403–423 in this volume).

¹⁴ I omit use of בית in place names from consideration here.

So we cannot be certain if it was a residential area. Another **חצר** is mentioned in 3:1. In the *Temple Scroll* this term appears regularly to refer to the courts of the Temple. This word is used in the same ways in both the Bible and Mishnaic literature.

מסבא. In 1:13 this term for a “spiral staircase” (from the root **סבב**) appears.¹⁵ Some readings find this word also in 11:6, in which case a cache would have been located below a “large staircase” (**המסבא הגדלא**). This term (spelled **מסבה**) also appears in 11QI^a 30:5¹⁶ and 10,¹⁷ 31:8, and in the plural in 42:8.¹⁸ The *Temple Scroll* designates the building in which this staircase is housed as **בית**. But this seems to be termed **שיא** by the *Copper Scroll* in 1:13, although this term may mean “top”. This usage is not found in the Bible but does appear in Mishnaic Hebrew.

מעלות. This term occurs in *Copper Scroll* 1:2 meaning “stairs”, and is used this way in the *Temple Scroll*: 11QI^a 46:7, singular use as a collective; 30:4, 10; 31:9; and 42:7 (**בית מעלות**). It also refers to steps in 2:1 where a salt pit is under the steps. It seems that the singular¹⁹ **מעלהא** in 12:4 refers to a stairway, but it can also refer to one step. This term is found in biblical and rabbinic usage.

מקצע. In the *Copper Scroll* this term appears in 2:13 as a “corner”. In the *plene* spelling, **מקצוע**, appears in many passages in the *Temple Scroll* where it denotes the interior corners.²⁰ So dimensions from “corner” to “corner” where this term appears indicate the inside dimensions.²¹ In *Copper Scroll* 11:1, therefore, the four corners (**מקצועותיה**) of some structure probably refer to the inner corners.

מקרה. This term appears in the *Copper Scroll* 7:8 for a roofed chamber that is part of a summer house or palace (**בית הקץ**). A roof, designated by this same term, is mentioned in 11QI^a 36:6 and 10, where it seems to refer to an arched structure. Such a ceiling is supported by pillars

¹⁵ Spellings with *alef* in place of *hé* to mark the final long vowel on feminine nouns are common in the *Copper Scroll*.

¹⁶ Following Qimron, *Temple Scroll*, 45. Yadin also reads it in line 4.

¹⁷ Again with Qimron, but not Yadin.

¹⁸ Qimron reads it partially also in 10:13.

¹⁹ Note that the long vowel of the feminine noun is indicated twice, with the original *hé* and with an added *alef*.

²⁰ See, e.g., Yadin, *Temple Scroll*, II, 154, to 11QI^a 36:6–7.

²¹ *Ibid.*, II, 132.

(עמודים) in 11QT^a 34:15. That this word can refer to the ceiling, that is, the inside of the roof exposed to what is below, is apparent from the fragmentary 39:2. The word also occurs in 5:6.²² The plural מקרות is found in 33:9. The word מקרה appears in the Bible once (Eccl 10:18), but does not seem to occur at all in rabbinic usage where it has been replaced by תקרה, “ceiling”.

סף. This term for “threshold” appears in the *Copper Scroll* in 2:12. Here there is mention of הסף הגדול under which is the entrance to the cistern itself under a wall. In 11:8 הסבין may be equivalent to הספין, “thresholds”. If so, this would be referring to a grave below the thresholds. In 12:2 there is reference to the סף of a burial niche (בוך). The term סף also appears in the *Temple Scroll*. In 11QT^a 36:9 it is below the משקוף, which is the upper part of the doorway. The synonymous form אסף appears in the plural also in 49:13 meaning the same. There, משקוף also appears as the upper part of the doorway. This term is regular in biblical Hebrew but has effectively been replaced in Mishnaic usage by אסקופה.

עמוד. This term for pillar appears in 4:1 with no further information. In 6:1 it refers to a pillar which seems to be between the two openings of a cave. Such a pillar would be a natural one, rather than the usual columns designated by this word that are created to fit the architecture. In 11:3 the pillar is mentioned as part of an *exedra* associated with a gravesite. This word is used for columns or pillars numerous times in the *Temple Scroll* and is regular in both biblical and Mishnaic usage.

פנה. In *Copper Scroll* 3:5 this term refers twice to the “corner”, apparently of a square courtyard. In 3:10 it is not possible to know what the corner refers to. This is the case also in 11:2 where the reading is very difficult. This term appears in the *Temple Scroll* numerous times. It seems that term in this scroll refers always to the outside corners, so that measurements given according to these “corners” are exterior. In *Copper Scroll* 7:11 פנת המשמרה, “the corner of the guardpost”, most likely refers to the outer corner. While this word is regular in biblical usage, it appears to be used by the rabbis only as a reflex of biblical material, not independently.

²² The reading in Qimron, *Temple Scroll*, 14, is more complete.

פתח. In 1.8 this word signifies an “entrance”, most probably of the cistern, but perhaps of the courtyard referred to there. In this general meaning it is regular in both biblical and Mishnaic usage. In 1:11 it refers to the opening of a heap (גל), presumably. It occurs again in 6:2–3 in relation to a cave with two openings, apparently with a pillar between them. In 6:9 it is also the opening to a cave. In 10:10 it refers to the entrance to a water storage facility (ים). In 6:9 a hidden entrance is referred to as צפון פתחא, which opens to a deep pit (שית). The use of פתח to refer to an opening or entrance also occurs in the *Temple Scroll*. In 11QT^a 41:14 and 46:6 it refers to the openings of the gates (פתחי השערים). According to one reading, 31:7 refers to the “entrance (פתח) [of the roof(?)] of the *heikhal*”.²³ In any case, the *Temple Scroll* usage and that in the *Copper Scroll* seem to be the same.

קבר. In 3:11 and 5:12 of the *Copper Scroll* this term appears for a “grave”. The קבר צדוק in 11:3 is a particular, known gravesite as is the case with קבר בני העבט located in Jericho in 11:9. One of the features of the grave of Zadok in 11:3 is an *exedra*. The same usage of קבר appears in the *Temple Scroll* (11QT^a 50:6, 11). Another קבר is located apparently below the threshold in 11:8. The plural²⁴ קבריין appears in 12:11 where the graves are located at the mouth of the deep pit (שית). The usage in 11QT^a 50:6 results only from the biblical parallel, but the use in 50:11 indicates actual usage by the author of the scroll or his source. Indeed, this word was regular in both biblical and rabbinic usage. It is interesting that in prescribing cemeteries throughout the land (11QT^a 4:11–14), the scroll uses the verb קבר and refers to the cemeteries by the general term מקומות, “places”.

קרקע. This term for “ground” appears in both texts. In 1:7 it refers to the bottom of a pit (בור) but in 1:14 it is simply the ground. In 10:4 it refers to the bottom of a cistern normally filled with water. It appears in 11QT^a 49:12 where it refers to the floor of a house. In the Bible it only appears for a “floor”, but in Mishnaic usage it refers to the “ground” or even to the earth itself, in the sense of “real estate”.

²³ So Yadin, *Temple Scroll*, II, 135, whose translation I follow. Qimron’s reading does not find this word as he reads לפרור [ה]היכל.

²⁴ Plural in ק- is regular in Mishnaic usage as well as in the remnants of Northern Israelite Hebrew found in MT.

רובד. This term appears in the *Copper Scroll* where it seems to refer to a row of stones (2:3). It also appears in the *Temple Scroll* but in a somewhat different meaning. In 11QT^a 4:1–6 it refers to the successively higher pavements on which the levels or chambers surrounding the Temple building are built. In this sense it is a “pavement”.²⁵ The same meaning is found in 46:5, which speaks of a pavement surrounding the outer court of the Temple (the third court in this scroll’s plan) that is 14 cubits wide. It is apparent from these parallels as well as those in rabbinic literature that this term in the *Copper Scroll* must designate rows of stone that protrude so that there is created a stepped structure of some kind, and the third level protrudes out from what is below. The noun **רובד** does not occur in biblical usage. In rabbinic Hebrew it is a “pavement”, often arranged in a stepped structure, so that some translations use the imprecise term “terrace” to describe it.

שער. The *Copper Scroll* uses this term for “gate” in 2:7 where it must refer to a formal gate as opposed to the more informal **פתח** (see above). The *Temple Scroll* speaks of the architectural details of the gates that led into the three concentric courtyards of the Temple as well as into some of the buildings in the Temple as designed according to the scroll. This usage is regular in both biblical and Mishnaic Hebrew.

תל. In *Copper Scroll* 1.9 this word refers to a “mound”. Its use in 11QT^a 55:10 for a destroyed city is simply a reflex of the biblical usage in Deut 13:17. Indeed, this usage is found in the Bible and is also common in Mishnaic Hebrew.

ARCHITECTURAL TERMS IN THE COPPER SCROLL THAT ARE NOT USED IN THE TEMPLE SCROLL

The following architectural terms appear in the *Copper Scroll*, but not in the *Temple Scroll*. In some cases their usage is such that we might have expected them in the Temple plan of the *Temple Scroll*. For some words, it will be noted that alternative expressions are used while these terms are not. Unlikely readings are omitted.

²⁵ Yadin, *Temple Scroll*, II, 12, translates “terrace”, but his interpretation is the same.

אוצר. This word for a “storehouse” (here in the phrase **בית אוצר**) occurs in 8:2 with the strange orthography **אֹוצֶר**.²⁶ This word does not occur in the *Temple Scroll*, but it is common in both biblical and rabbinic usage.

אכסדרן. This is the Greek ἐξέδρα which appears in Latin as *exedra*. Basically, this word has two meanings.²⁷ It can refer to a hall with seats, or to a colonnaded entry into a house or building. In our case, it is clearly the second, designating a pillared entryway into a tomb. Rashi’s translation into Old French, “portico”, seems to capture the meaning best. This word is used in *Copper Scroll* 11:3 where it appears with a medial *nun* in final position as is not so infrequent in the Qumran scrolls. It does not occur in the *Temple Scroll*, although the term **פרור** denotes a similar structure in several passages. A **פרור עמודים**, “pillared stoa”, is mentioned in 11QT^a 35:11 although it is a cultic structure. It should be noted that the Hebrew and Aramaic scrolls from Qumran are virtually free of Greek loanwords, in contrast to Mishnaic Hebrew, which is suffused with them.

אמא. This term for “canal” or “aqueduct” is common in Mishnaic Hebrew but does not appear in the Bible. It occurs in the *Copper Scroll* several times, as in 1:11, where there is reference to the bottom of the aqueduct, or in 4:3 where no details are provided.²⁸ In 5:1 reference is to **אמת המים** and a similar phrase is found in 7:3. In 8:1 the canal is associated with a road. This word does not appear in the *Temple Scroll* where **העלה** (11QT^a 32:12) may be a substitute known from the Bible.

אשווח. This is a term for a pool that occurs in the *Copper Scroll* in 5:6. In 7:4 and 10:5 it is spelled **אשווח**. In 11:12 the plural occurs in **בית האשווחין**, House of the Pools.²⁹ This word is not found in the Bible but occurs in the Meshah Inscription (lines 9 and 23). The similar term **אשיח** is known from Ben Sira 3:3. It is not known in rabbinic sources. This term would have no place in the *Temple Scroll*.

²⁶ Perhaps this spelling indicates a pronunciation with consonantal *vav*.

²⁷ See S. Krauss, *Griechische und Lateinische Lehnwörter im Talmud, Midrasch und Targum*, 2 vols. (Hildesheim: Georg Olms, 1964) II, 44–45.

²⁸ Both these passages use final *alef* instead of *he* to indicate the final long vowel.

²⁹ See the discussion in Lefkovits, *Copper Scroll-3Q15: A Reevaluation*, 392–397.

ביאה. This is a term for “entrance” in 3:9 of the *Copper Scroll*. It does not occur in the Bible but is found in rabbinic texts. Not only is this unusual usage absent from the *Temple Scroll* but the more common **מבוא**, known from both biblical and Mishnaic Hebrew, does not occur there either.

ביב. This term for a “gutter” or “pipe” occurs in *Copper Scroll* 9:11, but not in the *Temple Scroll*. In *Copper Scroll* 12:8 it appears in the feminine as **ביבא**, unless this is Aramaic influence. This word is not found in the Bible but is common in Mishnaic usage.

ברכה. This biblical and Mishnaic term for “pool” of water occurs in the *Copper Scroll* in 2:13 and is often restored in 10:17, but it is not found in the *Temple Scroll*. In general, water systems are not discussed much in the *Temple Scroll*.

חוליא. This term for a “trench” or the dirt piled up around a trench or hole is well known from Mishnaic usage and appears in *Copper Scroll* 1:7. It does not occur in the Bible. It does not appear as such in the *Temple Scroll*, but the term **חיל** which is found there (11QT^a 46:9) is understood by Yadin as a “fosse”, that is, “a kind of very wide ditch”.³⁰

חומא. This term for a “wall”, as in the wall of a city, appears in *Copper Scroll* 2:10 and might have been expected to appear in the *Temple Scroll*. Only **קיר**, however, is found throughout. **חומא** is common in both biblical and rabbinic usage.

חריק. This term for “ditch”, found in 5:8 of the *Copper Scroll*, is a Mishnaic usage that is not paralleled in the Bible where this word designates only “that which is cut” or a “sharp instrument”. This word is not found in the *Temple Scroll*. The term **חיל** is used in that scroll to refer to a barrier constituted of a large ditch.

טור. This biblical word for a “row” occurs in 7:15 of the *Copper Scroll* but not in the *Temple Scroll*. This usage is not found in Mishnaic Hebrew.

³⁰ Yadin, *Temple Scroll*, I, 275.

יָד. This word means a monument in the expression **יָד אַבְשָׁלוֹם** in 10:12, and this usage is not found in the *Temple Scroll*. This usage is found in the Bible but seems not to have been in use in Mishnaic Hebrew.

יָם. The *Copper Scroll* 10:8, 15 and 11:13 uses this word to designate a water storage facility. This term does not occur in the *Temple Scroll*. It is found, however, in the Bible and continues to be used for a tank or reservoir in Mishnaic usage.

יָרֵךְ. This biblical term for “side” appears in *Copper Scroll* 1:7 and 9:8 but nowhere in the *Temple Scroll*. It is not used in this meaning in Mishnaic Hebrew.

כָּרְךְ. This term for a “walled city” is known in Mishnaic Hebrew and used in *Copper Scroll* 12:1, but it does not occur in the *Temple Scroll*. It is not found in the Bible and may indeed be a loanword from Aramaic.

מְבוֹא. This is a term for an “entrance” or “alley” in Mishnaic Hebrew and it appears in *Copper Scroll* 11:16. It does not appear in the *Temple Scroll*. While biblical texts use this word in the sense of “entrance”, it is not used for an alley leading to houses as in rabbinic usage.

מַגְזָה. This term occurring in *Copper Scroll* 6:14 is some form of a “bridge” or “passageway” for the high priest. This term is otherwise known from Aramaic, but does not appear in the *Temple Scroll*, nor in biblical or rabbinic Hebrew.

מַדְף. The *Copper Scroll* uses this term in 3:12–13 for a “board”, but the *Temple Scroll* uses instead **לִזְחוֹת**. This is a simple case of the use of a Mishnaic term in the *Copper Scroll* and a biblical term in the *Temple Scroll*.

מְזָקָא. This term for irrigation canal is known only from Aramaic and occurs in *Copper Scroll* 2:9 but not in the *Temple Scroll*. It is not used in biblical or Mishnaic Hebrew. It might theoretically have found a place in the *Temple Scroll* but **תְּעָלָה** and **מַחְלָה** are used. The plural **מְזָקוֹת** occurs in 10:3.

מַעְרָה. This word, the normal word for “cave”, appears in the *Copper Scroll* as in 2:3, 6:7 and 7:8 but would have no place in the *Temple Scroll*.

In 6:1 it appears in the construct in **מַעְרַת הָעֵמוּד** [מ], “the cave of the pillar”. **מַעְרַת** is common in both biblical and Mishnaic Hebrew.

מִצָּר. This word means a fortress in *Copper Scroll* 9:17 but does not occur at all in the *Temple Scroll* where no such military structures are discussed, even in the laws pertaining to the king and his army. This word appears in both biblical and rabbinic usage.

מִשְׁכָּן. In *Copper Scroll* 6:11 this term designates either an “abode” or perhaps a grave. While the verb **שָׁכַן** occurs numerous times in the *Temple Scroll* to indicate the indwelling of the Divine Presence,³¹ the noun **מִשְׁכָּן** occurs in no usage at all. This is despite the fact that the Temple plan here is an attempt to replicate the Tabernacle and desert camp of Israel.³² While **מִשְׁכָּן** appears all over the Bible, it is virtually limited in rabbinic usage to designation of the biblical Tabernacle.

מִשְׁמֶרֶת. This word for “guardpost” occurs in 7:11 of the *Copper Scroll* but has no real place in the *Temple Scroll*. This word is not found in the Bible, but in Mishnaic Hebrew it refers to the times of the watch, not to the place of watching. Biblical **מִשְׁמָר** does refer to the “guardpost”.

נִדְבָךְ. This term for a “row of stones” appears in *Copper Scroll* 1:5. It is found in late biblical usage and continues into Mishnaic Hebrew. It might easily have been used in the *Temple Scroll* but is not.

נֹטֵף. *Copper Scroll* 9:1 uses this term for a “water pool”, and it does not occur in the *Temple Scroll* where it would have no place as drainage systems for rain water are not discussed there. While this root is attested in biblical and Mishnaic Hebrew, this noun is not found there at all. There is, however, in the Bible a segholate **נֹטֵף** meaning “drip” which is no doubt related.

נִיקְרַת הַטְּבִילָה. This expression for a natural immersion pool appears in *Copper Scroll* 1:12 instead of the usual term **מִקְוֵה** used in Mishnaic

³¹ Cf. L.H. Schiffman, “The Theology of the *Temple Scroll*,” *JQR* 85 (Qumran Studies; 1994) 118–123.

³² L.H. Schiffman, “Architecture and Law: The Temple and its Courtyards in the *Temple Scroll*,” in J. Neusner, E.S. Frerichs and N.M. Sarna (eds.), *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding: Essays in Honor of Marvin Fox*, BJS, 159 (Atlanta: Scholars Press, 1989) vol. 1, 267–284 (pp. 215–232 in this volume).

Hebrew for a ritual bath.³³ The noun **נקרה** means “cleft (in the rock)”, so we can translate the phrase “a cleft for immersion”, that is, a rock pool. This word is used in both biblical and Mishnaic Hebrew, but not for an immersion pool. The *Temple Scroll*, like the Bible, acts as if there is no such thing as an artificial ritual bath and assumes that immersion only takes place in natural water sources, hence there is no word used for this purpose.

נפש. This term for a “grave” or “tomb”, known from Mishnaic Hebrew, appears in 1:5 of the *Copper Scroll* whereas the biblical term **קבר** is regular in the *Temple Scroll*. The usage for “grave” does not occur in the Bible.

פרסטלון. This is the Greek word *περίστυλον*, “peristyle” or “colonnaded structure” which appears in 1:7 of the *Copper Scroll*. No Greek words at all appear in the *Temple Scroll*, but the difficult word **פרור** is used for the same kind of colonnade or stoa,³⁴ and this synonymous term is common in the *Temple Scroll*.

צריח. This unusual term for “catacomb” is used in the *Copper Scroll* as in 2:5; 8:11, 14; 9:4 and 7 but is not found in the *Temple Scroll*. This usage may possibly be found in biblical Hebrew,³⁵ but it seems not to have carried over to Mishnaic Hebrew.

שובך. Normally this term refers to a “dovecote”, but here it seems to be an alternate spelling for **שופך**, a “drain canal”, as it occurs in *Copper Scroll* 9:1 and 17. It does not appear in the *Temple Scroll* although other terms are used. The verbal root **שפך** appears regularly in both biblical and Mishnaic usage meaning “pour”, but the noun is used for “waste water” only in Mishnaic Hebrew.

³³ Cf. the expression **גבא בסלע** (CD 10:12) for a cleft in the rock in which rain water has accumulated and which is used for immersion. Line 11 there specifies the minimum of water for immersion as a **מרעיל** (= **מרחל**), which was equivalent to the 40 seahs required for the volume of a ritual bath by tannaitic law. See S. Lieberman, *Greek in Jewish Palestine* (New York; Philip Feldheim, 1965) 135 n. 151. These passages are preserved only as lacunae in the Qumran MS 4QD^a.

³⁴ Yadin, *Temple Scroll*, II, 21.

³⁵ Lefkowitz, *Copper Scroll-3Q15: A Reevaluation*, 274.

שולים. Usually in the construct **שולי**, this term occurs in the *Copper Scroll* in 1:11, 4:9 and 9:1. In 7:5, 9:1 and 11:7 it appears with *defective* spelling to be read *shulaw*. In all these passages it appears with the Mishnaic meaning, “bottom”, as opposed to the usage in the Bible for “rim, hem”.³⁶ It does not appear in the *Temple Scroll*.

שיא. This word appears in *Copper Scroll* 1:13 for “tower”, or “top” of the stairhouse. It is not used in the *Temple Scroll*. This is a biblical word not used in Mishnaic Hebrew.

שית. Whatever the reading of this difficult word for a “pit” in 3:8, 4:11, 9:14 and 12:10 of the *Copper Scroll*, it does not occur in the *Temple Scroll*. This term can designate a pit of clay in 4:9 or an upper pit in 12:4. The usage of **שית** for “pit” is rabbinic and is not found in the Bible.

ARCHITECTURAL TERMS THAT APPEAR IN THE TEMPLE SCROLL THAT
ARE NOT USED IN THE COPPER SCROLL

In this section I list alphabetically, with their definitions, those architectural terms that are found in the *Temple Scroll*, but that do not appear in the *Copper Scroll*.

גזית, singular **גזית** **אבני**. Dressed stones (3:7). This is a biblical expression (1 Kgs 5:31, Ezek 40:42, 1 Chr 22:2).

אדשכים, singular **אדשך***. Wooden beams (41:16; 42:03). This word is otherwise unattested.³⁷

אולם. Portico of the Temple (4:8). This term is biblical and is used also by Mishnaic sources.

גג. Roof (31:6–8; 39:2; 42:9–10; 44:7; 46:2; 65:6). This term is common in biblical and Mishnaic usage.

³⁶ Lefkovits, *Copper Scroll-3Q15: A Reevaluation*, 616–619.

³⁷ See Yadin, *Temple Scroll*, II, 175. This word is listed for the first time in a dictionary, I believe, in D.J.A. Clines (ed.), *The Dictionary of Classical Hebrew* (Sheffield: Sheffield Academic Press, 1993–) I, 137. It is defined as “rafter or perhaps doorway”.

דלת. Door (6:8; 13:4, 36:11, 39:3, 41:16, 49:12). This word is found in both biblical and Mishnaic Hebrew.

דף. Board (10:10).³⁸ This word is postbiblical. One of its meanings is “board” in Mishnaic Hebrew.

היכל. Temple building (30:5, 7–8; 31:6–7; 35:8, 10). This is a biblical term that continues in Mishnaic use to refer to the Jerusalem Temple building.

חדר. Room (42:01–02;³⁹ 42:3, 5–9; 44:3–12). This term is used in both biblical and Mishnaic Hebrew.

חלונות, חלונות, חלון. Windows, lockers (5:7; 6:5, 8;⁴⁰ 33:11). This term is regular in biblical and Mishnaic usage.

כיוור (*kiyyur*). Entablature (5:7, 10; 6:5, 8; 36:10).⁴¹ This usage is not found in the Bible but appears in Mishnaic Hebrew.

לוח. Board (7:1–3, 5; 34:1). This is a biblical usage, for the most part replaced by **דף** in Mishnaic Hebrew where **לוח** usually refers either to the tablets of the Ten Commandments (in the plural) or to an everyday writing surface.

לולות. Loops⁴² (8:3).⁴³ This biblical usage for the loops of the curtains of the Tabernacle continues to be used for this purpose in rabbinic sources.

³⁸ In the reading of Qimron, *Temple Scroll*. For alternatives, see Yadin, *Temple Scroll*, II, 42.

³⁹ Yadin’s numeration in *Temple Scroll*, II, 177; cf. the fragment designated by him as Rockefeller 43.366 (p. 172), which preserves this text and serves as the basis for the restoration. This MS is numbered 4Q365 and the relevant passage is published under this number in Qimron, *Temple Scroll*, 59.

⁴⁰ The first three passages are restored.

⁴¹ Passages using the homograph **כיוור** (*kiyyor*), “sink”, “basin”, are omitted as this is not an architectural usage.

⁴² This word is variously understood as derived from a singular **לולי*** (BDB, 533a), **לול** (KB, II, 504b) or **לולאה** (Even-Shoshan), which is a form not attested in classical Hebrew that is used in modern Hebrew.

⁴³ Reading with Qimron, *Temple Scroll*, 17.

מזוזה. Doorpost (49:13).⁴⁴ This is a biblical usage that continues into rabbinic Hebrew except that there its most common meaning is the parchment affixed to the doorpost.

מחלה. Pipe or drain (32:13). This biblical term is also common in Mishnaic Hebrew.

מקדש. Temple (*passim*).⁴⁵ This is a biblical term which continues in Mishnaic usage to refer to the Temple in Jerusalem.

נשכות, singular **נשכה**. Chambers (41:17; 42:05, 3, 5, 9; 44:3,⁴⁶ 6, 8, 10, 12; 45:6). This biblical term is replaced in Mishnaic Hebrew by the alternative biblical form **לשכה**.

עיר. City, building complex (*passim*).⁴⁷ This word is common in both biblical and Mishnaic usage.

עליה. Upper chamber (6:6; 31:6). This usage is regular in biblical and Mishnaic Hebrew.

פרור. Stoa, colonnaded structure (5:13; 30:8,⁴⁸ 35:9–10; 37:6, 9; 42:1, 2,⁴⁹ 4, 8–9). This is a biblical term for a structure, apparently colonnaded, that is mentioned in connection with Solomon's Temple (2 Kgs 23:11; 1 Chr 26:18 [פרבר]). In Mishnaic usage the same word refers to the outskirts of a city. In its biblical meaning, it has been traced to a Persian derivation.⁵⁰

קיר. Wall (*passim*).⁵¹ This word is common in biblical and Mishnaic Hebrew.

תא. Chamber, cell (36:6,⁵² 38:15; 40:10). This term is used especially for cells in the Temple structure in biblical and Mishnaic terminology.

⁴⁴ Related is the use of **מנעול**, “lock”, which I do consider an architectural term.

⁴⁵ The many references are listed in Yadin, *Temple Scroll*, II, 449.

⁴⁶ Restored.

⁴⁷ For references, see Yadin, *Temple Scroll*, II, 453.

⁴⁸ Restored by Qimron, *Temple Scroll*, 45.

⁴⁹ Restored in 42:2 by Qimron, *Temple Scroll*, 60.

⁵⁰ BDB, 826b.

⁵¹ A full list appears in Yadin, *Temple Scroll*, II, 457.

⁵² Restored.

תעלה. Drainage channel (32:12). This biblical term has been replaced by אמה in Mishnaic Hebrew.

CONCLUSION

The lists analyzed above indicate that numerous architectural terms that were common in late Second Temple times found their way into both the *Temple Scroll* and the *Copper Scroll*. These terms, of course, were common among Hebrew-speaking and Hebrew-writing Jews throughout the Land of Israel in this period. These usages were drawn, as is to be expected, from the typical vocabulary of the times. It is for this reason that many of them appear in Mishnaic Hebrew as well as in these two scrolls.

At the same time, we need to account for the numerous cases in which this terminology might have appeared in the *Temple Scroll* and does not. In general, the impression we get is that Second Temple architectural terminology is less pervasive in the *Temple Scroll* than in the *Copper Scroll*. This is to some extent because of the biblicizing tendencies of the scroll, which seeks to appear as God's revelation to Israel. Of course the Mishnah and other tannaitic sources show an even fuller presentation of this vocabulary, to the virtual exclusion of the older biblical alternatives that in some cases appear in the *Temple Scroll* instead of the later terms.

All of this leads to an inescapable conclusion. The *Temple Scroll* is an older document and reflects an earlier stage in the development of the postbiblical Hebrew vocabulary. The *Copper Scroll* was composed at a later date, by which time this vocabulary had already replaced numerous terms. This process is only at its beginning in the *Temple Scroll* and also in 4QMMT, but is much more advanced in the *Copper Scroll*.

Are any of these documents in Mishnaic Hebrew? Vocabulary does not make a language, unless it is joined by morphology and syntax. None of these documents can yet be called Mishnaic, but the *Copper Scroll* certainly comes as close as possible. The architectural vocabulary certainly shows that the progress toward Mishnaic Hebrew was already well advanced in the Maccabean and Herodian periods.

PART TWO

THE TEMPLE SCROLL AND OTHER JEWISH WRITINGS

CHAPTER SIX

THE SEPTUAGINT AND THE *TEMPLE SCROLL*: SHARED “HALAKHIC” VARIANTS*

INTRODUCTION

It has long been known that the Septuagint (LXX) contains numerous translations which evidence interpretations otherwise known from rabbinic sources, both halakhic and aggadic.¹ One of the great challenges facing scholars of textual criticism in regard to the LXX has been to distinguish actual textual variants from interpretations,² and to some extent the rabbinic parallels have helped to caution against the facile assumption that all variations constitute true textual variants, by which we mean those which result from the history of transmission of the text.

The discovery of the Dead Sea Scrolls stimulated numerous important contributions to our understanding of the Hebrew texts which lie behind the ancient versions, and of the nature of the biblical texts from which these versions were translated. At the same time, the biblical exegesis of the scrolls has yet to yield up its important contribution to this same issue.

One prime example of a resource for this kind of study is the *Temple Scroll* (11QT).³ This scroll, one of the largest in the Qumran corpus, presents us with a rewritten and reredacted Torah. The author/redactor of this document, writing in the early Hasmonean period, had available to him a variety of sources regarding the building of the Temple,

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¹ Z. Frankel, *Ueber den Einfluss der palästinischen Exegese auf die alexandrinische Hermeneutik* (Leipzig: Joh. Ambr. Barth, 1851).

² On interpretation in the LXX see E. Tov, “The Septuagint,” *Mikra, Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity*, ed. M.J. Mulder, CRINT 2:1 (Assen/Maastricht: Van Gorcum, Philadelphia: Fortress, 1988), 176–178.

³ Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983).

purity laws, the laws of the king, and other topics.⁴ These he skillfully wove together into an imitation Torah, adding his own interpretations and views, and completing his Torah by composing the Deuteronomic Paraphrase with which the scroll ends. Among these sources were certainly some of Sadducean origin, as is now clear from comparison of laws and interpretations in the *Temple Scroll* with those of 4Q *Miqsat Ma'ase Ha-Torah* (4QMMT), on the one hand, and from comparison of 4QMMT with tannaitic sources, on the other hand.⁵

The *Temple Scroll* contains numerous biblical passages which have been either copied or adapted and expanded. It is clear that the author/redactor and his sources had before them *Vorlagen* of the canonical Torah, in its present shape, which demonstrated genuine textual variation when compared with the Masoretic Text (MT). To this textual base, the author(s) added their own interpretations and adaptations. One of the challenges to scholarship is to distinguish these layers. In other words, we must attempt to determine from examination of the scroll which variants with MT (used here as a standard) are the result of textual transmission (genuine textual variants) and which are tendentious, intentional changes by the author or some previous source or *Vorlage*.⁶

We have elsewhere investigated at length the section at the end of the *Temple Scroll*, the Deuteronomic Paraphrase, which in our view is the composition of the author/redactor of the complete scroll.⁷ This section, which is the closest of all the sections of the scroll to the text of the Pentateuch, presents us with an excellent opportunity to inquire into the nature of the biblical text which stood before the author. One of the interesting phenomena we have found, the subject of the present paper, is that there are a number of cases in which the scroll presents a

⁴ A. Wilson and L. Wills, "Literary Sources for the *Temple Scroll*," *HTR* 75 (1982) 275–288.

⁵ See L.H. Schiffman, "The *Temple Scroll* and the Systems of Jewish Law of the Second Temple Period," *Temple Scroll Studies*, ed. G.J. Brooke, *JSPSup* 7 (Sheffield: JSOT Press, 1989) 239–255; idem, "The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect," *BA* 53 (1990) 64–73; idem, "*Miqsat Ma'ase Ha-Torah* and the *Temple Scroll*," *RevQ* 14 (1990) 435–457 (pp. 123–147 in this volume).

⁶ See E. Tov, "Megillat Ha-Miqdash' U-Viqoret Nusah Ha-Miqra'," *ErIs* 16 (1981/2) 100–111.

⁷ L.H. Schiffman, "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992) 543–567 (pp. 443–469 in this volume).

text which varies from that of MT, and agrees with the LXX, in which the variation clearly has halakhic significance.⁸

These shared variants, which we term “halakhic” variants, are cases where the readings in the scroll and the LXX either represent a different legal ruling than that of MT, or seek to clarify a legal question left undetermined in MT. In effect then, there are two types of halakhic variants. One we may term prescriptive, and the second exegetical. By halakhic, we mean relating to issues of Jewish law. We recognize fully that this may be an anachronistic term, since it derives from the rabbinic corpus. Nonetheless, we lack a better designation for the unique combination of ritual, civil, and ethical law which characterizes Judaism in all its ancient manifestations.

This study will examine the halakhic variants which occur in the Deuteronomic Paraphrase of the *Temple Scroll* which are shared with the LXX. We should emphasize that these examples must be seen in the proper context. Numerous examples of halakhic variants between 11QT and MT exist which are not shared by the LXX. Yet this study is devoted to those which are. These examples will be discussed in order of their occurrence in the book of Deuteronomy, which is not the order in which they appear in the scroll. Finally, conclusions about the nature of these variants and their value for our understanding of both the scroll and the LXX will be drawn.

VARIANTS

(1) *Deut 12:22*

11QT 53:07–53:8 is an adaptation of Deut 12:20–28 and deals with non-sacral slaughter. Lines 4–5 read:

⁸ The text of the LXX used here follows J.W. Wevers (ed.), *Septuaginta Vetus Testamentum Graecum Auctoritate Academiae Scientiarum Gottingensis editum*, vol. III, 2, *Deuteronomium* (Göttingen: Vandenhoeck & Ruprecht, 1977) and A.E. Brooke and N. McLean (eds.), *The Old Testament in Greek*, Vol. I, Part III, *Numbers and Deuteronomy* (Cambridge: University Press, 1911).

You shall eat (it)⁹ in your gates, both the pure and the impure¹⁰ among you (בכה) together.¹¹

Comparison with MT (v. 22) indicates that 11QT has the addition בכה, “among you”, not found in MT. This plus solves a halakhic problem in the text. MT is ambiguous and can be interpreted to mean that one can eat both impure and pure (i.e. non-kosher and kosher) animals outside of the Temple area, just as one eats of the gazelle and hart. The addition of בכה is intended to resolve this ambiguity. That the author of the scroll was indeed concerned with this matter can be seen from another modification he introduced, the change in the word order of verses 22–23. He placed the mention of the gazelle and the hart at the end of the sentence, so as to remove the mistaken impression that the pure and impure are to be compared with these animals. In this respect he also was harmonizing this text with Deut 12:15.

The LXX to Deut 12:22 reads, ὁ ἀκάθαρτος ἐν σοὶ καὶ ὁ καθαρὸς, “the impure among you and the pure”. This same variant is found in the Samaritan which has: הַטְמֵא בֶּךָ וְהַטְהוּר.¹² This variant seems, like the reading in the *Temple Scroll*, to be intended to make the point that the text is not discussing impure or pure animals, but rather those Israelites who are ritually pure or impure.

This is an example of the exegetical variety of halakhic variant as it attempts to make certain that the text of Deuteronomy will not be misunderstood in an important halakhic context. While the scroll has gone much further in its attempt to eliminate this ambiguity, as evidenced by its rewriting of the surrounding passage in a different order, it is clear that the LXX represents an attempt to clarify the same matter.

(2) Deut 13:7

11QT 54:19–55:1 is a virtual quotation (as restored) of the law of the enticer to idolatry in Deut 13:7–12. The text begins (lines 19–21):

⁹ Meat slaughtered in a non-sacral context.

¹⁰ The scroll switches the order of reference as Deuteronomy has “the impure and the pure”. Such variations are not uncommon in the scroll and result either from genuine textual variants in the scroll’s *Vorlage*, or from sloppiness on the part of the author or a copyist.

¹¹ All translations in this paper are mine. On this passage, cf. Yadin, *Temple Scroll*, II, 238. See also below, on Deut 15:22.

¹² Tov, “‘Megillat Ha-Miqdash’,” 106.

And if your brother, the son of your father or the son of your mother, or your son or your daughter, or the wife of your bosom, or your neighbor who is like you, shall entice you secretly saying, "Let us go and worship other gods"...

¹³

In quoting Deut 13:7 the text of the scroll includes the phrase **בן אביו**, "son of your father or", which is lacking in MT.¹⁴ It is clear from the most cursory examination of the list of relatives included here that the son of your father, i.e. your brother or half brother, belongs in this list. The purpose of the list is to indicate that the requirement of having no mercy on such an enticer extends even to one's closest relatives.¹⁵

The same variant is found in the LXX which adds *ἐκ πατρός σου ἢ*, "from your father or", after "your brother". Indeed, the Samaritan also has **בן אביו או בן אמך**.¹⁶ In view of the requirement of this reading for the sense of the verse, its prevalence in Second Temple times, and its presence in 4QDeut,¹⁷ it is certain that we are dealing here with a genuine reading which was found in a *Vorlage* available to the author.

In this case, we are dealing with a halakhic variant of prescriptive nature, since this variation effects the specific details of the law. In other cases, one is not allowed to testify against close relatives. Here, however, the Torah specifically makes an exception. Accusations and testimony of enticing to idolatry may be made even by these relatives who normally do not testify against each other.

In this example we cannot be certain if MT is primary and the other versions all added the father to correct the text, or if the text originally included the son of the father and MT represents a defective text. In

¹³ Cf. the commentary of Yadin, *Temple Scroll*, II, 245 and L.H. Schiffman, "Laws Concerning Idolatry in the *Temple Scroll*," *Uncovering Ancient Stones: Essays in Memory of H. Neil Richardson*, ed. L.M. Hopfe (Winona Lake, IN: Eisenbrauns, 1994) 159–175 (pp. 471–486 in this volume).

¹⁴ The reading of 11QT is confirmed here by MS.b. See A.S. van der Woude, "Ein Bisher unveröffentlichtes Fragment der Tempelrolle," *RevQ* 13 (1988) 89–92. For a full discussion of this fragment, see the Appendix in Schiffman, "Laws concerning Idolatry."

¹⁵ The absence of the brother through the father in MT was felt by the tannaim in *Sifre Devarim* 87, ed. L. Finkelstein (New York: Jewish Theological Seminary of America, 1969) 151. Accordingly, they understood **אחיו** as referring to him, separating this word from **בן אמך** which follows.

¹⁶ Tov, "'Megillat Ha-Miqdash,'" 106.

¹⁷ Fragments 21 and 22 in S. White, *A Critical Edition of Seven Manuscripts of Deuteronomy: 4QDt^a, 4QDt^c, 4QDt^d, 4QDt^f, 4QDt^g, 4QDtⁱ, and 4QDtⁿ* (Cambridge, Mass.: Harvard University Doctoral Dissertation, 1988) 62–63.

any case, the author of the scroll had a text before him which included this additional phrase and he simply quoted from it.

(3) *Deut 13:14 and 16*

11QT 55:2–14 parallels closely Deut 13:13–19, the commandment regarding a city which has been led astray to idolatry, עיר הנדחת in rabbinic parlance.¹⁸ Here we read in lines 2–7:

If you hear regarding on[e of your cities which] I give you [in which] to dwe[ll], the following:¹⁹ “Some worth[less] peo[p]le among you have gone out and have led astray all the [in]habitants of their city, saying,²⁰ ‘Let us go and worship gods’ which you have not known,” then you must ask, inquire and investigate carefully.²¹ If the accusation turns out to be true (and) correct, (that) this abomination has been performed among (the people of) Israel, you must kill all the inhabitants of that city by the sword, destroying²² it and all (the people) that are in it. And all its domesticated animals²³ you must kill by the sword.²⁴

This passage contains two instances of the presence of כול, “all”, where it is not found in MT. 11QT adds כול indicating that all the inhabitants must worship idols for this law to apply (line 3), and again that all the inhabitants be killed (line 6). These are clearly halakhic modifications.

In the case of the requirement that all the inhabitants be led astray to idolatrous worship for this law to apply, the ruling of the scroll contrasts with that of the tannaim who require only that the majority of the inhabitants worship idolatrously (*m. Sanh.* 4:1). The scroll may have been influenced here by Gen 18:24–25 in which Abraham asks

¹⁸ On this passage, cf. Yadin, *Temple Scroll*, II, 247–249 and Schiffman, “Laws Concerning Idolatry.”

¹⁹ This is the meaning of לאמר in this context.

²⁰ 1QDeut^a preserves Deut 13:13–14 in fragmentary form [D. Barthélemy and J.T. Milik, *Qumran Cave I*, DJD 1 (Oxford: Clarendon Press, 1962) 55]. No variants with MT except those occasioned by Qumran orthography can be found there.

²¹ הטיב here modifies all three verbs, not only the first as in Yadin’s translation (*Temple Scroll*, II, 247, 401).

²² Taking החרם as an infinitive absolute used in the gerundive sense, rather than as an imperative.

²³ I.e. permissible, edible animals.

²⁴ 4QDeut^c Fragment 24 (White edn, 66–67.) preserves the words את בהמתה. As noted by White, the phrase is missing in some Greek manuscripts as a result of homoiographon. Based on this reading, A. Rofé, *Mavo’ Le-Sefer Devarim* (Jerusalem: Akademon, 1988) 64 n. 14 would omit the entire phrase (up to the end of the verse) from the text of Deuteronomy.

God how he can take the lives of the righteous along with the sinners.²⁵ Ezek 18:1–20 which likewise expects that only those who violate the law will suffer divine punishment may also have been a factor here. In any case, according to the *Temple Scroll*, collective responsibility was not possible. Only those who actually worshiped idols could be included in the idolatrous city. The possibility that we are dealing here with a polemic against the Hasmonean practice of destroying pagan cities must also be considered.

That all the inhabitants of the idolatrous city are to be killed, also emphasized by the scroll, contrasts with the view of some tannaim that the children of the idolatrous city are to be spared (*t. Sanh.* 14:3).²⁶

Both these additions of כּוֹל correspond to the reading of the LXX which has πάντας in both these passages.²⁷ These are indeed halakhic variants, intended to indicate these specific rulings. But the parallel with LXX shows that these changes can have taken place in the *Vorlage* of the author, and may not be original to the *Temple Scroll*. Regardless, the additions of כּוֹל in the scroll or its *Vorlage* and the LXX were intended to polemicize against specific views which we know from later tannaitic sources.

(4) *Deut 15:22*

11QT 52:7–12 is almost a quotation of Deut. 15:19–23. Dealing with the blemished firstborn animal, lines 10–11 prescribe:

In your gates you shall eat it, the impure and the pure among you (בבכה) together, like the gazelle and the hart.²⁸

In quoting the text of verse 22, the scroll has בבכה, “among you”, which is not found in MT. The purpose of this variant, like that discussed above in Deut 12:22, is to eliminate the ambiguity of the verse, which could have been misunderstood to mean that kosher and non-kosher animals could be eaten. The addition clarifies that it is the pure and

²⁵ Yadin, *Temple Scroll*, II, 247.

²⁶ In line 8 the scroll even adds כּוֹל again to say that all animals must be destroyed. The notion that all the animals are to be killed disagrees with the tannaitic view that certain animals designated as offerings are to be saved (*t. Sanh.* 14:5 and *Sifre Devarim* 94 [Finkelstein edn, 156]). The Tosefta records disagreement as to which kinds of offerings are to be exempted, whereas the *Sifre* excludes all offerings.

²⁷ Tov (“Megillat Ha-Miqdash,” 106) refers only to the addition in line 3 where he notes that the SP is in agreement with MT.

²⁸ See Yadin, *Temple Scroll*, II, 234.

impure Israelites who may eat of the blemished firstborn which is slaughtered in a non-sacral context. Here again, this exegetical halakhic variant is shared by the LXX²⁹ which has: ὁ ἀκάθαρτος ἐν σοὶ καὶ ὁ καθαρὸς, “the impure among you and the pure”.

(5) *Deut 17:3*

11QT 55:15–56:04 is copied almost verbatim from Deut 17:2–7. In lines 17–18 the specific offense of the idolatrous individual is outlined:

and he (or she) goes and serves other gods and bows down to them, either to the sun (אֱלֹהֵי שֶׁמֶשׁ), or to the moon, or to any of the host of heaven...³⁰

In this passage, the scroll has אִם, “or”, where the conjunctive -וּ, usually “and”, and sometimes “or”, appears in MT. What is at stake here is a very minor point of interpretation with legal ramifications. Verse 3 as it appears in MT is ambiguous. The text of MT can be misconstrued to require that to be guilty of idolatrous worship one must worship both idols (“other gods”) and astral bodies. In order to dispel this possibility of misinterpretation, the scroll, or his *Vorlage*, substituted אִם for the ambiguous conjunctive -וּ.

The situation in the LXX to this passage is somewhat complex.³¹ LXX in most manuscripts preserves absolutely no conjunction, so that it is as if a colon is placed after “other gods” such that the sun, moon, and other astral bodies are the “other gods” in question. Such an interpretation would severely limit the applicability of this law to astral worship alone, and seems to fly in the face of its simple meaning and the history of its interpretation. More likely is the reading of other LXX MSS which have ἢ, “or”, and which agree with the reading of the *Temple Scroll*.³² This second LXX text represents the same interpretive process we have seen in the scroll.

In this case, some LXX manuscripts and the scroll share a halakhic variant of the exegetical variety which seems to be a secondary change designed to remove ambiguity. We cannot tell if both these sources

²⁹ In this case, however, the SP agrees with MT (Tov, “Megillat Ha-Miqdash’,” 106).

³⁰ See Yadin, *Temple Scroll*, II, 249 and Schiffman, “Laws Concerning Idolatry.”

³¹ The Samaritan is in agreement with MT (Tov, “Megillat Ha-Miqdash’,” 106).

³² Tov, “Megillat Ha-Miqdash’,” 106.

derived this reading from their *Vorlagen* which were in agreement, or if they independently arrived at this interpretation.

Indeed, from the point of view of the LXX, one cannot even really consider the translation of a -ו conjunctive (assuming this to be the reading of the *Vorlage*) to be a variant, only a correct interpretive translation. Yet in any case, the scroll and some manuscripts of the LXX share the same halakhic variant or exegesis.

(6) *Deut 17:9*

11QT 56:05–11 is an adaptation and expansion of Deut 17:8–13.³³ This passage deals with the requirement to heed the decisions of the authorities. Lines 07–1 command:

[And you shall come to the priests (and?)³⁴ the Levites, o]r (ו)ר³⁵ to the [j]u[dges]³⁶ who will be (in office) in those days].³⁷

The scroll has the conjunction ור where MT to Deut 17:9 has -ו, usually “and”. The text as it appears in MT can be taken to require that the cases described in verse 8 must be tried before “the Levitical priests and the judge”.³⁸ Such a procedure would require a verdict of lay and priestly judges. The reading ור, “or”, provides the option of trying the case either in a priestly venue or in a lay court. According to the editor’s reconstruction, the scroll would allow either a court of priests and Levites, or a group of judges. A parallel in 11QT 61:7–9 would support the notion that the reading of the scroll included the Levites as a separate group, not simply as a description of the priests.

³³ In light of the many variations with MT found in the preserved portions of this text, it is unlikely that Yadin’s proposed text of 05–07 (*Temple Scroll*, II, 250) should be considered anything more than, in his words, a “suggested reconstruction”.

³⁴ The conjunction does not appear in MT to Deut 17:9 which has הכהנים הלויים, “the Levitical priests”. Nonetheless, Yadin (*Temple Scroll*, II, 250) reconstructs with the conjunction in light of והלויים in 11QT 61:8 (*ibid.*, II, 278) which has no equivalent in MT.

³⁵ The bottom of the *waw* is preserved so that no reading other than this is possible (*cf. ibid.*, *Temple Scroll*, II, 251).

³⁶ Yadin restores the plural based on its appearance in the parallel in 11QT 61:9 which is derived from Deut 19:17 where the plural appears. It is also possible to restore the singular in our passage as does Tov (“*Megillat Ha-Miqdash*,” 107) who indicates that the SP also has the singular.

³⁷ See Yadin, *Temple Scroll*, II, 251.

³⁸ *Cf. Sifre Devarim* 153 (Finkelstein edn, 206).

Indeed, the Qumran sectarian texts expect that priests, Levites and Israelites would all be part of the court.³⁹

Certain manuscripts of the LXX to Deut 17:9 also have ἢ “or”, in agreement with the *Temple Scroll*. Indeed, this is the reading of several manuscripts of the MT, the SP and the Lucianic and Thedotionic renderings.⁴⁰ This reading, like that of the scroll, would clearly indicate that the meaning of -ו in this passage is “or”.

In this case, in both the scroll and the Greek readings in question, we are dealing with a halakhic variant the purpose of which is exegetical. We cannot be certain if this variant was independently introduced by the author of the scroll or if he found it in the text of Deuteronomy in front of him. Alternatively, he may have been familiar with this exegesis which is found elsewhere and adapted the biblical text accordingly.⁴¹

(7) *Deut 18:5*

11QT 60:1–15 specifies the Levitical and priestly emoluments as understood by the author. Lines 10–11 are almost a quotation of Deut 18:5:

For I have chosen them (the priests) from among all your tribes to stand before Me, and to serve and to pronounce the benediction in My name, him (Aaron) and all his sons forever.⁴²

The author of the scroll has reformulated this verse in the first person, so that God addresses the people of Israel directly. This is one of the characteristic features of the style of the scroll and testifies to the author’s theology of direct divine revelation without the intermediacy of Moses. Yet the key variant with MT is the presence in the scroll of “and to pronounce the benediction” (ולברך), not found in MT. On the one hand, this variant results from harmonization with Deut 10:8, “to serve Him and to pronounce the benediction in His name”, לשרתו ולברך, בשמו, and 21:5, “to serve Him and to pronounce the benediction in the name of the Lord” (לשרתו ולברך בשם ה')⁴³ which appears in

³⁹ See L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code*, BJS 33 (Chico, CA: Scholars Press, 1983) 26–28.

⁴⁰ Yadin, *Temple Scroll*, II, 251.

⁴¹ Note that the scroll made no such change in 11QT 61:8–9.

⁴² See Yadin, *Temple Scroll*, II, 273–274.

⁴³ Tov, “Megillat Ha-Miqdash’,” 107.

11QT 53:3.⁴⁴ At the same time, the reading of 11QT is designed to emphasize the obligation of the priests (and only the Aaronide priests) to pronounce the priestly blessing found in Num 6:22–27. This benediction was recited daily in the Second Temple⁴⁵ and the author of the scroll expected this pattern to continue in his ideal sanctuary.

The very same harmonization is found in the LXX to Deut 18:5 which reads, καὶ εὐλογεῖν ἐπὶ τῷ ὀνόματι αὐτοῦ, “and to pronounce the benediction in His name”. The very same reading appears in the SP.

In this case we again see a halakhic variant of the prescriptive type. The text as found in 11QT, LXX and the SP, the result of harmonization, seeks to emphasize the obligation of the priests to recite the priestly blessing. We cannot claim that this interpretation is original to the scroll. It may already have been in the author’s *Vorlage*.

(8) *Deut 21:6*

11QT 63:05–8 corresponds to the expiation ceremony to be conducted in case a body is found, as described in Deut 21:1–9. Lines 4–5 provide:

Then all the elders of that city which was nearest to the body shall wash their hands upon the head of (על ראוש) the heifer whose neck was broken in the stream.⁴⁶

The parallel in MT does not have the word ראוש, “head”, and instead commands in verse 6 that the elders “wash their hands upon the heifer”.⁴⁷ The text in the scroll is clearly intended to clarify a halakhic requirement, namely that the washing of the hands be done in such a manner as the water drip down over the head of the heifer the neck of which has already been broken.⁴⁸ The water from the lustrations is expected to flow back into the stream and in some way to purify the earth of the transgression of the murder of the innocent man whose body was found.

⁴⁴ With modification to direct divine discourse in the first person.

⁴⁵ *m. Tamid* 5:1, 7:2; *m. Sotah* 7:6.

⁴⁶ See Yadin, *Temple Scroll*, II, 284.

⁴⁷ This is also the reading of the SP (Tov, “Megillat Ha-Miqdash”, 108). This phrase is not preserved in 4QDeut^f Fragments 17–19 (White edn, 188; see n. 17).

⁴⁸ J. Maier, *The Temple Scroll, An Introduction, Translation & Commentary*, JSP Sup 34 (Sheffield: JSP Press, 1985) 132.

A similar requirement is found in tannaitic law. *m. Soṭah* 9:6 and *Sifre Devarim* 209⁴⁹ state that the washing is to be performed over the place where the animal's neck was broken, i.e. over the back of the neck. Apparently, the very same ruling was adopted by the scroll.

The reading of the LXX, ἐπὶ τὴν κεφαλὴν τῆς δαμάλεως, “the hands over the head of the heifer”, also indicates the very same ruling. In this case the LXX and the scroll represent the same prescriptive halakhic addition to the biblical text. What we still do not know is whether for the author of the scroll this addition was found in his *Vorlage*. In any case, this is a shared prescriptive halakhic variant.

(9) *Deut 21:12*

11QT 63:10–64:03 details the laws of the woman taken captive in war, and follows Deut 21:10–14 with modifications.⁵⁰ Lines 12–13 provide:

Then you shall bring her into your house, and you shall shave her head and pare her nails, and remove her captive's garb.⁵¹

This version of Deut 21:12 differs from MT in an important aspect. Whereas according to MT, the captive woman herself is supposed to perform the three actions described in the verse,⁵² according to the version of the *Temple Scroll* these actions are to be done by the prospective husband.

The text of 11QT differs in regard to a second detail. The first and third actions to be performed are clear, the shaving of the head and the removal of the captive's garb. Yet what of the second? The ambiguous use of the verb עשה led to controversy in tannaitic times regarding whether the text meant to cut the nails or to grow the nails.⁵³ The text of the scroll, requiring that the husband to be undertake these actions, makes clear its view that the “doing” of the nails refers

⁴⁹ Finkelstein edn, 243.

⁵⁰ On this law see Yadin, *Temple Scroll*, I, 364–367; L.H. Schiffman, “Laws Pertaining to Women in the *Temple Scroll*,” *The Dead Sea Scrolls, Forty Years of Research*, ed. D. Dimant and U. Rappoport (Leiden: E.J. Brill; Jerusalem: Magnes Press and Yad Izhak Ben-Zvi, 1992) 210–228 (pp. 519–540 in this volume); and M.R. Lehmann, “The Beautiful War Bride (יפת תואר) and other *Halakhoth* in the *Temple Scroll*,” *Temple Scroll Studies*, 265–271.

⁵¹ See Yadin, *Temple Scroll*, II, 286.

⁵² The SP here is in agreement with MT (Tov, “Megillat Ha-Miqdash’,” 108).

⁵³ *Sifre Devarim* 212 (Finkelstein edn, 245–246); *b. Yebam.* 48a; cf. Targumim.

to paring them. This action can be undertaken by the man; obviously “growing” cannot.

Both rulings of the *Temple Scroll* are found in the LXX which accordingly translates, καὶ περιονυχιεῖς αὐτήν, “and you shall cut her nails”. The LXX, like the scroll, requires that the actions be performed by the husband and that the nails be cut, not grown.

In this case we have a variant between 11QT and MT which has ramifications in regard to two halakhic issues. The scroll and the LXX have the identical text. It is hard to believe that this common variant would have come into existence independently in both places. Rather, it seems that both these sources had such a text in their *Vorlage*. This text may itself be tendentious, but there is no way to be certain.

CONCLUSION

In the Deuteronomic Paraphrase at the end of the *Temple Scroll* there are a variety of shared halakhic variants, some exegetical and some prescriptive, which are found in both the scroll and the LXX. In these cases, we cannot assume that the scroll has originated the particular reading, especially in cases which deal with halakhic matters known to have been debated in Second Temple times. In general, the examples we have examined are cases in which we must conclude that either the author/redactor of the scroll found these variants in his *Vorlage* or that he knew of the exegesis represented in the LXX and incorporated this interpretation into his scroll. In either case, it seems that the rulings of the shared halakhic variants cannot be considered to be original to the *Temple Scroll*.

It is important to keep these shared variants in perspective. They amount to a small minority of the many differences between the text of 11QT and MT. Many of the other variants, however, which are of similar nature to those we have studied here, must be assumed to emerge from the text base of the Bible available to the scroll or its source. Others, however, no doubt originate with the scroll, as is clear from detailed study.

From the point of view of Septuagint studies, our comparisons illustrate the fact that whereas many variations between LXX and MT result from variants in the *Vorlage* of the LXX, this is not the only possibility. Often exegesis has been introduced into LXX readings such that they do not constitute real variants with MT. This is clearly the case with many of the variants between 11QT and MT as well.

From the perspective of the history of Judaism we must emphasize the intimate links between the scribal process of passing on texts, and the exegetical process of interpreting them. Interpretations are often evident in ancient biblical manuscripts and translations, and some of these were introduced secondarily in the process of transmission. In the *Temple Scroll* we have perhaps the most extreme example, because of the purposeful rewriting of the Torah.

Let us finally emphasize that the *Temple Scroll* cannot be looked at as an anthology of variant biblical texts. It includes many genuine textual variants, but these are only a few of the many variations with MT which have been created as a result of the intentional exegetical, halakhic and literary activity of the author/redactor and his sources, all of whom reshaped the biblical material for their own purposes. Yet in some cases the author/redactor had before him biblical texts which already included such interpretations, of which those shared with the LXX are a small part.

CHAPTER SEVEN

THE SACRIFICIAL SYSTEM OF THE *TEMPLE SCROLL* AND THE *BOOK OF JUBILEES*

The Jewish legal materials in the *Book of Jubilees*, usually but anachronistically termed *halakhah* for want of a better sobriquet, have long been the subject of scientific study. Attention was drawn to the problems raised by this material for the study of the history of Jewish law already in the early days of the *Wissenschaft des Judentums*. Studies by such leading scholars as Z. Frankel,¹ A. Buechler,² Ch. Albeck³ and L. Finkelstein⁴ were devoted to this issue. With the discovery and publication of the *Ṣadokite Fragments* by S. Schechter⁵ and their detailed analysis by L. Ginzberg,⁶ even greater importance accrued to the *Book of Jubilees* since it was explicitly mentioned in the new manuscript (CD 16:3–4). The discovery of the Qumran scrolls, among them numerous fragments of *Jubilees*,⁷ further heightened the need to place this pseudepigraphal text within the matrix of the sectarian trends of Second Commonwealth Judaism.

The recent publication of the *Temple Scroll*⁸ has again raised significant questions regarding the place of the *Book of Jubilees* in the history of Jewish law. The provenance of this new scroll itself is a matter of debate, centering around the question of whether it is actually to be considered a part of the corpus of compositions of the sectarians of

¹ "Wissenschaftliche Aussätze, Das Buch der Jubiläen," *MGWJ* (1856) 311–16, 380–400.

² "Studies in the Book of Jubilees," *REJ* 82 (1926) 253–74; "Trace des idées des coutumes Hellénistiques," *REJ* 89 (1930) 321–48.

³ *Das Buch der Jubiläen und die Halacha* (1930).

⁴ "The Book of Jubilees and the Rabbinic Halaka," *HTR* 16 (1923) 39–61.

⁵ *Documents of Jewish Sectaries, Vol. I, Fragments of a Ṣadokite Work* (Cambridge: University Press, 1910).

⁶ *Éine unbekante jüdische Sekte* (New York, 1922), English translation, *An Unknown Jewish Sect* (New York: Jewish Theological Seminary, 1976).

⁷ See J.C. VanderKam, *Textual and Historical Studies in the Book of Jubilees* (Missoula, Montana: Scholars Press, 1979), 18–101 for a detailed discussion of the published material.

⁸ *Megillat Ha-Miqdash*, 3 vols. (Jerusalem: Israel Exploration Society, 1977); *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983).

Qumran, identified by most scholars as the Essenes, or not.⁹ If not, it is certainly to be seen as a text stemming from a group which the Qumran sect saw as related to itself in some way and perhaps as their spiritual ancestors. At any rate, the new scroll has in many places been found by its editor, the late Professor Yigael Yadin, to parallel the *Book of Jubilees*.¹⁰ B.Z. Wacholder has gone so far as to suggest that the *Temple Scroll* was actually one of the sources which the author of *Jubilees* used as a “pillar” of his work. In order to support this claim, Wacholder surveys various parallels between the texts, some of which are in the realm of the Jewish legal tradition.¹¹

Comparisons between the *Temple Scroll* and the book of *Jubilees* have thus far tended to be episodic, with scholars noting some similarities here or there, but without a complete study of one topic as presented in both documents. Such a study, to be undertaken here for the festival sacrificial law of the two documents, would allow us to note not only places of agreement, but also those of disagreement. It must be stressed that the method of legal derivation is as important as the result. We shall have to look at how each document interpreted Scripture. We will want to know if a common exegetical tradition or method can be found in these works. Otherwise, we cannot be certain of their relationship. Our study will proceed in the order of the sacrificial calendar as outlined in the *Temple Scroll*. Finally, we shall attempt to reach general conclusions as to the relationship of the two texts at least as regards this one aspect of their legal material.

The festival sacrificial calendar of the *Temple Scroll* constitutes a distinct literary unit. 11QT 13:9 begins the section with the discussion of the daily sacrifice and it concludes with 11QT 29:2–10. The unitary structure of this sacrificial festival code has led A. Wilson and L. Wills to propose that this calendar existed even before the composition of the *Temple Scroll* and that it, like the collection of purity laws (11QT 48:1–51:10) and the “Torah of the king,” (11QT 57–59) served as sources for the author of the *Temple Scroll*.¹²

⁹ See L. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico: Scholars Press, 1983), 13–17, and Review of: “*The Temple Scroll* by Yigael Yadin,” BA 48 (1985) 122–26.

¹⁰ Cf. the index of citations in *Temple Scroll*, II, 478.

¹¹ *The Dawn of Qumran, The Sectarian Torah and the Teacher of Righteousness* (Cincinnati: Hebrew Union College Press, 1983), 41–62.

¹² A. Wilson, L. Wills, “Literary Sources of the *Temple Scroll*,” *HTR* 75 (1982) 275–88.

To clarify matters, a table follows in which the widely scattered material in the *Book of Jubilees*¹³ is correlated with the relevant passages from the *Temple Scroll*:

Daily Offering	11QT 13:10–16	<i>Jub.</i> 6:14
Sabbath Sacrifices	11QT 13:17–14:02	<i>Jub.</i> 50:10–11
New Month Sacrifice	11QT 14:02–8	<i>Jub.</i> 31:1–3
First Day of First Month	11QT 14:9–15:2	<i>Jub.</i> 6:23–29 <i>Jub.</i> 7:2–5 <i>Jub.</i> 13:8–9
Days of Ordination	11QT 15:3–17:4	<i>Jub.</i> 30:18 <i>Jub.</i> 31:13–15 <i>Jub.</i> 32:1–9
Passover Sacrifices	11QT 17:6–16	<i>Jub.</i> 49:1–23
Sacrifices on Bringing Omer	11QT 18:1–10	
First Fruits of Wheat	11QT 18:10–19:9	<i>Jub.</i> 6:17–22 <i>Jub.</i> 15:1–2 <i>Jub.</i> 16:13 <i>Jub.</i> 22:1–6 <i>Jub.</i> 14:19–20 <i>Jub.</i> 32:12–14 <i>Jub.</i> 44:4
New Wine	11QT 19:11–21:10	<i>Jub.</i> 7:36 <i>Jub.</i> 32:12–14
New Oil	11QT 21:12–23:02	<i>Jub.</i> 7:36 <i>Jub.</i> 32:12–14
Wood Offering	11QT 23:1–25:1	<i>Jub.</i> 21:12–14
Day of Remembrance	11QT 25:2–10	<i>Jub.</i> 6:23–29 <i>Jub.</i> 12:16 <i>Jub.</i> 31:3
Day of Atonement	11QT 25:10–27:10	<i>Jub.</i> 34:12–19
Sukkot and Shemini Atzeret	11QT 27:10–29:1	<i>Jub.</i> 16:19–31 <i>Jub.</i> 18:18 <i>Jub.</i> 32:27–29

I. THE DAILY OFFERING

Jub. 6:14 refers to the daily sacrifice, morning and evening, in connection with the covenant God made with Noah after the flood. The text is not explicit as to whether the offering is to be provided by the

¹³ Numeration and translation are according to R.H. Charles, *The Book of Jubilees* (London: Adam and Charles Black, 1902), which is based on his edition, *The Ethiopic Version of the Book of Jubilees* (Oxford: Clarendon Press, 1895).

priests or paid for out of public funds, a matter of great controversy in Rabbinic accounts of the Boethusians (or Sadducees in some texts).¹⁴ Nonetheless, verse 13 indicates that the commandment of daily sacrifice has been given to the Children of Israel. According to verse 14, “They shall observe it . . . that they may continue supplicating . . . that they may keep it.” This emphasis on the collective obligation of Israel can only indicate that the author of *Jubilees*, like the Pharisees, required that the daily offerings be a communally discharged obligation provided by the people as a whole. No details of the sacrifice are given. *Jubilees* indicates that the sacrifices serve to “seek forgiveness on your (Noah’s) behalf perpetually before the Lord,” an idea for which no parallel can be found in the Bible.

11QT 13:10–16 presents the laws of the daily sacrifice, based on Exod 29:38–42 and Num 28:3–8. It is impossible to tell because of a break in the text whether the author used the plural formulation of Numbers or the singular of Exodus. Some support for the notion that the author was of the opinion that the offerings could be contributed from private funds comes from the provision that the hide of the burnt offering may be kept by the priest who offers it. This prescription is based on Lev 7:8 which refers to a private burnt offering (עֹלֵת אִישׁ). If the priest is to keep the hide, then the animal must have been his personal contribution. If so, the author of the *Temple Scroll* agreed with the Boethusians (or Sadducees) on this question.¹⁵ *Jubilees*, as was shown above, took the opposite position, that of the Pharisees, requiring that the offering come from public funds. Our two sources, then, are in fundamental disagreement regarding the nature of the daily sacrifice.

II. SABBATH SACRIFICES

Jub. 50:10–11, part of a passage dealing extensively with the laws of Sabbath observance, indicates that the only labor permitted on the

¹⁴ *b. Menah.* 65a, *Megillat Ta’anit* 1:1 (ed. H. Lichtenstein, “Die Fastenrolle,” *HUCA* 8–9 [1931–32] 323). Cf. L. Finkelstein, *The Pharisees* (Philadelphia: Jewish Publication Society, 1966), I, 282–3; II, 710–16. The phrase “on your behalf” which appears twice in *Jub.* 6:14 is a reflex of עַל נַפְשֵׁיכֶם in Lev 17:11, as noticed by Charles. In this case, it refers to Noah whose transgression (which takes place in *Jub.* 7:6–9) is to be expiated eternally by Israel’s daily sacrifice.

¹⁵ Note, however, the use of the plural תְּקַרְבּוּ in 11QT 13:17 which, as noted by Yadin, *Temple Scroll* II, ad loc., is the reading of the LXX.

Sabbath is the burning of frankincense, bringing oblations and sacrifices “for days and for Sabbaths.”¹⁶ Only this work, says the author, may be done in the sanctuary on the Sabbath, “that they may atone for Israel with sacrifice continually from day to day...” Here again he emphasizes that the daily offering is for atonement and that it must be offered each and every day, including on the Sabbath. His repetitive tone seems to argue for a polemic with some other view to the effect that the daily offering was to be set aside in favor of the Sabbath sacrifice. Indeed, we have shown that such may be the view of the *Zadokite Fragments* (CD 11:17–18).¹⁷ No specifics regarding the offerings are mentioned. It can be assumed that the details of the offering are those of Num 28:9–10, the only prescription regarding the Sabbath offerings found in Scripture.

11QT 13:17–14:02 is a paraphrase of Num 28:9–10. It seems to offer no clue as to the author’s views on the problem of Sabbath sacrifices. Nevertheless, Yadin has suggested that the *Temple Scroll* assumes that no sacrifices other than those designated for the Sabbath may be offered on Saturday. For this reason, he concludes that the scroll does not count the Sabbath as part of the festival days. This principle is embodied as well in his reconstruction of the calendar of the scroll. He suggests that CD 11:17–18 should be explained accordingly.¹⁸ In his view, both daily sacrifices and the additional Sabbath offering would be permitted by both the *Zadokite Fragments* and by the *Temple Scroll*. Wacholder has suggested that the author of the *Temple Scroll* would have allowed festival offerings on the Sabbath and disputes Yadin’s reconstruction of the calendar. In Wacholder’s opinion, the *Temple Scroll* would have prohibited only the voluntary festival offerings of the type called by the tannaim *hagigah* and *shelamim*. Other festival offerings would have been permitted. Wacholder therefore concludes that all three texts, *Jubilees*, the *Zadokite Fragments* and the *Temple Scroll* are in complete agreement.¹⁹

There can be no question that *Jubilees* permitted only *tamid* and Sabbath sacrifices. It seems that Yadin is correct in suggesting that

¹⁶ Referring to the daily *tamid* sacrifice and the Sabbath offering.

¹⁷ L.H. Schiffman, *The Halakhah at Qumran* (Leiden: E.J. Brill, 1975), 128–31. Matt 12:5 says that it is in the Law that the Sabbath may be profaned by the priests in the Temple.

¹⁸ *Temple Scroll*, I, 130–1.

¹⁹ *Dawn*, 49f. Wacholder has completely misconstrued the views of Yadin who never maintained that the author of the *Temple Scroll* prohibited the *tamid* sacrifice on the Sabbath.

the offering of the Sabbath was to be brought in addition to the daily sacrifices according to the *Temple Scroll*. On the other hand, Yadin and Wacholder have both harmonized the views of the *Zadokite Fragments* and the *Temple Scroll* where there is no evidence to require it. In fact, the *Temple Scroll* provides no information on the disposition of offerings other than to repeat the biblical material which itself gave rise to the problem in the first place. The most that can be said on this issue is that the *Temple Scroll* seems to agree here with the view of *Jubilees*, although definitive evidence is lacking.

III. THE NEW MONTH SACRIFICE

Jub. 31:1, 3 mentions the new moon in the context of Jacob's sacrifice at Beth El on the new moon of the seventh month. Here, Jacob is depicted telling the members of his household to purify themselves and get ready to travel to Bethel where he will repay his debt to God (cf. Gen 35:2–4). This occurs on the new moon of the seventh month which is one of the four "new years" enumerated by the author of *Jubilees*. It is therefore impossible to know if the purification ritual described in verse 1 is intended for new moons or if it is connected with the New Year festival of the seventh month.

For *Jubilees*, with its calendar of solar months, it is clear that the phrase "new moon" must be understood as the start of the new month. For those who accept Yadin's view that the *Temple Scroll* follows the same calendar,²⁰ a similar interpretation is necessary there as well.

11QT 14:02–8 details the offerings for the new moon. Here the author has altered the language of the Pentateuch, rephrasing extensively the commands of Num 28:11–15 and Num 15:1–13. Yadin²¹ explains that the author used Num 15 to allow him to enumerate the cereal and drink offering for each animal in turn, as opposed to mentioning all the cereal offerings first and then all the drink offerings, as is done in Num 28.

Actually, the author was attracted to Num 15 for much more important reasons. The amount of oil for the offerings is nowhere specified

²⁰ *Temple Scroll*, I, 116–119.

²¹ I, 89. Yadin observes that the *Temple Scroll* took Num 28:11–15 as specifying the sacrifices for all new moons, not only for that of the first of Nisan (cf. Moses Gikatilla [11th century], quoted by Ibn Ezra to Num 28:11 and Exod 12:2).

in Num 28, only that for the libation of wine. The author used Num 15 in which the very same animals appear with the same allocations of flour and wine to determine the amounts of oil since these are explicitly stated there. It was not the desire to reorder the material that directed the author of the *Temple Scroll* to this passage but rather the specification of the exact recipe for the oil of the cereal offering. When he shifted to this passage, the author ended up with its formulation and organization as well.

In any case, there is insufficient evidence on which to base any comparison of the texts. *Jubilees* may refer to purification for the new moon and the offering of sacrifices. The *Temple Scroll* presents a completely worked out ritual based on Pentateuchal sources.

IV. FIRST DAY OF THE FIRST MONTH

As part of God's covenant with Noah, Noah is commanded in *Jub.* 6:23–24 to observe days of remembrance on the new moons of the first, fourth, seventh and tenth months. These days are the equinoxes and solstices on which the four quarters of the year begin, and, for the author of *Jubilees*, they memorialize important biblical events. The first of the first month is the day on which Noah was told to make the ark, and on which the earth became dry (verse 25). *Jub.* 13:8–9 tells us that on this day Abraham built an altar and sacrificed a burnt offering.

Yadin has noted that according to *Jub.* 7:2–3 Noah celebrated this day with joy, making a burnt offering of a young ox and a ram, seven sheep, each a year old, and a kid to make atonement for himself and his sons. The kid was to be prepared first.²² This, as shown by Yadin, conforms to the view held by both *Jubilees* and the *Temple Scroll* that the sin offering must be offered and its blood sprinkled before the burnt offering takes place. Indeed, the *Temple Scroll* requires this order consistently in its sacrificial code. Yadin suggests that the author of the scroll learned from Lev 14–18 that all rites associated with the sin offering of the male goat must be completed before the rites of the burnt offering.²³ The number of animals to be sacrificed is the same as that listed in Num 29:1–7 for the first of the seventh month, known from later sources as *Rosh Ha-Shanah*. *Jubilees* assumed that the same offering

²² *Temple Scroll*, I, 90.

²³ *Temple Scroll*, I, 146–8.

would apply on the first of the first month as applied on the first of the seventh month, an analogy also made by the *Temple Scroll*, as we shall see below. It cannot be argued that this is a new moon offering, as Noah offers only one ox, and two are required in Num 28:11 for new moons. Basing himself on Numbers, the author of *Jubilees* lists the male goat for a sin offering last, but nevertheless, like our author, he specifies that Noah offered this animal first. From the description, it seems that he slaughtered it first, but then slaughtered and offered the other offerings on the altar before this one. The text states that he put some of the blood of this male goat on the flesh (of the other offerings?) which he had put upon the altar.²⁴ The fat of this sin offering he laid on the altar where he had already made the burnt offering. Oil was mingled with all the offerings and wine was poured out over the fire. Then incense was offered.

We cannot determine if *Jubilees* intended the same sacrifices to be made on the first of the fourth and tenth months as well. The sacrificial calendar of the *Temple Scroll* did not expect such sacrifices. *Jub.* 27:19 relates that Jacob arrived at Bethel on this day, and *Jub.* 28:14 identifies it as the birthday of Levi. According to an excerpt from the *Testament of Levi*, Kohath was also born on this day. Most importantly, as Yadin notes, this was the day on which the Tabernacle was to be erected (Exod 40:2, cf. Ezek 45:18, Ezra 7:9, 10:17, *b. Shabbat* 87b).²⁵

11QT 14:9–15:2 contains prescriptions regarding a sacrifice for the first day of the first month on which work is prohibited. The prohibition of labor is derived by analogy from Num 29:1 regarding the first day of the seventh month (*Rosh Ha-Shanah*). After an introduction based on Exod 12:2, the author uses the laws of the Day of Remembrance (Num 29:1–6), the first of the seventh month, to create the sacrificial ritual for this holiday.²⁶ He omits mention of יום תרועה. This day of remembrance (*Rosh Ha-Shanah*) is itself mentioned in 11QT 25:2–10 (see below). The special rites for the first day of the first month are in addition to the regular sacrifices for the New Moon.

The author has filled in the amounts of oil, mentioned but not specified in Num 29, and wine, not mentioned at all, from Num 15 exactly as he had done for the new moon offerings. He obviously viewed

²⁴ Cf. Albeck, *Jubiläen*, 21.

²⁵ *Temple Scroll*, I, 90–91.

²⁶ Yadin, *Temple Scroll*, I, 91.

that passage as one providing general instructions for the sacrificial offerings.

Jub. 7:2–5 describes the sacrifices which Noah offered on the first day of the first month, after emerging from the ark. The most peculiar aspect of this day in *Jubilees* is that it serves for Noah as the start of the fifth year on which the newly harvested grapes were no longer to be forbidden as what the Rabbis termed *'orlah* and *kerem reva'i*. To the tannaim, the cutoff date for this prohibition was earlier, in *Shevat*, either on the first or fifteenth.²⁷ For the author of *Jubilees* one had to wait until the first of *Nisan*. In the case of the fruit of the vine, the *Temple Scroll* established its own cutoff date, the feast of new wine. This festival, in the reconstructed calendar of Yadin, would have occurred on the third day of the fifth month. Only from then on would the drinking of that year's harvest of wine be permitted. This same date must have marked the end of the year for purposes of the laws of *'orlah* and *neta' reva'i* as well.

It seems that *Jubilees* is not in agreement here in all respects with the *Temple Scroll*. *Jubilees* expects a series of four new years, while the *Temple Scroll* envisages only two. The date on which crops enter into the fifth year for secular use is not determined in the same way by both texts. There is agreement in using the sacrifices described by the Pentateuch for the first of the seventh month as a basis from which to derive those of the first of the first month by analogy. While these two texts share the notion that the goat must be slaughtered first, they differ in the procedure to be followed thereafter. The *Temple Scroll* requires that all rites associated with the goat be completed first, before slaughtering the other offerings. The *Book of Jubilees* requires only that slaughtering of the he goat come first. Then the other offerings are slaughtered and offered on the altar. Only at the end of the ritual are the parts of the he goat, the sin offering, actually offered on the altar.

V. DAYS OF ORDINATION

The days of ordination, *millu'im* (Lev 8:33), are alluded to several times in *Jubilees*. *Jub.* 30:18 mentions God's eternal covenant with the sons of Levi who have been chosen for the priesthood and Levitical

²⁷ *m. Roš Haš.* 1:1, *t. Roš Haš.* 1:8, *t. Šev.* 2:3.

service. *Jub.* 31:13–15 again emphasizes the covenant of the Lord with the children of Levi. *Jub.* 32:1–9 describes how Levi dreamt at Bethel that he was appointed as priest and that his sons would follow him. As Levi was the tenth son, and Jacob had vowed to give a tithe to God of all that he had (Gen 28:22), Jacob “clothed him in the garments of the priesthood and filled his hands.” Accordingly, on the fifteenth of this month, apparently the seventh month, on the festival of *Sukkot* (on which see below) Jacob (?) offered sacrifices, including “fourteen oxen from amongst the cattle, and twenty-eight rams, and forty-nine sheep, and seven lambs, and twenty-one kids of the goats as a burnt-offering on the altar of sacrifice, well pleasing for a sweet savour before God.” The strange numbers of offerings which in no way agree with Num 29:12–16, the offering for the holiday of *Sukkot*,²⁸ suggest that this represents some kind of a *millu'im* tradition. At the same time, this *millu'im* does not take place in Nisan as does that of the *Temple Scroll* but rather occurs in the month of Tishre.

11QT 15:3–17:4 describes an annual ceremony for the investiture of the priests, patterned on the biblical *millu'im* ceremony. This observance is to occur in the first week of the first month. As an annual observance, such a rite is unparalleled in *Jubilees*.²⁹ The ceremony is intended to formalize the reappointment of all priests for the coming year. Added sacrifices must be offered if a new high priest (*ha-kohen ha-gadol*) has taken office. A special eighth day celebration concludes the ordination process. This portion of the scroll represents a harmonization of Exod 29 where the original ordination is commanded and Lev 8 in which it is executed. Yadin suggests that the author derived the annual character of the ceremony from Lev 7:37 and Ezek 43:26.³⁰

Rabbinic tradition provides two views on the dating of the investiture. The sages took the view that the eighth day of the investiture occurred on the first of Nisan (the first month),³¹ although Rabbi Akiva dated it

²⁸ Cf. Charles, ad loc.

²⁹ It cannot be argued that the *Jubilees* ceremony is expected to be observed annually, since this book emphasizes the eternal, annual character of holiday after holiday. The omission of the requirement that this rite be repeated can only indicate that *Jubilees* saw this as an event in the life of Levi, repeated once by Moses when he invested the priests after erecting the Tabernacle.

³⁰ *Temple Scroll*, I, 94–5, following J. Milgrom. On these rituals, cf. also J. Milgrom, “Further Studies in the *Temple Scroll*,” *JQR* 71 (1980–1) 5–6.

³¹ *Sifra' Millu'im* 1:36 (p. 42d). Cf. Palestinian Targum to Lev 9:1.

as in our scroll.³² Ibn Ezra admitted that the literal meaning of the text would suggest that the ordination began on the first of Nisan.³³

According to Exod 29:1, one bull and two rams are to be offered each day. In addition, a second bull should be offered daily as a sin offering. Lev 8:2 mentions the bull and two rams, and verse 14 discusses the second bull, the sin offering. The eighth day is described only in Lev 9 where the offering is a calf as a sin offering and a ram as a burnt offering. The offerings in *Jubilees* in no way accord with these biblical passages, although this exact scheme seems to be reflected in the *Temple Scroll*. Apparently, the scroll ruled that only one bull was to be offered if only regular priests were involved. If there was a new high priest, then two bulls were to be offered.³⁴

The *Book of Jubilees* presents no evidence for a recurrent regular ordination occasion, and *Jubilees* sees the original investiture as occurring in the fall, not the spring. Further, the number of animals offered in *Jubilees* does not accord with either the Pentateuch or its interpretation in the *Temple Scroll*. It must be concluded that there is simply no agreement at all between the *Book of Jubilees* and the *Temple Scroll* regarding this particular set of sacrifices.

VI. PASSOVER SACRIFICES

Jub. 49:1–23 contains a long discussion of the celebration of the festival of Passover.³⁵ Most of the material is a simple retelling of the contents of Exod 12. *Jub.* 49:6 describes the observance of the first Passover, including the eating of the paschal lamb, drinking of wine, praising and blessing God, and giving thanks. This description certainly recalls a Passover celebration similar to that envisaged in rabbinic literature, including the paschal sacrifice, the four cups of wine, the commandment to retell the story of the Exodus and the recitation of the *Hallel*

³² *Sifre Bemidbar* 68, p. 63. Cf. Yadin, *Temple Scroll*, I, 94 and n. 5.

³³ Commentary to Lev 9:1. The translation of Ibn Ezra's words in Yadin, 94 must be corrected. *Ha-ma'atqim* in Ibn Ezra is not "the 'copyists'" but designates those who handed on the tradition, the Talmudic sages.

³⁴ Yadin, *Temple Scroll*, I, 95–6.

³⁵ Cf. Albeck, *Jubiläen*, 12–15; Wacholder, 50–51, and J.B. Segal, *The Hebrew Passover* (Oxford: University Press, 1963), 231–37. Segal argues that *Jub.* 49 was not composed by the author of the rest of *Jubilees*.

Psalms.³⁶ Verse 10 explains the difficult **בין הערבים**, literally, “between the evenings,” of Exod 12:6.³⁷ The sacrifice is to be observed “from the third part of the day to the third part of the night (cf. *Jub.* 49:19). This ruling is explained in verses 11–12 as follows: The paschal sacrifice should be slaughtered in the last third of the fourteenth of Nisan and it is to be eaten in the first third of the night of the fifteenth. Since the festival occurs fairly close to the equinox, it would be fairly accurate to say that the sacrifice must take place between two o’clock and sunset (at six)³⁸ and the paschal lamb must be eaten between sunset (six) and ten o’clock in the evening. Thereafter it is considered *notar*, that which has been left over beyond the time in which it must be eaten, and must be burned.³⁹

According to *Jubilees*, the Passover sacrifice must be eaten in the sanctuary, in the “court of the house which has been sanctified” (verses 16–20). Only those over the age of twenty are to eat the paschal lamb, and it may be limited to males (verse 17). This sacrifice may not be made in any other cities, only at the tabernacle or at the Temple. In verse 22 there begins the command of the festival of unleavened bread (cf. Lev 23:6). It is to be a seven day festival. Each day an “oblation” is to be brought (verse 22).

11QT 17:6–16 describes the Passover celebrations. The *Temple Scroll* requires that the paschal offering be sacrificed before the evening sacrifice (**לפני מנחת הערב**). This is in opposition to tannaitic halakhah which requires that the *minḥah* be offered before the paschal lamb.⁴⁰ On this matter, the *Temple Scroll* and *Jubilees* may agree since *Jubilees* requires the offering in the last third of the day, i.e. after 2:00 P.M., and we know that the *minḥah* was normally offered at about 3:30. On the other hand, it is possible that *Jubilees*, like the tannaitic tradition, expected that in order to accommodate the paschal offering, the daily *tamid* sacrifice was offered early on the fourteenth of Nisan.

³⁶ Cf. B.M. Bokser, *The Origins of the Seder* (Berkeley, Los Angeles. London: University of California Press, 1984), 19–20.

³⁷ *New JPS* translates: “at twilight.”

³⁸ Cf. Deut 16:6 according to which the sacrifice is to take place “at sundown” (*New JPS*). Josephus, *War* VI, ix, 3 (§ 423) and *Ant.* XIV, iv, 3 (§ 65) says that the sacrifice was offered between the ninth and eleventh hours, from 3:00–6:00 P.M.

³⁹ Cf. Exod 12:10.

⁴⁰ *m. Pesah* 5:1, cf. Ch. Albeck, *Mishnah, Seder Mo’ed* (Jerusalem: Mosad Bialik, Tel Aviv: Dvir, 1954), 138f. (Yadin, *Temple Scroll*, I, 97 and n. 7).

Like the *Book of Jubilees*, the *Temple Scroll* requires that the lamb be eaten only by those above twenty. Yadin suggests that this ruling is based on the interpretation of Exod 30:14, and Num 1:2–3, as well as Exod 12:6.⁴¹

There is a major difference in regard to the time of eating of the paschal lamb. *Jubilees* requires that the offering be eaten by 10:00 P.M., the end of a third of the night. Although the Torah allowed the paschal sacrifice to be eaten until the morning, the tannaim required that it be eaten before midnight,⁴² “in order to separate man from the possibility of transgression.”⁴³ The *Temple Scroll* allows it to be eaten all night, or at least, no mention is made of any other ruling.

The *Temple Scroll* and the *Book of Jubilees* agree that the paschal lamb must be eaten within the Temple precincts. Yadin suggests Deut 16:7 as the source of this law and notes that Karaites agree. The tannaim, on the other hand, allow it to be eaten anywhere in Jerusalem.⁴⁴ Both texts echo Lev 23:6–8 in describing the ensuing festival as a seven day feast of unleavened bread. Sacrifices are to be offered on each day according to both works. The extensive ceremony for the ‘*Omer*’ festival mentioned in 11QT 18:1–10 has no equivalent whatsoever in the *Book of Jubilees*.

The case of the Passover celebration affords an example of an area in which some significant prescriptions of *Jubilees* and the *Temple Scroll* are in complete agreement. Nevertheless, there are still some matters upon which they offer different opinions.

⁴¹ Yadin, *Temple Scroll*, I, 97. Cf. Schiffman, *Sectarian Law*, 55–60, 63–65.

⁴² *m. Zevah* 5:8, *m. Pesah*. 10:9, cited by Yadin, 98.

⁴³ *m. Ber* 1:1. This Mishnah also includes the view of Rabbi Eliezer that the evening *Shema*’ may be read up to the end of the first watch. *t. Ber* 1:1 cites the view of Rabbi [Judah the Prince] that there are four watches in the night, and that of Rabbi Nathan that there are three. L. Ginzberg, *Perushim We-Hiddushim Bi-Yerushalmi I* (New York: Jewish Theological Seminary, 1941), 57–8 has proven unquestionably that Rabbi Nathan’s view is historically correct. If so, the end of the time for reading the evening *Shema*’ according to Rabbi Eliezer is ten o’clock, the very same time cited by *Jubilees* as the end of the period for eating the paschal lamb. Apparently, both *Jubilees* and Rabbi Eliezer shared the view that commandments to be done at night were to be completed by ten o’clock.

⁴⁴ *m. Zevah*. 5:8; Yadin, *Temple Scroll*, I, 98.

VII. THE FESTIVALS OF FIRST FRUITS

The observance of the festival of weeks and first fruits, termed *Shavu'ot* in the Rabbinic tradition, is mentioned as part of the covenant of God with Noah in *Jub.* 6:17–22. Verse 22 explicitly mentions sacrifices although no details are given.⁴⁵ *Jub.* 15:1–2 describes Abraham as having celebrated the festival of the first fruits of the grain, “in the third month in the middle of the month.”⁴⁶ He is described as bringing “new offerings . . . the first-fruits of the produce” to the altar, as well as a heifer, a goat and a sheep as burnt offerings, “fruit-offerings,” and drink offerings, which he offered with frankincense. These, as noted by Charles, are not the offerings prescribed in Lev 23:18–20.⁴⁷ *Jub.* 16:13 dates the birth of Isaac to this same festival. The celebration of this festival by Abraham, together with Isaac, Ishmael, and Jacob at Beersheva is the subject of *Jub.* 22:1–6. Isaac offered a burnt offering which he “presented” on the altar (verse 3). He offered a thank-offering (a *Todah* sacrifice) as well as a “feast of joy.”⁴⁸ Rebecca made “new cakes from the new grain” from the first fruits of the land. Isaac also offered a thank-offering and Abraham ate and drank, presumably in celebration of the festival. Indeed, he entered into a covenant with God on this very day according to *Jub.* 14:19–20.⁴⁹

Jub. 32 describes Levi's dream of ordination at the hands of his father Jacob. It is followed by a survey of the obligation of tithing.⁵⁰ In addition to the grain (“seed” in Charles' translation), this passage mentions the season of the wine and the season of the oil (verse 12). It is tempting to see in these occasions the festivals of new wine and oil mentioned in the *Temple Scroll*. Yet *Jubilees*, like the tannaim, may have mentioned these seasons as cutoff dates for tithing purposes, rather than as festivals to be celebrated. After these dates, this produce was considered as belonging

⁴⁵ *Jub.* 6:1–4 describes a sacrifice which Noah made on the first of the third month after emerging from the ark to “make atonement for the earth.” Since this does not agree with the date given in *Jubilees* for the festival in the middle of the month, we assume that the author does not intend this as a reference to the festival of *Shavuot*.

⁴⁶ Cf. M. Weinfeld, “Pentecost as a Festival of the Giving of the Law,” *Immanuel* 8 (1978) 11–12.

⁴⁷ Cf. Albeck, *Jubiläen*, 21.

⁴⁸ This is probably what the Rabbis termed *shaleme simḥah* (b. *Hagigah* 7b).

⁴⁹ Cf. Albeck, *Jubiläen*, 15–16.

⁵⁰ On the second tithe, cf. Albeck, *Jubiläen*, 30–32; Finkelstein, “Book of Jubilees,” 52–53.

to the last year and could not be utilized to tithe this year's produce.⁵¹ *Jubilees* prohibits tithes from being eaten that are not brought in the appropriate year. During the famine in Canaan, Jacob, according to *Jub.* 44:4, had to celebrate the harvest festival of "the first-fruits with old grain."⁵² This account clearly refers to *Shavuot*.

The festival calendar of the *Temple Scroll* includes a series of four festivals of first fruits, to be held at fifty-day intervals.⁵³ The first is that of barley (11QT 18:1–10), immediately after Passover. Then come the festivals of wheat (11QT 18:10–19:9), wine (11QT 19:11–21:10) and oil (11QT 21:12–23:02). Yadin has argued that this scheme fits the calendar known from the Dead Sea Sect,⁵⁴ while B.A. Levine has maintained that the festival cycle of the *Temple Scroll* need not presume the sectarian calendar.⁵⁵ The scroll presents detailed sacrificial rites for each of these festivals of first fruits while at the same time mentioning various general prescriptions regarding sacrifice which must have been applicable to other sacrifices as well.

The offering of the first fruits of wine and oil on the altar is mentioned in *Jub.* 7:36 in the context of the laws of Lev 16:23–25 prohibiting the consumption of the harvest of the first three years of fruit trees (*'orlah*) and its offering in the fourth (termed by the Rabbis *neṭa' reva'i*).⁵⁶ No mention is made of any festivals, although the offerings may have been at the times designated in the *Temple Scroll*. No allusion to such a sequence of fifty-day intervals is found in *Jubilees*, either. Unlike tannaitic tradition, there is no special new year period for the trees to provide cutoff dates for the application of this law. The laws of *'orlah* are applied here to the olive tree and grape vine. They are to end their third year and enter the fourth according to their harvest seasons.⁵⁷

Comparison of the material in *Jubilees* with that of the *Temple Scroll* regarding this series of harvest festivals leaves one greatly in doubt as to any relationship. The *Book of Jubilees* mentions the festival of *Shavuot*,

⁵¹ See above, n. 27.

⁵² Cf. Finkelstein, 51.

⁵³ On the details of these festivals, cf. Milgrom, 6–17.

⁵⁴ *Temple Scroll*, I, 116–119, supported by J. Milgrom, "‘Sabbath’ and ‘Temple City’ in the *Temple Scroll*," *BASOR* 232 (1978) 25–26.

⁵⁵ "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 7–11, followed by Wacholder, *Dawn*, 53–5.

⁵⁶ Cf. Albeck, *Jubiläen*, 32–33.

⁵⁷ The law of *neṭa' reva'i* is found in 11QT 60:3–4. There it is ruled that it is to be allotted to the priests, whereas in tannaitic law it is to be eaten by the owners in Jerusalem like the second tithe (Yadin, *Temple Scroll*, I, 162–3, cf. Wacholder, 52).

the season of the first fruits of grain (wheat), several times. This festival is emphasized over and over, and the author makes it very clear that this festival, in his view, is to occur in the middle of the month. He clearly starts the count of fifty days after the completion of the entire festival of Passover.⁵⁸ Whereas there is some mention of the harvest seasons of wine and oil, it comes only in the context of the laws of tithing, *orlah* and *neta' reva'i*. No festivals or attendant sacrificial offerings are mentioned. There is, therefore, no real similarity between the laws of *Jubilees* and the *Temple Scroll* in regard to the sequence of festivals of first fruits.

On the other hand, analysis of the description of what the Rabbis termed the second tithe in the *Temple Scroll* does indicate close parallels with the *Book of Jubilees*. 11QT 43:1–17 provides that the festivals of first fruits of wheat, wine and oil serve as cutoff dates for the second tithe, that which was to be eaten in Jerusalem. Yadin has therefore suggested that the *Book of Jubilees* assumes the same system of festivals mentioned in the *Temple Scroll*.⁵⁹ An alternative explanation is also possible. It may be that for *Jubilees* the harvest times served merely as cutoff dates, and the author of the *Temple Scroll*, or the traditions from which he drew, concocted the festivals and their offerings himself, basing them on earlier sources such as *Jubilees* which had already made the association of the tithes and the harvest seasons.

VIII. THE WOOD OFFERING

Jub. 21 contains various regulations regarding the sacrificial system. Among them is a discussion of the wood for the sacrifices. Verse 12 specifies the types of wood which may be placed on the altar. Further, split or dark wood, wood that is not clean, and old wood (which has lost its fragrance) may not be used in the sacrificial offerings.

It is difficult to compare this material with the laws in 11QT 23:1–25:1 dealing with the wood offering festival since the two texts seem to be dealing with totally different matters. This complex six-day festival involved multiple offerings, two tribes offering their sacrifices each day. Each tribe brought a male goat for a sin offering, one bull, one ram

⁵⁸ Albeck, *Jubiläen*, 16–17. Cf. B. Noach, “The Day of Pentecost in Jubilees, Qumran, and Acts,” *ASTI* 1 (1962) 73–95.

⁵⁹ Yadin, *Temple Scroll*, I, 114–15.

and one sheep.⁶⁰ No mention is made here of the requirements of the specific types of wood or any other regulations. Instead we have a picture of a festival, to be contrasted with the tannaitic references to such wood offerings which occurred at various times throughout the year.⁶¹ Yadin suggests that according to the *Temple Scroll* this festival was to occur between the 23rd and 31st of the sixth month, for six days, skipping the Sabbath.

IX. THE DAY OF REMEMBRANCE

The festival called *Rosh Ha-Shanah* in the Rabbinic tradition is mentioned several times in the *Book of Jubilees*. The new moons of the first, fourth, seventh and tenth months are described by *Jubilees* as days of remembrance. These are “the days of the seasons in the four divisions of the year,” the solstices and equinoxes according to the solar calendar propounded by *Jubilees*. In the days of Noah, the abysses of the depths were opened, and the rain began to fall on the new moon of the seventh month (*Jub.* 6:26).⁶²

Jub. 12:16 states that on the night of the new moon of the seventh month Abraham received a vision in which he was shown the stars (cf. Gen 15:5) and in which he entered into a covenant with God. No mention of days of remembrance appears here. On this same day, *Jub.* 31:3 informs us, Jacob went to Bethel where he built an altar. No details of the offering are given, nor are the days of remembrance mentioned.

The picture is very different in the *Temple Scroll*. 11QT 25:2–10 describes this holiday on the first of the seventh month. The day is referred to by the biblical phrase זכרון תרועה, “commemorated with loud blasts,”⁶³ not as a day of remembrance. This passage is based on Lev 23:23–25 and Num 29:1–6, except that the author of the *Temple Scroll* made clear that the morning *tamid* would precede the offering of the new moon (cf. Num 29:6). The sacrifices to be offered on this holiday are: the morning *tamid* offering, the additional offering for the new month, the additional offering for this festival, and the evening

⁶⁰ Cf. Yadin, *Temple Scroll*, I, 127. The assumptions of agreement between *Jubilees* and the *Temple Scroll* made by Wacholder, 53, are unsupported by the evidence.

⁶¹ *m. Ta'an.* 4:4–5, *t. Bik.* 2:9, cf. Neh 10:35, 13:31.

⁶² Cf. Albeck, *Jubiläen*, 19.

⁶³ So *New JPS* to Lev 23:24. Yadin translates, “proclaimed with blast of trumpets” in 11QT 25:3.

tamid offering.⁶⁴ The special offering for this holy day is to be brought at a third of the day, at 9:00 A.M. As in the Bible, this is to be a day of abstention from labor. Extremely interesting is the emphasis on the commandment, not found in the Biblical passages which the author took as his basis, to rejoice on this day. Rejoicing was not characteristic of this holy day in the rabbinic tradition.

There are significant differences between this festival as outlined in *Jubilees* and the *Temple Scroll*. For *Jubilees*, it is one of four equally important days. The *Temple Scroll* only knows of two such days, the other being the first day of the first month which was discussed above. This day is not termed a day of remembrance or anything similar in the *Temple Scroll*. It is designated as ראש חודשים, “the beginning of months,” in 11QT 14:9, following Exod 12:2. Further, in regard to the first of the seventh month, the *Temple Scroll* follows the biblical precedent exactly, adding only the specific order of offerings and the requirement to rejoice. The *Jubilees*’ account ties the series of days of remembrance to the solar calendar, a matter not raised at all in the *Temple Scroll*. Again, while some similarity exists, it is apparent that the author of *Jubilees* and that of the *Temple Scroll* diverge in important details on this festival.

X. DAY OF ATONEMENT

Jub. 34:12–19 deals with the Day of Atonement and associates it with the day on which the brothers of Joseph killed a kid and dipped the coat of many colors into its blood. Jacob and the members of his household mourned all that night and the following day. This clearly represents an exegesis of the biblical phrase מערב עד ערב, “from evening to evening” (Lev 23:32). *Jubilees* says that for this reason it was decreed that on the tenth day of the seventh month the children of Israel would make atonement for their sins with a young goat, that they “should grieve thereon for their sins,” transgressions and errors, “so that they might cleanse themselves on that day once a year.”⁶⁵

A long passage in 11QT 25:10–27:10 spells out the ritual for the Day of Atonement. The biblical sources are drawn from Lev 23:26–32, Num 29:7–11 and Lev 16. The *Temple Scroll* emphasizes that this is a

⁶⁴ Yadin to 11QT 25:7.

⁶⁵ Cf. Albeck, *Jubiläen*, 18–19.

day of abstention from labor and that “you shall afflict yourselves.” Further, it is a remembrance (זכרון, 27:5). The biblical passages do not explain in what manner the affliction is to take place. Tannaitic tradition decided that the Torah had explicitly referred to eating and drinking, and, therefore, these were punishable by excision (*karet*). The restrictions on sexual intercourse, anointing, wearing leather shoes, and bathing were not referred to explicitly and, therefore, did not result in this severe penalty.⁶⁶ Our text from the *Temple Scroll* gives no specifics, nor does *Jubilees*. At the same time, texts from the sectarian corpus at Qumran and other contemporary materials make clear that the Day of Atonement was a day of fasting.⁶⁷ It is most logical, in light of this evidence and the tannaitic views, to take the *Temple Scroll* as requiring abstention from eating and drinking on this day.

The detailed description of the rituals of the day in the scroll included the various special offerings, a bull, a ram, and seven male lambs, as well as a male goat for a sin offering. Two rams are to be offered as burnt offerings, one for the high priest and “his father’s house,” and one for the people. The text also describes the drawing of lots, the sacrificing of the goat whose lot fell to God, the sending of the goat to Azazel, the recitation of the confession, and the offering of the bull, ram and seven male lambs.⁶⁸ This detailed ritual contrasts sharply with the *Jubilees* account which alludes only to the slaughter of a kid (goat) which is described only because of its relevance to the Joseph story.

⁶⁶ *b. Yoma* 74a–b (and D. Halivni, *Meqorot U-Mesorot, Seder Mo’ed* [Jerusalem: Jewish Theological Seminary of America, 1974/5], ad loc.), *p. Yoma* 8:1 (44b). Contrast the formulation in *m. Yoma* 8:1 and *t. Kippurim* 4(5):1 which does not seem to know of this distinction.

⁶⁷ In 1QpHab 11:4–8 ובקץ מועד מנוחת יום הכפורים is paralleled by ביום צום שבת מנוחתם, both designating the Day of Atonement. CD 6:19 יום התענית must be taken as referring to this holy day as well. Josephus (*Ant.* XVII, vi, 4 [§ 165–166]) and Philo (*Special Laws*, II, §193) identify this day as a fast and Acts 27:9 calls it “the fast.” Cf. W.H. Brownlee, *The Midrash Peshet of Habakkuk* (Scholars Press: Missoula, Montana, 1979), 188–89, and N. Wieder, *The Judean Scrolls and Karaism* (London: East and West Library, 1962), 163–97. The *Temple Scroll*’s use of the *hitpa’el* of ענה where the Bible uses the *pu’al* requires explanation. Can it be that this usage itself indicates the meaning “fast?”

⁶⁸ Cf. Yadin, *Temple Scroll*, I, 134. Tannaitic sources refer to a dispute among the tannaim as to whether a total of two or three rams are to be offered (*Sifra’ Ahave Mot*, Parashah 2:2 [ed. I.H. Weiss, Vienna: J. Schlossberg, 1861/2, 80d], *b. Yoma* 3a and 70b). Rabbinic halakhah decided that two would be offered. The *Temple Scroll*, like Philo and Josephus and one of the tannaitic views, declared that three rams were to be offered, seeing that of Num 29 as a separate ram. For detailed discussion, see Yadin, 132–34.

Jubilees emphasizes grieving, whereas to the *Temple Scroll* this is a day of remembrance and self-affliction. Nonetheless, it is difficult to draw any conclusions from the different portrayals of this day in these two sources. The narrative of the *Book of Jubilees*, a partial account, did not spell out all the details which were appropriate in the context of the *Temple Scroll*.

XI. SUKKOT AND SHEMINI ATZERET

The festival of *Sukkot* (Tabernacles) is observed by Abraham in *Jub.* 16:19–31 for seven days near an altar. Abraham built booths for himself and his servants to celebrate the festival. Each day he brought a burnt offering of two oxen, two rams, seven sheep, and one he goat for a sin offering, “that he might atone thereby for himself and for his seed.” Further, he brought a thank offering, consisting of seven rams, seven kids, seven sheep, seven he goats, and their cereal and drink offerings. The fat was burned on the altar, and incense composed of seven specific spices was burned morning and evening. He rejoiced, along with his household, and blessed God. No non-Jew or uncircumcised person was allowed to participate. It was therefore ordained that this festival be observed and that Israel dwell in booths, “set wreaths upon their heads,” and take leafy boughs and willows of the brook. Indeed, Abraham took palm branches, and “the fruit of goodly trees” and every day circled the altar seven times in the morning, praising and giving thanks to God. *Jub.* 18:18 probably refers to Abraham’s annual celebration of this festival.

Several aspects of this detailed description need to be examined. The author of *Jubilees* derived a number of laws by analogy from the Passover sacrifice as described in Exod 12:43–44: Abraham’s servants must dwell in the booths since they have been circumcised and are what the tannaim called the “Canaanite slave,” the servant in the process of conversion.⁶⁹ Non-Jews or uncircumcised Jews, by the same analogy, are forbidden from partaking in this ritual.

The offerings enumerated here do not accord with the Pentateuchal commands. Each day Abraham sacrificed two bulls as part of the burnt offering. Num 29:13–33 commanded that thirteen bulls be offered the

⁶⁹ Cf. L.H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish Christian Schism* (Hoboken: Ktav, 1985), 36–37.

first day, twelve the second, and so on, with seven being offered on the seventh and final day of the sequence. The two rams are in accord with Num 29:13–33, although this passage commands the offering of fourteen sheep daily, not the seven of *Jubilees*. The one he goat as a sin offering is prescribed as well in Num 29:13–33. The thanks-offering which Abraham made is equivalent in number and variety of animals to a sacrifice of Hezekiah in 2 Chron 29:21 although there it is described as a sin offering.⁷⁰

The wreaths which Israel is commanded to set upon their heads are clearly an anomaly.⁷¹ The *Book of Jubilees* clearly expects the taking of the *Lulav* (palm branch) and *Etrog* (citron), as well as the willow. The “leafy boughs” are probably the myrtle which was also required according to the traditional Jewish understanding of Lev 23:40 reflected in tannaitic sources.⁷² The ceremony of encircling the altar on each day of the festival known from tannaitic tradition is also mentioned here.⁷³

Jub. 32:27–29 deals with the added eighth day, known in Rabbinic terminology as *Shemini Atzeret*, the eighth day of solemn assembly.⁷⁴ *Jubilees* says that this day was first celebrated by Jacob. “He sacrificed thereon according to all that he sacrificed on the former days,” i.e. on Sukkot. This is not in agreement with Num 29:35–30:1 which prescribes for this festival a burnt offering of one bull, one ram, seven lambs and a goat for a sin offering. *Jub.* 32:27 refers to *Sukkot* as “the feast” just as the tannaim referred to it as *he-ḥag*, “the festival” par excellence.⁷⁵

The festival of *Sukkot* appears several times in the *Temple Scroll*. It is mentioned as part of the sacrificial calendar of the holidays in 11QT 27:10–29:1. This passage lists the sacrifices for each day, following Num. 29:13–33. After enumerating the sacrifices of the seven days of the festival, the scroll turns to the added day, *Shemini Atzeret*. Here again, the biblical requirements of Num 29:35–30:1 are followed exactly. It

⁷⁰ Charles to *Jub.* 16:22–23. Cf. Albeck, *Jubiläen*, 21. Albeck notes the absence from *Jubilees* of the water drawing ceremony described in tannaitic sources (*m. Sukkah* 4:9–10, *t. Sukkah* 4:1–5, 7–10; cf. *Ant.* XIII, xiii, 5 [§372]). No mention of it appears in the *Temple Scroll*. Indeed, it has no biblical basis. Cf. Finkelstein, *Pharisees* I, 102–115; II, 700–708.

⁷¹ Charles to *Jub.* 16:30 cites various mentions of wreaths in Jewish sources, but none of these is sufficient to explain our passage. The most likely solution is that this is a reflection of the Hellenistic environment in which *Jubilees* was composed.

⁷² *m. Sukkah* 3:4.

⁷³ *m. Sukkah* 4:5–6. Cf. Albeck, *Jubiläen*, 17–18.

⁷⁴ This name is adapted from Num 29:35, ביום השמיני עזרת תהיה לכם.

⁷⁵ *m. Sukkah* 4:2, 4, etc.

should be noted that the formulation of 11QT 27:10 has been influenced by some Pentateuchal passages dealing with Passover.⁷⁶ Here, as elsewhere, the *Temple Scroll* changes the order of the verses to indicate the requirement that cereal and drink offerings accompany the goat offered as a sin offering.⁷⁷

In the case of the holiday of *Sukkot*, there are significant differences between the two sources in regard to the number and kinds of animals to be sacrificed. Whereas the *Temple Scroll* carefully follows Scriptural legislation, *Jubilees* has diverged greatly. Also, the *Temple Scroll* makes no mention of the use of the *Lulav*, *Etrog*, willow and myrtle. In fact, it is even possible that such rituals were not followed by the author of the *Temple Scroll*, just as the early Karaites rejected them and interpreted the biblical references as dealing with the *Sukkah* (“booth”).

The festival of *Sukkot* is mentioned elsewhere in the *Temple Scroll*. 11QT 11:13, an extremely fragmentary passage which enumerates the festivals, mentions *Sukkot*. There it is termed *hag* (partly restored). As Yadin notes,⁷⁸ the use of *Atzeret* as a term for the eighth day in the same line is significant, since this designation usually signifies *Shavuot* in Talmudic usage. More important is the intimate connection which the scroll assumes between the extra eighth day and the seven days of *Sukkot*. 11QT 42:10–17 provides that structures to support the *Sukkot* be erected in the Temple. These *Sukkot* are to be used by the elders, princes, heads of households of Israel, and the captains of thousands and hundreds who are to sit there until the burnt offering of the festival has been offered. These officials would fulfil the commandment of sitting in the *Sukkah* in the Temple precincts during the sacrifices. According to Neh 8:16 (cf. Ezra 3:4) *Sukkot* were built in the Temple. What is new in the *Temple Scroll* is the idea that the representatives of the people are to fulfil this commandment in the Temple, serving as agents of the people. 11QT 44:6–7 mentions these booths in passing.

This area of ritual again leaves us wondering about the relationship of these documents. The sacrificial scheme of *Jubilees* is anomalous and certainly does not agree with that of the *Temple Scroll* which seeks to follow the Torah as we know it. The *Temple Scroll* makes no mention of the *Lulav*, *Etrog*, willow and myrtle so prominent in *Jubilees*. This leaves

⁷⁶ Yadin, *Temple Scroll*, II, ad loc.

⁷⁷ Yadin, *Temple Scroll*, I, 135.

⁷⁸ *Temple Scroll*, I, 135.

us uncertain about whether these rituals were envisaged by the author of the *Temple Scroll*. Like the later Karaites, and perhaps the author of Ezra and Nehemiah, he may have seen the biblical allusion to these branches as referring to the *Sukkah*. After all, he gives great prominence to the requirement of booths. The requirement of the *Temple Scroll* that booths must be built in the Temple itself has no parallel in the book of *Jubilees*. On the other hand, *Jubilees* only, apparently by analogy to Passover, requires servants to sit in the *Sukkah*, and prohibits non-Jews and uncircumcised Jews from participating in the festival and from sitting in the *Sukkah*. Both texts do share the accent on *Atzeret* as the last day, and a similar view about the connection of the eighth day to the first seven, an idea apparently derived from the interpretation of Scripture. While we could harmonize the views of these texts, the truth is that we have no way of knowing if the omissions were purposeful, even polemical, or only the result of the differing emphases of the texts. It should be noted that the *Temple Scroll* requires that the booths be built each year anew, a ruling even stricter than that of the tannaim.⁷⁹

11QT 29:2–10 constitutes a conclusion to the entire ritual calendar section. This passage has been the subject of much debate. Suffice it to say here that it explicitly indicates that the laws reviewed in this study constitute a pre-Messianic ritual to be enacted in the Temple until such time as the Messianic era brings a new, divinely created Temple. The laws of the *Temple Scroll* are not Messianic.⁸⁰ The claim that the *Temple Scroll* presents a Messianic code of sacrificial law cannot provide an explanation for the divergences between *Jubilees* and the *Temple Scroll*. Both legislate for the present age. Disagreements between these two texts cannot be thus written off.

CONCLUSION

This study has investigated the festival sacrificial laws of the *Book of Jubilees* and the *Temple Scroll* in an attempt to compare the two closely. We have found some cases of agreement, and some of absolute disagreement. In many areas, there is substantial incongruity between these two sources; that which is important to one source is simply not treated in the

⁷⁹ See Yadin, *Temple Scroll*, I, 135.

⁸⁰ Contrast Wacholder, *Dawn*, 21–30. We cannot accept his translation of **טו** as “during.”

other. Some of these cases no doubt result from the differing emphases of the two documents. *Jubilees* is rewritten Torah, attempting to retell the patriarchal narratives so as to attribute to them adherence to the author's particular views on questions of Jewish law and a particular calendric system. The *Temple Scroll* presents a code of practice for a pre-Messianic Temple which its author hoped to see built and which he expected would function according to his code. At the same time, many of these incongruities probably represent differences in opinion or at least in emphasis. The cases of complete agreement testify to common traditions in some areas, and in others result from common exegetical techniques applied to the very same biblical texts.

Indeed, the Judaism of the Second Commonwealth period was one of variegated sects and ideologies. That there was indeed some relationship between these two texts is apparent from their inclusion in the library of the Qumran community. We see these two texts as derived from outside the community, perhaps from its antecedents. The sect would have read and studied these materials precisely because of the affinities they shared with its own beliefs and principles. The *Book of Jubilees* and the *Temple Scroll* constitute part of the world from which the Qumran sect emerged and in which it strove to attain its own spiritual ideals. Each of these texts represents an independent view of the festival sacrificial cycle, based on exegesis of the Scriptural texts and a certain shared common heritage.

CHAPTER EIGHT

MIQṢAT MA'ASE HA-TORAH AND THE TEMPLE SCROLL

Recently, there has come to light the so-called “halakhic letter,” *4Q Miqṣat Ma'ase ha-Torah* (abbreviated as 4QMMT).¹ This text has opened up a valuable window on the sectarian constellation of the period immediately following the Maccabean revolt. (I thank Professor John Strugnell for allowing me the opportunity to read this document and to comment on the draft of the commentary he and Dr. Elisha Qimron are preparing. The present paper draws much from the work of these distinguished editors.) The text is preserved in six manuscripts. It is essentially a letter, either actual or “apocryphal,” which purports to be from the leaders of the sect to the leaders of the priestly establishment in Jerusalem. The text lists some 20 laws in which the writers disagreed with the Temple priests and their procedures. The views of the authors are usually introduced with *'anaḥnu ḥoshevīm*, “we are of the view that . . .,” and the polemical nature of the material is evident in the use of *we-’attem yode’im*, “and you well know”. We shall examine here those sections where the rulings of 4QMMT may be compared with those of the *Temple Scroll*.² In light of the significance of 4QMMT as a possible foundation document for what became the Qumran sect and the still open question of the provenance of the *Temple Scroll*, a detailed study of the parallels between these texts is a desideratum. This paper will treat the most significant of these parallels.

¹ E. Qimron and J. Strugnell, “An Unpublished Halakhic Letter from Qumran,” *Biblical Archaeology Today*, ed. J. Amitai (Jerusalem: Israel Exploration Society, 1985) 400–407.

² For a full listing of the regulations contained in 4QMMT and some preliminary comments see L.H. Schiffman, “The *Temple Scroll* and the Systems of Jewish Law of the Second Temple Period,” *Temple Scroll Studies*, ed. G.J. Brooke (Sheffield: Sheffield Academic Press, 1989), 239–255.

SHELAMIM SACRIFICES

4QMMT B 9–13 is a prohibition on leaving the meat of a *shelamim* sacrifice (usually translated “peace offerings”)³ offered as a *todah*⁴ (thanksgiving offering)⁵ over to the next day. Rather, the meal offering, fats (*halavim*) and meat must all be offered on the same day as the *shelamim* is sacrificed. The priests are to admonish the people regarding this law so that they are not led astray. This law is derived from Lev 7:15, as noted by the editors of 4QMMT. It is significant that 4QMMT takes as a unit the meat, fats and meal offering, understanding them all to be required to be eaten on the very day the sacrifice is offered.

The *Temple Scroll* does not contain a direct reference to this offering. The closest parallel is a passage in the sacrificial calendar, 11QT 20:11–13:⁶

That which remains of them they shall eat in the [in]n[e]r court. The priests shall e[at] them [as unleavened cakes]. It shall not be eaten [as leavened cakes]. On that day it shall be eat[en], [before] the sun goes [down.]⁷

This passage refers to the sacrifices for the festival of new oil. From the text it is clear that this offering is, in procedural terms, a *shelamim*. Yet it must be noted that the entire sacrificial calendar avoids the term *shelamim*, “presentation offering”, although it appears elsewhere in the scroll. The scroll describes at length the procedure for this sacrifice of fourteen lambs,⁸ as well as the attendant fats (*helev*), the fat tail, the meal offering and libation (11QT 20:2–9). Then the text refers to the

³ On the term *shelamim* see B.A. Levine, *The JPS Torah Commentary, Leviticus* (Philadelphia, New York, Jerusalem: Jewish Publication Society, 1989) 14 on Lev 3:1 and our comments in L.H. Schiffman, “*Shelamim* Sacrifices in the *Temple Scroll*,” *ErIs* 20 (1988/89) 176*–77* (pp. 365–377 in this volume). That study must now be supplemented with the results of the present investigation of 4QMMT.

⁴ The editors raise the possibility of restoring *nidvat* and understanding 4QMMT to refer to freewill *shelamim* offerings. For purposes of our comparison, it is immaterial which restoration is accepted. Nevertheless, according to Lev 6:16–18, the freewill offering (*neder ʾo nedavah*) may be eaten on the day it is offered and on the morrow. So such a restoration is extremely unlikely, as noted by the editors.

⁵ See Levine, *Leviticus*, 42 on Lev 7:12.

⁶ Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) vol. II, 88f.

⁷ The reading [*we-lo' tavo*]’ *a[law] ha-shemesh* is supported by the fragment Rockefeller 43.978 (Yadin, *Temple Scroll*, II, 85).

⁸ On this offering see Schiffman, “*Shelamim* Sacrifices,” 178* f.

azkarah (“memorial portion”)⁹ of the meal offering (lines 10–11). Finally, our passage appears.

Lev 6:9, regarding the *minḥah* (meal offering), is the basis for our prescription.¹⁰ The text then repeats for emphasis that the offering must be eaten on that day, using the language of Deut 24:15 which states the obligation to pay the wages of a day laborer on the very day he performs his labor. Yet the author’s dependence on the law of the day laborer is much more. He has used it as the source for a “halakhic” *midrash* in which he compared the two laws. From Lev 7:15 he knew that the offering of a *shelamim* offered as a *todah* had to be eaten on that day (*be-yom qorbano ye’akhel*).¹¹ He also knew that according to verses 16–17, for votive (*neder*) or free will (*nedawah*) *shelamim*, there was a two-day period for eating the sacrifice.¹² He assumed that all aspects of the offering, including the meal offering, had to be eaten during that time limit. By referring to Deut. 24:15, he discovered the exact definition of a day, as it referred to the eating of the *todat shelamim*. There it said, *be-yomo... lo’ tavo’ alaw ha-shemesh*. He therefore concluded that the end of the day for the eating of these sacrifices was sundown. Indeed, the biblical passages concerning the *minḥah* do not indicate a time limit, so that the authors of 4QMMT and the *Temple Scroll* found it necessary to determine one.

How did the authors of both the 4QMMT and the *Temple Scroll* deal with the end of Lev 7:15 indicating that “he may not leave any of it over until the morning?” They must have construed this command to require that the eating and offering of all parts of the sacrifice had to take place before sundown. Thereafter (in accord with the rest of Lev 7:15), there was a grace period for disposing of the *notar*, the leftover offering, which lasted until the following dawn.

⁹ So RSV. NJPS translates, “token portion”. On this term, see Levine, *Leviticus*, 10 on Lev 2:2.

¹⁰ Yadin, *Temple Scroll*, II, 89. He also compares Lev 2:3 and notes that the author of the scroll took the *ḥašar ’ohel mo’ed* as equivalent to the inner court. He explains that our passage combines Lev 6:9, 2:11, and 6:10 to indicate that even if the offering was made of unleavened cakes, the remaining cereal offering must be eaten unleavened. Cf. *m. Menahot* 5:2, *t. Menahot* 7:13.

¹¹ The same ruling appears in Lev 22:29–30 (Levine, *Leviticus*, 43 on Lev 7:15).

¹² This is the offering described in *Jub.* 21:7–10. Cf. J.M. Baumgarten, *Studies in Qumran Law* (Leiden: E.J. Brill, 1977) 126.

Tannaitic law also requires that a *minḥah* be eaten on the day it is offered (*m. Menahot* 1:3–4).¹³ The time limit for eating the meal offering was considered as being the same as that for eating the meat of the sacrifice it accompanied. Yet the tannaim ruled that these offerings could be eaten until midnight. Rabbinic law understood the Torah to permit the eating of such offerings until morning, but the tannaim added the restriction that they be eaten before midnight to make sure that accidental transgression would not occur.¹⁴

The opponents of the authors of 4QMMT were postponing the eating of *shelamim* and the offering of their fats (*halavim*), believing both could continue until morning. The authors of 4QMMT (*ʿanahnu ḥoshevim*, partly restored) call for observance of the same view found in the *Temple Scroll*.

THE ṬEVUL YOM

Twice, in B13–17 and 59–67, 4QMMT rejects the idea which the tannaim termed *ṭevul yom*, literally “one who has immersed during the day”. This term is used in tannaitic *halakhah* to designate one who has performed the various purification rituals associated with a particular impurity, but whose purification process will not be completed until sunset (*haʿarev shemesh*) on the last day of his or her period of impurity.¹⁵ The *ṭevul yom* was considered to be impure regarding sacrifices and *terumah* (if he was a priest) both of which he was prohibited from eating. On the other hand, such a person was considered pure as regards eating pure non-sacral food (*hullin*) outside the sanctuary and the second tithe (*maʿaser sheni*), that was separated in the first, second, fourth, and fifth years of the Sabbatical cycle and eaten by its owner in Jerusalem.¹⁶

The attitude of the authors of the “halakhic letter” to the *ṭevul yom* can be seen in 4QMMT B13–17 which discusses the red heifer used in the ritual of purification from impurity of the dead described in Num

¹³ Cf. C. Albeck, *Shishah Sidre Mishnah* (Jerusalem: Bialik Institute; Tel Aviv: Dvir, 1958) *Seder Qodashim*, commentary, 64, for the parallel between the procedures for offering meal offerings and animal sacrifices.

¹⁴ *m. Berakot* 1:1; cf. *m. Zevahim* 6:1.

¹⁵ Cf. Albeck, *Tahorot*, 457.

¹⁶ See L. Finkelstein, *The Pharisees* (Philadelphia: Jewish Publication Society, 1966) vol. II, 661–92; J.M. Baumgarten “The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts,” *JJS* 31 (1980) 157f.; and “Ṭevul Yom,” *Ensiqlopedyah Talmudit*, 18, cols. 374–404.

19. According to 4QMMT, those who slaughter and burn it, and the one who gathers its ashes, are considered to be impure until the setting of the sun at which time they become ritually pure. In 4QMMT B59–67 there is a detailed description of the procedure for purifying one afflicted with *šara'at*, the skin disease usually incorrectly translated as “leprosy”. In lines 66–67 it is stated explicitly that after the seven-day period of purification the *šarua'* is still considered impure until sunset on the eighth day, even after he has already shaved, laundered his clothes, and immersed on the seventh day (Lev 14:9). Yet he remains, in the view of 4QMMT, prohibited from entering a house in which there is *tahorat ha-godesh*, probably a designation for pure food.¹⁷ The polemical text of 4QMMT makes clear that the opponents of the sect allowed such people all privileges, including the eating of sacrifices (*godashim*), once their offerings had been presented on the eighth day.

m. Parah 3:7, cited by the editors of 4QMMT, indicates that there was controversy regarding the one who burned the red heifer. The Sadducees (mentioned there by name) did not accept the notion of the sages (*ziqne yišra'el*)¹⁸ that this officiant (the high priest according to M. 8) might be a *tevl yom*.¹⁹ The Sadducees insisted that only one who had completed the last day of his purification period (*me'oreve shemesh*,

¹⁷ Cf. L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, Calif.: Scholars Press, 1983) 162–167 regarding *tahorah* as the pure, solid food of the Qumran sectarians.

¹⁸ This reading is confirmed in *ed. princ.* (Naples, 1492, reprinted Jerusalem: Mekorot, 1969/70), MS. Kaufmann (Jerusalem: Sifriyat Mekorot, 1967/8), a Leningrad *genizah* fragment [*Ginze Mishnah*, ed. A.I. Katsch (Jerusalem: Mossad Harav Kook, 1970) 211], MS. Parma B (Jerusalem: Makor, 1971), MS. Paris 328–329 (Jerusalem: Makor, 1973), MS. Parma De-Rossi 138 (Jerusalem: Kedem, 1970), MS. Jerusalem Heb 4° 1336 (Jerusalem: Makor, 1970), and MS. Munich (to the Babylonian Talmud; Jerusalem: Sefer, 1971).

¹⁹ Elijah Ben Solomon Gaon, *Be'ur Ha-Gra' to t. Parah* 3:7 suggests that the Sadducees understood Num 19:9 *we-'asaf 'ish tahor* as referring to one who is pure of all impurities. Indeed, Num 19:9 was the source utilized by the Karaites for the same view as that of the Sadducees, as mentioned by Aaron ben Elijah of Nicomedia, *Gan Eden* (Israel: Ha-Mo'ešah Ha-'Elyonah La-Yehudim Ha-Qara'im, 1972) 126c-d (quoted by Strugnell and Qimron). This verse, however, refers to the one who gathers the ashes, whereas the Mishnah and Tosefta refer only to the one who burns the heifer. This point is made explicitly in *Sifre Bemidbar*, ed. H.S. Horovitz (Jerusalem: Wahrman Books, 1966) 157, *Sifre Zuṭa'* to Num 19:9 [J.N. Epstein, “Sifre Zuṭa' Parashat Parah,” *Tarbiz* 1 (1929/30) 58, and Horovitz edn, 304]. Cf. *t. Parah* 4:11 [ed. S. Lieberman, in D. Pardo, *Hasde Dawid, Tahorot* (Jerusalem: Yad Harav Herzog Press, 1971) vol. II, 127] and *b. Yebamot* 72b. (Contrast, however, *Tg. Ps.-ḥ.* and *m. Parah* 4:4 which seem to require a priest even for the gathering of the ashes [*Pseudo-Jonathan*, ed. M. Ginsburger (Berlin: S. Calvary & Co., 1903) 263 n. 3].

“those upon whom the sun had set”) was permitted to burn the red heifer. Most probably, the phrase *ziqne yiśra’el* here refers to the Pharisees. The Mishnah pictures the sages as rendering the priest impure and then immersing him before his burning of this sacrifice, all to make their point.²⁰ Note, however, that this Mishnah only discusses one who burns the offering, and does not deal with one who gathers its ashes or sprinkles the water of purification.

Tannaitic exegesis derived the notion that a *ṭevul yom* was permitted to perform the gathering of the ashes from Num 19:9.²¹ The word *ṭahor*, “pure”, was taken to mean that the gatherer might have previously been impure, and that he might still be in the process of completing his purificatory period. Such a person is a *ṭevul yom*. A parallel exegesis also occurs in amoraic sources²² and the medieval Tosafot understand it as the source for the *halakhah* that a *ṭevul yom* may perform all the rituals associated with the red heifer.²³

²⁰ Cf. the parallel in *t. Parah* 3:7–8 (Lieberman edn, 114–115). *t.* 7 corresponds to *m.* 7 and the Mishnah is quoted in *t.* 7. *t.* 8 is an expansion of *m.* 8 indicating how the procedure set forth there had gone wrong. In the story, Rabban Yoḥanan ben Zakkai realized that a high priest had set things up in order to fulfil the Sadducean view so that the sun would set before burning the heifer. Rabban Yoḥanan ben Zakkai placed his hands upon him to render him impure, forcing him to immerse and become a *ṭevul yom*. After immersing, the priest split the ear of the heifer (following MS. Vienna, Lieberman edn: *’oznah*; MS. Erfurt, Zuckerman-Del edn, 532: *’ozno*, “his (the priest’s) ear,” but Vienna is to be preferred since it is hard to imagine *t.* depicting a rabbi purposely injuring someone) so as to disqualify it. (This interpretation is also problematical, as the offering had already been slaughtered when the narrative began. Could it still be disqualified?). Presumably, his motive was to get back at Rabban Yoḥanan ben Zakkai for interfering with the observance of the Sadducean view. Three days after this incident the priest died. It cannot be determined if this is a historical account, even in its kernel, since it is not possible to reconstruct with certainty the role of Rabban Yoḥanan ben Zakkai in the affairs of Judea before the destruction of the Temple in 70 CE [see J. Neusner, *A Life of Rabban Yoḥanan ben Zakkai* (Leiden: E.J. Brill, 1962)]. Cf. S. Lieberman, *Tosefot Rishonim* III (Jerusalem: Bamberger & Wahrman, 1938/9) 218–219 for other interpretations of this difficult Tosefta passage. A further parallel in *Sifre Zuta* to Num 19:8 (Epstein edn, 58) cannot be understood as presently preserved.

²¹ *Sifre Bemidbar* 124 (Horovitz edn, 157–158). The text must be emended in two places. The attribution to Rabbi Ishmael must be deleted or replaced with that of Rabbi Akiva, since Rabbi Ishmael’s alternative exegesis of the word *ṭahor* is given above in the *Sifre* and this is clearly the view of Rabbi Akiva. Further, *mi-kol* must be emended to *mi-kelal*. See the comments of Horovitz, *ad loc.*, and Moses David Abraham Treves Ashkenazi, *Sifre ’im Perush Toledot ’Adam, Be-Midbar* (Jerusalem: Mossad Harav Kook, 1972) 243 who also explains that the view of Rabbi Nathan disagrees only as regards the exegetical technique through which this ruling is derived, but not with the ruling.

²² *b. Yoma*’ 43b, *b. Yebamot* 73a, and *b. Zevahim* 17a.

²³ Tosafot to *b. Yoma*’ 43b and *b. Yebamot* 73a, emending the former in light of the latter.

The very same view found in 4QMMT is taken in the *Temple Scroll* which requires that those who have undergone purification rituals, including immersion, be considered totally impure on the last day of their impurity until sundown. This ruling is repeated several times.²⁴

Talking about one impure from a seminal emission, who in the view of the scroll is to launder and immerse on the first and third days, 11QT 45:9–10 prescribes:

On the first day and on the third day he shall launder his clothes and immerse, and when the sun sets,²⁵ afterward,²⁶ he may enter the Temple (*miqdash*).

The author has added the extra stringency of three days based on the three-day preparatory period for the revelation at Sinai, whereas Deut 23:12 only required one day.²⁷ It is significant that Deuteronomy allows the purificant to enter the camp only after sunset.

In 11QT 49:19–21, regarding the impurity of the dead, there occurs a similar injunction:

And on the seventh day they shall sprinkle a second time, and they shall bathe and wash their clothes and their vessels. And by evening they shall become pure of the impurity of the dead so as to be permitted to touch all their pure stuff (food).

This text requires that at the end of the seven-day period of purification from impurity of the dead,²⁸ the final purification does not take place until sundown, even though the other requirements have been completed.

²⁴ Cf. the discussion of these passages in Baumgarten, "Pharisaic-Sadducean Controversies," 159–161.

²⁵ Taking *ba'ah* as the participle, accenting the second syllable. Alternately, it may be a perfect tense, "has set," with the accent on the first syllable.

²⁶ The word *'ahar* is not translated in Yadin, *Temple Scroll*, II, 192, nor in the parallel phraseology in 11QT 51:2–5 in Yadin, *Temple Scroll*, II, 226.

²⁷ *Ibid.*, II, 193; L.H. Schiffman, "Purity and Perfection: Exclusion from the Council of the Community in the *Serekh Ha-'Edah*," *Biblical Archaeology Today*, 375f.; and L.H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls. A Study of the Rule of the Congregation*, SBLMS 37 (Atlanta: Scholars Press, 1989) 41.

²⁸ This text is discussed in detail in L.H. Schiffman, "The Impurity of the Dead in the *Temple Scroll*," *Archaeology and History in the Dead Sea Scrolls*, JSPSup 8, JSOT/ASOR Monographs 2 (JSOT Press: Sheffield 1990) 146–148 (pp. 403–423 in this volume).

A final example is in 11QT 51:2–5. Referring to the impure creeping animals of Lev 11:29–38,²⁹ the text states:

[And anyone who touches them when] they are dead, shall be, impure until the] evening. Then he shall launder his clothes and immerse [in water, and when] the sun [goes down³⁰], he shall be pure. And anyone who carries any part of³¹ their bones, or of their carcass, (whether) hide, meat or nail, shall launder his clothes and immerse in water. When the sun sets, afterward³² he will be pure.

Here the *Temple Scroll* is following the text of Lev 22:7³³ in ruling that the person is impure until after sunset. The use of *'ahar*, “afterwards,” in line 5 (as in 11QT 45:9–10) shows that the author of the scroll is again emphasizing his opposition to the concept of *tevul yom*.³⁴

These rulings are in accord with the view of the Sadducees who denied the Pharisaic category of *tevul yom*. The Pharisees allowed one who has already immersed and performed all necessary purification rituals to come into contact with pure food outside the sanctuary before the end of his purification period at sunset. In this case, 4QMMT, the *Temple Scroll* and the Sadducean view coincide.

THE HIDES OF ANIMALS

4QMMT B 18–23 contains laws regarding hides of animals. In 18–20 the opponents of the authors are castigated for bringing into the Temple (*miqda[sh]*) vessels made from the hides of cattle. The editors understand this fragmentary text to refer to a law similar to that of 11QT 47:7–15 which forbids bringing the hides of animals slaughtered outside into the city of the sanctuary.³⁵ A second prescription in B22–23 states that

²⁹ Eight rodents and reptiles. As noted by Levine, the impurity of such animals “is even more consequential than that of land, water and sky creatures” (*Leviticus*, 69).

³⁰ See n. 25.

³¹ Partitive *mem*, see *Gesenius' Hebrew Grammar*, ed. E. Kautzsch, trans. A.E. Cowley (Oxford: Clarendon Press, 1910) § 119w and n. 2.

³² See above, n. 26.

³³ Yadin, *Temple Scroll*, II, 226.

³⁴ Cf. *ibid.*, I, 340.

³⁵ On which see *ibid.*, I, 308–311. See also the discussion of B.A. Levine, “The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character,” *BASOR* 232 (1978) 14–16. My remarks in “The *Temple Scroll* and the Systems of Jewish Law,” 248 must be corrected in light of what follows.

one who carries the hide of the carcass (*nevelah*)³⁶ of a pure (permitted, i.e. kosher) animal, may not approach the Temple purity (as restored by the editors). This prescription reflects an interpretation of Lev. 11:39–40 which includes skins (as well as bones and nails on which see below) in the prohibition. This law is probably to be connected with a prescription restored by the editors from B18–19 which would indicate that not only the meat of an unclean animal communicates impurity, but also its hide and bones. This would contrast, as they note, with rabbinic *halakhah* according to which this prohibition includes only the flesh of the animal.³⁷ Further, B23 seems to attack the opponents of the writers for slaughtering outside of the “camp”, which is the city of Jerusalem.³⁸

In other words, the hides of clean animals are prohibited in the Temple if they were slaughtered outside. One who carried them would be impure and would be forbidden from entering the Temple. However, the hides of unclean animals always render those who come in contact with them impure.

Two passages in the *Temple Scroll* present partial parallels to these laws from 4QMMT. After a general appeal for the sanctity and purity of the Temple City (*ha-'ir*) and the Temple itself (*miqdash*, restored), as well as all gifts brought to it, 11QT 47:7–15 puts forward the following prescriptions regarding hides:

³⁶ This term designates the carcass of an animal which has died a natural death, as opposed to a *terefah*, a “torn” animal which was killed but not in accordance with the laws of ritual slaughter. Cf. S. Ahituv, “Nevelah,” *Ensiqlopedyah Miqra'it* 5, cols. 747f.

³⁷ *m. Hullin* 9:1, *b. Hullin* 47b, *Sifra' Shemini Perek* 10:2 (Weiss edn, 55b). Cf. Baumgarten, “Pharisaic-Sadducean Controversies,” 161–163.

³⁸ 4QMMT, like the rabbis, defines the *mahaneh* as Jerusalem. This *mahaneh* is what the tannaim called *mahaneh yisra'el*. In this respect it disagrees with the *Temple Scroll* which places the *mahaneh yisra'el* within the expanded *temenos* (see L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985) 301–320 (pp. 381–401 in this volume) which must be expanded to include the evidence of 4QMMT). 4QMMT, however, does not mention expanded Temple precincts. 4QMMT B 53–57 prohibits bringing dogs into the “holy camp”, the city of Jerusalem. Here it is emphasized that Jerusalem is the *mahaneh*. Our view is that this refers to what the tannaim termed the *mahaneh yisra'el* in which the offerings of *shelamim* might be eaten. The text of 4QMMT tells us that the exclusion of dogs was to ensure that they would not find bones from the sacrifices with meat still on them upon which to gnaw.

Every hide of a clean animal which they will slaughter³⁹ in their cities⁴⁰ they may not bring into it.⁴¹ However, in their cities, they may do their work with them (the hides)⁴² for all their purposes. But they may not bring (them) into the city of My Temple. For their (level of) purity is (equal to) that of their (the slaughtered animal's) meat. For you may not render impure the city in the midst of which I cause My Name and My Temple to dwell. But (only) in hides (of animals) which they slaughter in the Temple shall they bring their wine, their oil, and all their foodstuffs⁴³ to My Temple City. And they shall not defile My Temple with the hides of their abominable⁴⁴ offerings which they will sacrifice throughout their land. You may not consider any city among your cities to be as pure as My city.⁴⁵ For according to (the level of) purity of its (i.e. the slaughtered animals') meat, is the (level of) the purity of the hides. If you slaughter it in My Temple, it (the hide) shall be (sufficiently) pure for My Temple. But if you slaughter it in your cities, then it shall be (sufficiently) pure for your cities (only). Therefore, all pure food for the Temple (*tahorat hamiqdash*)⁴⁶ you shall bring in hides (of animals slaughtered in) the Temple so as not to render impure My Temple and My city, in which I dwell, with the hides of your abominations.

This passage rules that the skins of clean animals slaughtered outside may not be brought into the Temple City. They are to be used in the cities that according to the idealized, schematic urban planning of the *Temple Scroll* were to house the tribes of Israel.⁴⁷

³⁹ That these are active verbs is most probable in light of the use of *tizbahuhu* below, line 16.

⁴⁰ Cf. 11QT 52:13–21 and Yadin, *Temple Scroll*, I, 315f. on slaughter in cities outside the Temple City.

⁴¹ I.e. the Temple City. E. Qimron, "New Readings in the *Temple Scroll*," *IEJ* 28 (1978) 170 suggests *ybw'w* (cf. 11QT 47:6 *yaw'lah*, and Yadin, *Temple Scroll*, II, 202–203), meaning to the Temple City. Qimron, however, admits the paleographic superiority of Yadin's reading.

⁴² Cf. *meleket* 'or in Lev 13:48, 51.

⁴³ Yadin, *Temple Scroll*, II, 204 suggests adding *wmwšqmh* in light of lines 6–7.

⁴⁴ According to the rabbinic understanding, *piggul* refers to a sacrifice offered with the intention of eating it outside the legal time limit, whereas here it is used to refer to an offering slaughtered outside the spatial limits (= *huš li-meqomo* in rabbinic terminology).

⁴⁵ Following Yadin's commentary, *Temple Scroll*, II, 204, as opposed to the translation which was adapted from the RSV by his wife Carmella. Baumgarten, "Pharisaic-Sadducean Controversies," 162 n. 19 reads *ʿwr*, "skin," where Yadin read *ʿyr*, "city" in line 14.

⁴⁶ "Everything sent to the Temple" (Yadin, *Temple Scroll*, II, 205).

⁴⁷ See L.H. Schiffman, "Architecture and Law: The Temple and its Courtyards in the *Temple Scroll*," *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding. Essays in Honor of M. Fox*, ed. J. Neusner, et al., BJS 159 (Scholars Press: Atlanta 1989) vol. I, 267–284 (pp. 215–232 in this volume).

This passage asserts that the level of purity of the hides of a slaughtered clean animal is equivalent to that of its meat. Further, the purity of a slaughtered animal is dependent on where it is slaughtered. When the slaughtering renders the animal fit for eating and other uses, it does so in degrees. Slaughter in the cities renders the animal fit for eating and use outside the Temple City. Slaughter in the Temple (*miqdash*) makes the animal, including the hides, acceptable for use in the Temple City. Therefore, the bringing of hides of animals slaughtered outside into the Temple City constitutes an infringement of the sanctity and purity of the holy precincts, and, therefore, renders them impure. Accordingly, if products are to be brought to the Temple in leather vessels, these can only be made from the hides of animals slaughtered in the Temple.⁴⁸ Finally, it is forbidden to elevate the level of purity of any other city to that of the Temple City.⁴⁹

The text is set out in a somewhat repetitive style which represents an early example of Jewish legal argumentation similar to the “proto-Talmud” of the early tannaitic period.⁵⁰ The attempt to suggest a biblical derivation for this law is highly unsuccessful.⁵¹ We prefer to see it as resulting from legal argumentation, certainly not a common process in the scroll. It was the author’s difficulty in framing this argument which led him to repeat himself, not just his polemical stance.

This passage from the *Temple Scroll* and now the 4QMMT passage have been taken to relate to a prescription of the Edict of Antiochus III. Josephus⁵² relates that Antiochus III the Great, in ca. 198 B.C.E., after effecting Seleucid control over Palestine, issued an edict in which the Jews were granted certain privileges. Among them was the confirmation of certain Jewish laws. According to the edict, it was prohibited to bring the meat of unclean animals, their skins, or even live unclean

⁴⁸ Cf. Yadin, *Temple Scroll*, I, 308–310, B.A. Levine, “The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character,” *BASOR* 232 (1978) 15f. and J. Maier, *The Temple Scroll* (Sheffield: Sheffield University, 1985) 118.

⁴⁹ Yadin, *Temple Scroll*, I, 311 suggests that this may be a reflection of the scroll’s opposition to the Samaritan Temple on Mt. Gerizim. Yet elsewhere the scroll polemicizes against John Hyrcanus, and it was he who destroyed the Gerizim Temple.

⁵⁰ Cf. the logical argument put forward regarding the prohibition of marriage of an uncle to a niece in CD 5:7–11.

⁵¹ Yadin, *Temple Scroll*, I, 309.

⁵² *Ant.* XII, iii, 4 (§ 146). Cf. E. Bickerman, “Une proclamation Séleucide relative au Temple de Jérusalem,” *Studies in Jewish and Christian History II* (Leiden: E.J. Brill, 1980) 86–104, and especially 92–94, and, for background, his “La charte Séleucide de Jérusalem,” *Studies II*, 44–85, and Yadin, *Temple Scroll*, I, 310f.

animals into Jerusalem. This edict reveals the attitude of Jerusalem's pro-Seleucid (priestly?) aristocracy in the Hellenistic period, for it was they who aided Antiochus in conquering Judea and who negotiated these privileges with him. This aristocracy took the view that hides of forbidden animals were not permitted in the holy city. Yet there is no indication that this law applied as well to kosher animals which were slaughtered outside of Jerusalem and to their hides. Further, there is no parallel in the scroll or in 4QMMT to the edict's notion that live unclean animals may not enter the city. We might say that the edict shows that these Jews agreed that hides of unslaughtered animals were forbidden in the holy city, but they did not make any distinction as to where slaughtered animals had been killed and, therefore, had no sense of levels of purity brought about through ritual slaughter. It is, therefore, exaggerated to claim that this edict provides evidence for practices similar to those called for by 11QT or 4QMMT. The innovations of these two sources in this regard are unique and highly original.

These innovations are consistent with the views of the *Temple Scroll* concerning slaughter. This matter is the subject of a number of regulations in column 52, especially lines 13–21. Clean animals of the types offered as sacrifices were forbidden to be slaughtered within three days' journey of the Temple. Rather, within this distance, such animals may only be offered as sacrifices in the Temple. Only beyond three days' journey could animals be slaughtered outside the holy precincts.

This text is a result of the need to harmonize the different commands in Leviticus and Deuteronomy regarding slaughter.⁵³ According to Lev 17:1–9, all slaughter is to take place at the entrance to the Tabernacle and the animals are to be offered as *shelamim* sacrifices. From verse 7 it would appear that this law is intended to eliminate all sacrifice outside the central sanctuary. Yet Deut 12:20–28, after a survey of all the sanctified offerings to be brought to the sanctuary, specifically allows slaughter outside the sacrificial (cultic) sphere, what the rabbis called *shehitat hullin*, “nonsacral slaughter”, provided that the blood is drained onto the earth.⁵⁴

⁵³ See Levine, *Leviticus*, 112f. on Lev 17:3.

⁵⁴ Cf. Deut 12:15–16 which appears to be a shorter recension of the same provision but which has been subsumed in the section dealing with sacrificial offerings. Since rabbinic exegesis cannot allow for such duplication, *Sifre Devarim* 71 [ed. L. Finkelstein (New York: Jewish Theological Seminary, 1969) 134f.] takes this passage as referring to sacrifices which are disqualified because of permanent blemishes (*mum qavua'*). 11QT 53:07–8 is an adaptation of Deut 12:20–25 to the style of 12:15–16 (Yadin, *Temple*

These two seemingly contradictory passages were resolved in the rabbinic tradition by assuming that Leviticus meant to indicate only that it was permitted to sacrifice as many *shelamim* as desired, and that non-sacral slaughter was permitted anywhere. Yet the *Temple Scroll* was sensitive to the words at the beginning of Deut 12:20, *ki yarhiv... 'el gevulekha*, “When the Lord your God will expand your boundaries,” and in verse 21, *ki yirhaq mimmekhah ha-maqom*, “When the place (sanctuary) will be (too) far from you”. To the *Temple Scroll* this indicated that the opportunity for non-sacral slaughter was to be limited to those a distance from the sanctuary.⁵⁵ The remaining question was what that boundary should be. The *Temple Scroll* mandates that three days’ journey should be the boundary. This was probably based, although the reason is not clear, on the three days’ journey of Exod 3:18. The very same distance serves as the boundary beyond which it is permissible to exchange tithes for money then to be spent on substitute produce in the Temple City (11QT 43:12–15).⁵⁶

Two other aspects of this passage are extremely significant. 11QT 52:21 emphasizes the reason for the distinction between slaughter in the Temple City and outside. The offerings within the Temple, even if basically intended for eating, are to include the sprinkling of the blood on the base of the altar and the offering of the fats (as in all *shelamim* offerings, Lev 3:2–3). It is these acts that render these animals special.

Scroll, II, 236, cf. I, 320). Further, 11QT 52:16–18 deals with the blemished offering. Hence, it appears that the scroll saw Deut 12:15–16 as referring, like 12:20–25, to non-sacral slaughter.

⁵⁵ Such a view is explicitly refuted by Naḥmanides to Deut 12:20 (Yadin, *Temple Scroll*, I, 319). *t. Niddah* 9:18 and *t. Ma'aser Sheni* 1:9 [cf. Lieberman, *Tosefta' Kifshutah* (New York: Jewish Theological Seminary 1955–88) vol. II, 719], cited by Yadin, *ibid.*, do not reflect a parallel to our law from the *Temple Scroll*. These passages indicate that the meat of non-sacral animals slaughtered in Jerusalem was declared susceptible to ritual impurity. These regulations reflect a desire to create an economic incentive for the purchase of sacrifices with the funds generated by the exchange of tithes (*pidyon*). Accordingly, ritual impurity was extended to non-sacrificial meal purchased with tithe money. For a different explanation see Maimonides, *h. 'Avot Ha-Ṭum'ah* 11:5 and D. Pardo, *Hasde David, Tahorat to Niddah*, 251f. For Karaite parallels to the ruling of the *Temple Scroll*, see Yadin, *Temple Scroll*, I, 319f. It should be noted that only the first of Yadin's Karaite texts is applicable, as the others deal with laws in effect only in the absence of a Temple.

⁵⁶ Yadin, *Temple Scroll*, I, 316f., II, 235. *Ibid.*, I, 317 refers to *t. Pesahim* 3:8 in which Rabbi Yose the Galilean dismisses the possibility that *be-derekh rehoqah* in Num 9:10 (referring to the Second Passover) can refer to a journey of one, two or three days. (The ritual of the Second Passover probably stood at the top of column 18 but is not preserved [Yadin, *Temple Scroll*, II, 76]).

It is the absence of these rites which leaves the meat and hides of other animals unfit for entry into the temenos.

The second aspect concerns the use of the term *piggul*, “abomination”. According to 11QT 52:18–19 the meat of an animal slaughtered within three days’ journey of the Temple but not slaughtered in its precincts and according to its rites is *piggul*. It was already noted that 11QT 47:13–14 refers to ‘*orot zivhe piggulehemah* and line 18 to ‘*orot piggulekhemah*. These hides are considered to be the result of *piggul* sacrifices. Yet in line 14 the *piggul* is defined as that sacrificed throughout the land. From these examples, which are the only occurrences of the root *pgl* in this scroll, one might think there is an inconsistency. It seems as though the term refers in column 52 only to meat slaughtered improperly within the three-day limit, whereas in column 47 it refers to meat slaughtered legitimately beyond that limit.

This seeming contradiction evaporates when the texts are properly understood. In the *Temple Scroll*, this term refers to parts of animals which are not in their proper location. The hides of column 47 become *piggul* when brought into the Temple City where they do not belong. The meat of column 52 is *piggul* because despite its being slaughtered in a legal manner, the process was carried out in the wrong place, in the area in which only sacrificial slaughter had been permitted.

This use of *piggul* in regard to spatial disqualification contrasts completely with rabbinic usage. For the tannaim,⁵⁷ *piggul* referred to an offering which was sacrificed with the intention to complete its rites or to eat it after the prescribed time, a temporal disqualification. Yet the spatial definition was perhaps recognized by a tannaitic interpretation of Lev 7:18 and 19:7 in which the biblical term *piggul* is understood to refer to an offering intended to be eaten in an improper location.⁵⁸

The editors of 4QMMT also allude to 11QT 51:4–5 in which the *Temple Scroll* speaks about the forbidden creeping things (*sherašim*). There, the scroll provides that the impurity can be imparted through carrying either the bones of a creeping thing, or its carcass, which is said to consist of the hide, meat and nails. Although there is no indication in the text that this definition of the carcass as including the hide, meat and

⁵⁷ m. *Zevahim* 2:3, t. *Zevahim* 2:1.

⁵⁸ b. *Zevahim* 28a–b (see Rashi). Yet here the spatial usage is only suggested since the term *piggul* is regarded as duplicating *bayom ha-selishi*. It is therefore suggested in the Talmud that in this verse *piggul* refers to a sacrifice intended to be eaten *huš li-meqomo*.

nails would apply to all laws, it does seem likely. Such a view contrasts sharply with that of the tannaim according to whom these parts of the body of a pure animal do not impart carcass impurity.⁵⁹ Accordingly, this would constitute another instance of agreement between 4QMMT and the *Temple Scroll*.

The text of 4QMMT prohibits the bringing of the hides of clean animals slaughtered outside into the Temple. A very similar law is preserved in the *Temple Scroll*. 4QMMT states that even the hides of a *nevelah* (the carcass of a clean animal) render one who carries them impure. In this case, the *Temple Scroll* agrees fully with this law. At the same time, these views are diametrically opposed by those of the tannaim, who appear to transmit later versions of the views of their Pharisaic predecessors who were opposed by the authors of 4QMMT and the sources of the *Temple Scroll*.

SLAUGHTER OF PREGNANT ANIMALS

4QMMT B 30–33, as reconstructed, prohibits slaughtering a pregnant animal.⁶⁰ This passage takes such slaughter to be a violation of Lev 22:28 which prohibits slaughtering an animal “on the same day with its young”.⁶¹ The use of *'anahnu hoševim*, “we hold the view”, twice and *hem yode'im*, “they (fully well) know” (according to the restoration of the editors), signals the polemical character of the passage.

The very same prohibition is found in 11QT 52:5–7:

⁵⁹ *m. Hullin* 9:1, cf. 9:2, *Sifra' Shemini Pereq* 10:2 (Weiss edn, 55b). Yadin, *Temple Scroll*, I, 340–341 also compares the argument in *m. Yadayim* 4:6 regarding the fact that the bones of impure animals do not impart impurity whereas those of a person (even a high priest) do. Yet it should be noted that the mention of bones of impure animals occurs there not in a Pharisee-Sadducee dispute, but only in Rabbi Yoḥanan ben Zakkai's gloss on that dispute in which he highlights the difficulty of the Pharisaic position. Most probably the explanation of this Mishnah in S. Lieberman, *Hellenism in Jewish Palestine* (New York: Jewish Theological Seminary, 1962) 105–108 will have to be reevaluated in light of 4QMMT.

⁶⁰ According to the restoration it is possible that this law only refers to sacrifice, not to “non-sacral” slaughter.

⁶¹ NJPS.

You may not sacrifice (*tizbah*, or: “slaughter”) to Me an ox or a sheep or a goat while they are⁶² pregnant,⁶³ for they are an abomination to Me. And you shall not sacrifice (or: “slaughter”) an ox or a sheep, it together with its young, on the same day. You may not kill (*takkeh*) the mother together with (her) young.

This passage prohibits the sacrifice or non-sacral slaughter of pregnant animals. The scroll further repeats the biblical prohibition on slaughtering an animal and its young. From the repetition, it seems that the text seeks to include even the male and its offspring, following the use in Scripture of the masculine, *'oto we-'et beno*, literally “him and his son”. The language of these first two clauses is clearly that of Lev 22:28 on which they are based. Finally, following Deut 22:6–7,⁶⁴ dealing with a mother bird and its young, the text again states that one may not kill the mother and its young on the same day. This third repetition is designed to include a still further case, that of non-sacral slaughter.⁶⁵ The scroll understood Deut 22:6–7 to prohibit the taking of both the mother and young at the same time. Since such is prohibited, one must send forth the mother and be content with only the young. This interpretation certainly shows that to the author of the *Temple Scroll* the Deuteronomic prohibition was not connected with any sacral rituals. The scroll’s inclusion of this case indicates that this law applied, therefore, to non-sacral slaughter as well.

The substitution of *takkeh*⁶⁶ for MT and 11QT *tiqqah* was made as a result of the occurrence of a similar expression in Gen 32:12 *we-hikkani 'em 'al banim*, “and he smite me, (the) mother together with (the) children”.⁶⁷ The reference to this verse makes clear that the *Temple Scroll* understood the phrase *ha-'em 'al ha-banim* in Deut 22:6 to mean

⁶² *We-hemah* begins a relative clause modifying its antecedent. Cf. Num 11:26.

⁶³ On *mele'ot*, “pregnant,” see 11QT 50:10, Yadin, *Temple Scroll*, II, 222f. and M. Weinfeld, “Hamitat 'Ubar—'Emdat shel Masoret Yisra'el Be-Hashva'ah Le-'Emdat 'Ammim 'Aherim,” *Ẓion* 42 (1977) 142 n. 61.

⁶⁴ This passage appears in the Deuteronomic Paraphrase in 11QT 65:2–5 (Yadin, *Temple Scroll*, II, 293) with no significant variants and no evidence of exegesis.

⁶⁵ If so, the first occurrence of *tizbah* should therefore be translated “sacrifice” and the second, “slaughter”. Cf. J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978) 522 who suggests that Lev 22:28 *tishhatu* was replaced by 11QT *tizbah* to make the point that the same rule applied to both sacrificial and non-sacral slaughter. Cf. J. Milgrom, “Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy,” *HUCA* 47 (1976) 1–17.

⁶⁶ A *hif'il* from the root *nkh*.

⁶⁷ Yadin, *Temple Scroll*, II, 233; cf. I, 313. Cf. G. Brin, “Ha-Miqra' Bi-Megillat Ha-Miqdash,” *Shnaton* 4 (1980) 204f.

“the mother together with the young”, as opposed to the tannaitic understanding, “the mother while she is still on the young”.⁶⁸ The scroll included this reference to make the point that it was forbidden to take the life of the mother and her young on the same day. Hence, this law is explicitly said to relate even to non-sacral slaughter.

This entire passage in the *Temple Scroll* comes immediately after the prohibition of sacrificing to God (in the first person, “Me”) an ox or sheep with a blemish (11QT 52:3–5). Accordingly, there is some reason to conclude that the prohibition of sacrificing pregnant animals was also because the pregnant animal was considered as blemished.⁶⁹ Yet the scroll gives a specific reason for which the offering of pregnant animals is forbidden, namely that it transgresses the command of the Torah in Lev 22:28, so there is no reason to offer alternative rationales.

Tannaitic opinion was unanimous that this law applied to both non-sacral slaughter and sacrificial offerings.⁷⁰ Philo takes it also as applying to both.⁷¹ Josephus applies this law only to sacrifices.⁷²

The tannaim argued about whether the law of Lev 22:28 applied only to a mother and its offspring or to a father as well.⁷³ The sages took the view that it applied only to slaughtering mothers and their offspring on the same day, but Hananiah maintained that it applied to fathers as well. *Tg. Onq.*, *Ps.-ŷ.* and *Neof.* all understood this ruling to apply only to mother animals.

According to Palestinian tradition, an anonymous Mishnah applied this prohibition to both mothers and fathers among the animals.⁷⁴ This disagreement was not settled even in the Middle Ages. Ibn Ezra took

⁶⁸ *Sifre Devarim* 27 (Finkelstein edn, 259), *m. Hullin* 12:3, *t. Hullin* 10:10, *baraita* in *b. Hullin* 140b. Cf. *Tg. Ps.-ŷ.*: *‘ima’ me-‘al benayya’*; *Tg. Neof.*: *‘amhatah ‘im banayyah*.

⁶⁹ Yadin, *Temple Scroll*, I, 312–313; II, 233. Cf. Rashi to *b. Bekorot* 45b.

⁷⁰ *m. Hullin* 5:1, *t. Hullin* 5:2. Midrashic basis for the case of sacrifices is provided in *Sifra’ Emor Parashah* 8:7 (Weiss edn, 99b) and in a *baraita* in *b. Hullin* 78a. An amoraic addition to that *baraita* provides a Scriptural derivation for non-sacral slaughter as well. Cf. Albeck, *Qodashim*, 378.

⁷¹ Philo, *Virtues*, 134–136. Immediately following comes his prohibition of slaughtering pregnant animals (137–138) which seems to apply only to sacrificial animals.

⁷² *Ant.* III, ix, 4 (§ 236).

⁷³ A *baraita* in *b. Hullin* 78b and *b. Bekorot* 45b. Cf. *Sifra’ Emor Parashah* 8:11–12 (Weiss edn, 99b) which preserves only the view of the sages, but not that of Hananiah, and *Midrash Tanna’im* to Deut 22:7 [ed. D.Z. Hoffmann (Berlin: H. Itzkowski, 1909) vol. II, 135f.]. Note that *Sifra’*, *b. Hullin* and *Midrash Tanna’im* explicitly link the question of the slaughter of an animal and its offspring on the same day to that of the mother bird and its nest.

⁷⁴ *M. Bekorot* 7:7 as explained in *b. Bekorot* 45b. Cf. Albeck, “Hashlamot We-Tosafot,” *Qodashim*, 394.

the view that it applied equally to mothers and fathers, and Naḥmanides first admitted that the plain sense of the Torah was so, but nonetheless justified Rashi's ruling that the law only applied to mothers. Finally, Maimonides⁷⁵ took the view that the punishment was meted out only in the case of mothers since it was definite who the parent was. Yet he ruled that in the case where the identity of the father was known definitely, it was forbidden to slaughter even the male animal and its offspring on the same day.

The slaughter of pregnant animals was also taken up by the tannaim. It was regarded as permitted, and the embryo was considered to be kosher even without slaughter, since the slaughtering of the mother covered it. It was the view of Rabbi Meir that an embryo which had completed gestation (nine months) required slaughter and, therefore, that if the mother was slaughtered and then the embryo after its removal, this involved violation of the prohibition of slaughtering the two on the same day. Yet this view was not accepted by the other sages.⁷⁶ The eating of the embryo was forbidden by the Samaritans,⁷⁷ and the Karaites forbade the slaughter of pregnant animals.⁷⁸ Philo explicitly prohibited the sacrifice of pregnant animals,⁷⁹ but it seems from his explanation of this law that he would also have forbidden the non-sacral slaughter of pregnant animals.

PRIESTLY GIFTS

In 4QMMT B 57–59 the fruit of the fourth year (*neṭa' reva'i*)⁸⁰ and the tithe of cattle and sheep (including goats) are assigned to the priests. The exact same rulings appear in 11QQT 60:2–4 (fragmentary), in the context of the enumeration of priestly and Levitical gifts:⁸¹

⁷⁵ *h. Sheḥiṭah* 12:11 (cf. Joseph Karo, *Kesef Mishneh, ad loc.*), followed by Joseph Karo, *Shulḥan 'Arukh* Yoreh De'ah 16:2.

⁷⁶ *m. Hullin* 4:5.

⁷⁷ *Kutim* 1:2 [ed. Higger (New York: Bloch, 1930) 63f.] and the commentary of S.Y.H. Kanievsky (Bnai Brak, 1964/5) 52–53.

⁷⁸ Aaron ben Elijah, *Gan 'Eden*, 83d and *Keter Torah* to Lev 22:28, Samuel Al-Maghribi, *Al Maqalat fi al-Ma'akhalot*, ed. M. Lorge (Berlin, 1907) chap. IX, 11. Cf. A. Geiger, *Ha-Miqra' We-Targumav* (Jerusalem: Bialik Foundation, 1971/2) 344f., Albeck, 377 and Yadin, *Temple Scroll*, I, 313f.

⁷⁹ *Virtues*, 137–138.

⁸⁰ 4QMMT specifically states that this law applies only in the Land of Israel. Cf. the same ruling in *p. Pe'ah* 7:6 (20b).

⁸¹ The entire section is 11QQT 60:1–11, on which see Yadin, *Temple Scroll*, I, 159–168 and J.M. Baumgarten, "On the Non-Literal Use of *ma'aser/dekate*," *JBL* 103 (1984)

...and⁸² all their wave offerings (*tenufotamah*), and all the firstborn males of their animals,⁸³ and all the [tithe]⁸⁴ of their animals, and all their sacred donations which they dedicate to Me, with all its (fruit) offering of praise....

While this and the following lines contain much significant material, we will concentrate here on two specific aspects. The text counts among the priestly emoluments the tithe of domesticated, edible animals (accepting the restoration of Strugnell and Qimron), and the fourth year produce, termed by the scroll, in the language of the Torah, *godesh hillulim*, and, by the rabbis, *neṭa' reva'i*, "produce of the fourth year". We shall take up each of these aspects separately.

Lev 27:32–33, in the context of discussing sacred donations and tithes, sets forth the requirement of a tithe of cattle and sheep and goats.⁸⁵ We are told that as the animals pass under the herdsman's rod, every tenth shall be declared *godesh*, a sanctified offering. It is explicitly forbidden to choose the best or the poorest animals to be designated for the tithe and no switching may be done. If animals are switched, the sanctity remains inherent in both the original and the substitute and such an animal may not be redeemed (*g'l*).⁸⁶

The fundamental question left vague by Leviticus is to whom the offering of the tithe of food animals was to go. Yet from a reading of Lev

245–261 and "The First and Second Tithes in the *Temple Scroll*," *Biblical and Related Studies Presented to Samuel Iwry*, ed. A. Kort and S. Morschauser (Winona Lake, IN: Eisenbrauns, 1985) 5–15. Baumgarten's studies include much more material than that discussed presently in this study. Cf. also Yadin, *Temple Scroll*, I, 114–116 and L.H. Schiffman, "The Sacrificial System of the *Temple Scroll* and the Book of Jubilees," *Society of Biblical Literature 1985 Seminar Papers*, ed. K.H. Richards (Atlanta: Scholars Press, 1985) 227 (pp. 99–122 in this volume).

⁸² The previous line cannot be read at all. It may have contained a parallel to Num 18:11 (cf. Yadin, *Temple Scroll*, II, 271). The preceding lines may have contained references to Num 18:8–10 and Deut 18:1–5.

⁸³ Hebrew *behemah* denotes cattle, and sheep and goats. E. Qimron, "Le-Nushah shel Megillat Ha-Miqdash," *Leshonenu* 42 (1978) 145, and J. Milgrom, "Further Studies in the *Temple Scroll*," *JQR* 71 (1980/1) 102f. read *be-vekh[orote]hemah*, "among their firstborn". See Yadin, *Temple Scroll*, II, 271.

⁸⁴ As restored by Strugnell and Qimron in their commentary to 4QMMT. They note the partial preservation of the *shin* and examination of Plate 75 indicates the presence of the lower point of the *shin*. The restoration is published in E. Qimron, "He'arot Le-Nusah Megillat Ha-Miqdash," *Tarbiz* 53 (1983/4) 141.

⁸⁵ The term "small cattle" for sheep and goats as a translation of Hebrew *son* derives from German usage ("Kleinvieh") and should be avoided.

⁸⁶ The only other mention of this tithe in the Bible is 2 Chr 31:6, but cf. Levine, *Leviticus*, 200 on Lev 27:32.

27:9–34 as a whole it is difficult to avoid the conclusion that the literal meaning of *qodesh la-'adonai* was that the offering was to be presented to the priest. This, indeed, was the conclusion of the *Temple Scroll*. From our passage in the scroll it can be deduced that the author supported this conclusion by his reading of Num 18:8–20. There a number of the offerings described also in Lev 27 are listed, and they are termed *qodesh* as in Leviticus. Yet in Numbers, these offerings are explicitly assigned to the priests provided that appropriate portions are first offered to God. Thus, the author concluded from a midrashic exegesis that the tithing of animals was part of the priestly emoluments.

The author of the *Temple Scroll* was not the only one to reach the conclusion that the tithing of animals should go to the priests. The same ruling occurs in *Jub.* 13:25–26⁸⁷ and Tob 1:6. The same view is taken by Philo,⁸⁸ and a similar view is reflected in the *Didache*, an early church document.⁸⁹ The medieval Karaites followed the same interpretation.⁹⁰

The tannaim ruled that the tithing of animals was to be brought to Jerusalem, sacrificed, its blood sprinkled and fats offered, and it was to be eaten in Jerusalem by its owner.⁹¹ The tannaim could not rule that

⁸⁷ Cf. Ch. Albeck, *Der Buch der Jubiläen und die Halacha* (Berlin, 1930) 30 and notes.

⁸⁸ *Special Laws* I, 141; IV, 98; *Virtues* 95; cf. S. Belkin, *Philo and the Oral Law* (Cambridge: Harvard University Press, 1940) 68f. Belkin is uncertain about whether the animal tithing is given as a gift to the priest or is offered as a sacrifice. B. Revel, *Philo and the Oral Law* (Philadelphia: Dropsie College, 1913) 80 says that Philo understood this tithing as going to the priests. Belkin also notes that Josephus is silent on this topic.

⁸⁹ *Didache* 13:3 [G. Alon, *Ha-Halakhah She-Be-Torat Shenem 'Asar Ha-She'itim, Mehqarim Be-Toldot Yisra'el* (Israel: Hakibbutz Hameuchad, 1967) vol. I, 292–294. Alon places the text in late first-century Palestine or Syria.

⁹⁰ Revel, 80. However, his reference to *Keter Torah*, 76b seems irrelevant. The tithing of animals is mentioned also in S. Schechter, *Fragments of the Book of the Commandments by Anan*, Documents of Jewish Sectaries, vol. II (New York: Ktav, 1970) 4, lines 13–15.

⁹¹ *m. Zevahim* 5:8 (cf. *t. Zevahim* 6:18), *baraita* in *b. Pesahim* 64b, *b. Zevahim* 37a and 56a, *Sifre Bemidbar* 118 (Horovitz edn, 139f.), *Sifre Devarim* 78 (Finkelstein edn, 144). *Midrash Aggadah* [ed. S. Buber (Vienna: A. Panta, 1893/4) vol. II, 85] preserves what is evidently a polemic against the notion that the animal tithing is given to the priest, which the text admits would seem to be the meaning of *qodesh la-'adonai* (cf. also Rashi to Lev 27:32). This *midrash*, however, was compiled in the twelfth century (M.D. Herr, “Midrashim, Smaller,” *EJ* 16, col. 1517) and this interpretation is probably an anti-Karaite polemic. In fact, *Midrash Aggadah* adapted its text from *Sifre Bemidbar* 6 (Horovitz edn, 9f.) which does not mention the tithing of animals, but which does mention *ne'at reva'i*, on which see below.

the animal tithe was to be given to the priests as long as it was absent from the list of their emoluments in Num 18. Further, they regarded Lev 27:30–31, which occurs immediately before the passage regarding the tithe of animals, as referring to the “second tithe” which was in their view also to be eaten in Jerusalem. So context also served to guide the rabbinic interpretation.

The *Temple Scroll* also apportioned the fruit of the fourth year (*neṭa' reva'i*)⁹² to the priests. While the animal tithe was in fact restored in the scroll, the mention of the *qodesh hillulim* is definite.

Lev 19:23–25 requires that crops of fruit trees be forbidden (termed *'orlah*) for the first three years after planting. The crop of the fourth year is to have the special status termed by verse 24 *qodesh hillulim la-'adonai*, “an offering of praise to the Lord”.⁹³ Thereafter, from the fifth year on, the produce is permitted for use. Verse 25 explains that this entire commandment is intended, “to increase its (i.e. the fruit tree’s) yield for you”.⁹⁴

The Bible, however, nowhere made clear to whom the offering was to be apportioned. From the appearance of the term *qodesh hillulim* in the list of priestly emoluments in the *Temple Scroll*, it is certain that according to this text the fourth year produce was to be presented to the priests. This view may have been derived from comparison of Lev 27:30 which also concerns tithes and which mentions *peri ha-'es*, “fruit of the tree”, which is *qodesh la-'adonai*, “sanctified to the Lord”. In this chapter gifts to the priests figure prominently.⁹⁵

Jub. 7:35–37 reviews this law and rules that from this produce an offering should be made on the altar, and the remainder should be eaten by the priests “before the altar”.⁹⁶ *Jub.* expects that part of the offering will be sacrificed and part eaten by priests in the Temple. It is possible that this is the intention of the *Temple Scroll* and that our passage only means to indicate that the priests have a share in it. It is also possible

⁹² Fourth year produce of vineyards was termed *kerem reva'i* by the rabbis.

⁹³ LXX and Vulgate.

⁹⁴ So Rashi and Ibn Ezra.

⁹⁵ Yet Neh 10:36–38 clearly took Lev 27:30 as referring to tithes due to the priests, not to the fourth year fruit.

⁹⁶ R.H. Charles, *The Book of Jubilees* (London, 1902) esp. 64f., n. 36. Cf. Albeck, *Jubiläen*, 32f. and notes, and Yadin, *Temple Scroll*, I, 162.

that the passages in fact disagree, and that according to our scroll the entire offering belongs to the priests.

The assignment of the entire crop of the fourth year to the priests seems to be the view of *Tg. Ps.-J.* to verse 24 which adds *mitperaḡ min kahana*, “to be redeemed from the priest”.⁹⁷ This implies that in place of the actual offering, a payment can be given to a priest by which the produce is bought back by the owner of the tree. This ruling is not the same as that of *Jub.*, since here the entire offering goes to the priests. Further, in *Jub.* it is clear that these offerings are to be considered sanctified and would not be permitted to be redeemed. We cannot say whether the *Temple Scroll* or 4QMMT would have permitted the redemption of this offering from the priest.

Ibn Ezra understood the Bible to prescribe that this offering be eaten by the priest.⁹⁸ He is followed by Abravanel who states that the priests should eat it in Jerusalem.⁹⁹ The very same view is taken by the Samaritans¹⁰⁰ and by some Karaites.¹⁰¹

Completely different is the tannaitic view. The tannaim considered the *neta' reva'i* to be of similar status to the “second tithe” which, in their system of *halakhah*, was to be brought up to Jerusalem and eaten there by the owner. Alternatively, “second tithe” could be exchanged for money¹⁰² and the money used to buy produce to be eaten in Jeru-

⁹⁷ *Tg. Neof.* has *qodesh purqan*. Cf. *Tg. Ps.-J.* to Deut 20:6 where the same ruling is given for *kerem reva'i*.

⁹⁸ Ibn Ezra to Lev 19:24. Cf. Y.L. Krinsky, *Meḥoqeḡe Yehudah* (New York: Reinman Seforim Center, 1974/5) *ad loc.* In the course of his analysis Krinsky is at pains to understand the view of J.Z. Mecklenberg, *Ha-Ketav We-Ha-Qabbalah* (New York: Om, 1946) to Lev 19:24 that the *Tg. Ps.-J.* accorded with the rabbinic view. Mecklenberg meant to refer only to the translation of *hillulim* as equivalent to *hillulim* (with a *het*), designating the process of desacralization through redemption. Cf. *Sifra' Qedoshim Parashah* 3:9 (Weiss edn, 90b), *b. Berakot* 35a and the examples cited by Mecklenberg.

⁹⁹ Isaac Abravanel, *Perush 'al Ha-Torah* (Jerusalem: Bnai Arbel, 1963/4) to Lev 19:23.

¹⁰⁰ Geiger, *Ha-Miqra' We-Targumaw*, 116. Geiger's views (116–18) regarding the word *hillulim* and the interpretation of *p. Soṭah* 8:5 (22d) are totally unfounded.

¹⁰¹ Revel, 17f., n. 34.

¹⁰² On the question of whether a fifth was to be added to fourth year produce, as it was with tithes, see *m. Ma'aser Sheni* 5:3 which preserves a dispute of the Houses of Hillel and Shammai. Later *halakhah* followed the Hillelite view which required it. This view appears anonymously in *Sifra' Qedoshim Parashah* 3:8 (cf. *b. Qiddushin* 54b). Note that such “fifths” were actually equal to 25% additional, according to rabbinic exegesis which understood the fifth as a proportion of the new total, hence a fourth of the original sum.

salem. The same procedure governed the disposition of the fourth year produce in tannaitic law.¹⁰³ Josephus, in his recapitulation of the laws of the Torah, also requires the fourth year produce to be brought to Jerusalem and eaten there.¹⁰⁴

This tannaitic law was subjected to thorough scrutiny in a long midrash based on Num 5:10.¹⁰⁵ The issue debated is the meaning of the term *qodesh* in biblical usage. It is determined that *qodesh* may refer either to gifts for the priest, or to offerings eaten by the owner. Therefore, the similarities between *neṭa' reva'i* and the "second tithe" led to the conclusion that in this case, the *qodesh* is to be eaten by the original owner. After all, in the view of the rabbis, the Torah had explicitly required that the "second tithe" be eaten in Jerusalem by the owner. It is indeed possible that this passage represents a polemic against the view which required that the fourth year produce be given to the priest.¹⁰⁶ The ruling that the owners are to eat the fourth year produce appears in the *Sifra*⁷ as derived from Lev 19:24.¹⁰⁷

CONCLUSIONS

This study has concentrated on a series of parallels between 4QMMT and the *Temple Scroll*. Concerning the eating of *shelamim* sacrifices, rejection of the *tevul yom*, impurity of skins of animals slaughtered outside of Jerusalem, slaughter of pregnant animals, and the apportionment of the fourth year produce and animal tithes to priests, these texts are in virtually complete agreement. A number of other parallels not mentioned here might also have been cited. Further, the disagreements between these texts are minor.

¹⁰³ *t. Ma'aser Sheni* 5:16.

¹⁰⁴ *Ant.* IV, viii, 19 (§§ 226–227). Notice that Josephus specifies that the owner of the tree may share the fruits with his friends and the disadvantaged. The same is the case in rabbinic *halakhah*.

¹⁰⁵ *Sifre Bemidbar* 6 (Horovitz edn, 9f.).

¹⁰⁶ Yadin, *Temple Scroll*, I, 162 who presents a translation of most of the passage. Note that Maimonides, *h. Ma'aser Sheni* 9:1 follows this derivation and states that Num 5:10 must apply to *neṭa' reva'i* since it is the only example of *qodesh* where the Torah did not explain to whom it is to be given.

¹⁰⁷ *Sifra*⁷ *Qedoshim Parashah* 3:8–9 (Weiss edn, 90b).

In a number of laws 4QMMT takes positions previously known as Sadducean. This conclusion is strengthened by detailed comparison with the last chapter of *m. Yadayim*.¹⁰⁸ For some of the laws of 4QMMT, with the help of tannaitic material, we can identify the opposing views, those the “letter” claims were being practiced in the Jerusalem Temple, as those attributed in rabbinic sources to the Pharisees.

If this “halakhic letter” dates from a period close to the founding of the sect, as all evidence so far indicates, the views attributed to the Pharisees in tannaitic sources were indeed being practiced in the Temple when the authors wrote. Further, from 4QMMT it can be gathered that many laws found in tannaitic sources were being practiced. It has been claimed that rabbinic assertions of Pharisaic domination of the Temple practices in Second Temple times are merely an anachronistic retrojection. This study requires us to give much greater credence to the claims of Pharisaic authority in the Temple, at least for certain periods.

Once we realize that the 4QMMT text takes the “Sadducee” position, and that it, in turn, is closely related to the *Temple Scroll*,¹⁰⁹ we must reopen the question of the relationship of the Sadducees to the Dead Sea sect. It is most likely that the sect was founded by disaffected priests who left the Jerusalem Temple after the Maccabean revolt when the Zadokite High Priests were displaced by the Hasmoneans.¹¹⁰ If so, Qumran may provide us with some Sadducean documents. The Sadducean connection may also be a clue to the provenance of the *Temple Scroll*. Indeed, these texts raise anew the need to reevaluate our views on the Sadducees and to determine if we can recover further evidence of their beliefs and practices with the help of the manuscripts of the Qumran corpus.

It is too early to draw any definite conclusions. After all, we still await the publication of many texts of great relevance from cave 4. It is certain, though, that as we continue to evaluate the

¹⁰⁸ See Schiffman, “The *Temple Scroll* and the Systems of Jewish Law,” 250f.

¹⁰⁹ For additional parallels between the *Temple Scroll* and Sadducean practice, see Baumgarten, “Pharisaic-Sadducean Controversies,” 163–169.

¹¹⁰ F.M. Cross, “The Early History of the Qumran Community,” *New Directions in Biblical Archaeology*, ed. D.N. Freedman and J.C. Greenfield (Garden City, NY: Doubleday, 1971) 70–89.

relationship of the *Temple Scroll* to 4QMMT, and the relevance of these texts to the history of the Dead Sea sect, we shall have to look most closely at the Sadducees and their priestly traditions.

CHAPTER NINE

THE RELATIONSHIP OF THE *ZADOKITE FRAGMENTS* TO THE *TEMPLE SCROLL*

The recent publication of the Cave 4 fragments of all the *Zadokite Fragments* (more generally known as the *Damascus Document*) by J.M. Baumgarten¹ has made available to us important material for reevaluating the relationship of this central sectarian text to the *Temple Scroll*.² Such a study is significant because a number of legal rulings are shared between these two texts and 4QMMT.³ Other rulings are shared by other halakhic texts which also exhibit parallels with the *Temple Scroll*. At the same time, it is clear that the sectarian orientation of the *Zadokite Fragments* differs extensively from the priestly, sacrificial nature of the *Temple Scroll* and its irenic tone.⁴ Further, in the legal section, the *Zadokite Fragments* for the most part, though not entirely, consist of exegetically derived apodictic laws whereas the *Temple Scroll* is based on biblical material much more directly. Actually, one can compare the relationship of the *Zadokite Fragments* and the *Temple Scroll*, from a literary point of view, with that of the Mishnah and the halakhic *midrashim*.

This paper will investigate the relationship of these two Qumran texts from a number of perspectives. First, we shall discuss the literary structure of the two texts and their relation to their biblical and post-biblical sources. We shall then comment on the contrast between these texts regarding the use of sectarian technical terminology. The main

¹ J.M. Baumgarten, *Qumran Cave 4.XIII: The Damascus Document (4Q266–273)*, DJD 18 (Oxford: Clarendon Press, 1996).

² Y. Yadin, *מגילת המקדש*, 3 vols. (Jerusalem: Israel Exploration Society, 1977) and its English edition, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983). Yadin's edition must be supplemented with the readings of E. Qimron, *The Temple Scroll, A Critical Edition with Extensive Reconstructions* (Beer Sheva: Ben-Gurion University of the Negev; Jerusalem, Israel Exploration Society, 1996).

³ E. Qimron and J. Strugnell, with Y. Sussman and A. Yardeni, *Miqsat Ma'ase ha-Torah*, DJD 10 (Oxford: Clarendon, 1994); cf. Baumgarten, DJD 18, 7.

⁴ Cf. L.H. Schiffman, "The *Temple Scroll* and the Nature of Its Law: The Status of the Question," *Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, ed. E. Ulrich and J.C. VanderKam, Christianity and Judaism in Antiquity Series 10 (Notre Dame: University of Notre Dame Press, 1994) 37–55 (Chapter 33–51 in this volume).

thrust of this paper is a thorough listing and discussion of the parallel legal rulings found in these two texts. Relevant aspects of the relationship of these two texts to other manuscripts of the Qumran corpus will be briefly surveyed. Finally, we will discuss the implications of our observations for the wider issues arising from the study of these texts.

1. THE LITERARY CHARACTER OF THE TEXTS

The *Zadokite Fragments* consist of two major sections, each of which is, in turn, a composite work, both from the literary and historical points of view. The text begins with an Admonition, a series of what must have originally been separate speeches interspersed with biblical interpretations. Some of these interpretations are pesharim, and show the interpretive strategies and even literary forms of this genre. Other interpretations represent halakhic exegesis—a type of halakhic *midrash*. In these cases, there is sometimes direct allusion to biblical verses just as there is in the pesharim interpretations. The Admonition, while presenting the self-image of the sectarians and their aspirations for a life of purity and holiness, covers only a few halakhic topics, most of which are presented in the course of polemics against the opponents of the sect. These polemics are for the most part directed against the Pharisees.

The halakhic section of the *Zadokite Fragments* is the largest part of the text. Today, after the publication of the Cave 4 manuscripts, it is clear that the laws must have covered some three-quarters of the text in its original form. If we had the entire document, we might even find that the laws constituted an even larger percentage. One thing is clear: the Admonition is intended as an introduction to the complete work which is overwhelmingly a compilation of Jewish law on a variety of topics.⁵ Investigation of the laws as presented both in the genizah manuscripts,⁶ as well as in the Qumran texts, indicates that this section is constituted of what were originally separate units of text. Each unit itself consisted of a series of laws on a given topic that had been compiled into a collection, known in Qumran sectarian terminology as

⁵ Cf. J.M. Baumgarten, “The Laws of the *Damascus Document* in Current Research,” *The Damascus Document Reconsidered*, ed. M. Broshi (Jerusalem: Israel Exploration Society, 1992) 52, 61.

⁶ The most reliable reading of the genizah MSS is E. Qimron, “The Text of CDC,” *Damascus Document Reconsidered*, 9–49.

a *serekh*.⁷ We have argued that these *serakhim* were originally formulated as collections of laws which emerged from sectarian study sessions which were a regular part of the life of the community.⁸

One of the most significant characteristics of the laws of the *Zadokite Fragments* is the fact that they are divided into sections by subject classification. These sections, clearly the result of a collector or collectors who brought together material on one subject, often have titles such as, "regarding the Sabbath, to observe it according to its regulation" (CD 10:14). We can assume that if the entire work were intact, most of the laws would appear underneath such section headings. Such a heading, "regarding forbidden sexual relations," occurs in 4QHalakha^a 17:1.⁹ These headings help to indicate the literary units from which the larger text was composed.

The laws contained in the *Zadokite Fragments* for the most part are based on language derived from biblical verses.¹⁰ It is those verses which are being interpreted, although only rarely are the verses themselves explicitly quoted. It is only by detailed investigation of the apodictic legal statements that one can determine what biblical passages served as the basis of which laws. Nevertheless, some of the prescriptions found in the *Zadokite Fragments* are actually sectarian regulations, rules dealing with entry to the sect and its particular way of life, not laws based on the Bible.

By contrast, the *Temple Scroll* is of a very different literary character. Like the *Zadokite Fragments*, the *Temple Scroll* is a composite work made up of preexisting documents brought together by an author/redactor. These documents were probably composed over a long period of time but share a general literary structure.¹¹ Because they stem from a

⁷ L.H. Schiffman, *The Halakhah at Qumran*, SJLA 16 (Leiden: E.J. Brill, 1975) 60–68.

⁸ Idem, *Sectarian Law in the Dead Sea Scrolls; Courts, Testimony and the Penal Code*, BJS 33 (Chico Calif.: Scholars Press, 1983) 9.

⁹ See E. Larson, M. Lehmann and L.H. Schiffman, "4QHalakha A," in J. Baumgarten, et al. *Qumran Cave 4.XXIV: Halakhic Texts*, DJD 35 (Oxford: Clarendon Press, 1999) 25–51. We have numbered this fig. 17, but it was formerly fig. 12.

¹⁰ Cf. D. Dimant, "ציטטות מן התורה במגילת ברית דמשק," *Sha'arei Talmon, Studies in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon* (ed. M. Fishbane and E. Tov, with W.W. Fields (Winona Lake, IN: Eisenbrauns, 1992) 113*–122*.

¹¹ Cf. Schiffman, "The *Temple Scroll* and the Nature of its Law," 46–48; A. Wilson and L. Wills, "Literary Sources of the *Temple Scroll*," *HTR* 75 (1982) 275–88; M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, Studies in Ancient Oriental Civilization 49 (Chicago: The Oriental Institute of the University of Chicago, 1990) 21–23.

common ideological and literary background, they follow set patterns which they share to some extent with the *Rewritten Pentateuch*,¹² and especially with the 4Q365a material¹³ which may even have originally served as source material for the author of one of the sources of the *Temple Scroll*.¹⁴ The various laws presented in the *Temple Scroll* seem at first glance to be rehashes of biblical law but, in fact, the Bible has been rewritten to express a variety of legal views held by the respective authors. Modifications and expansions which are designed to convey these views have been made, following a variety of literary and exegetical strategies.¹⁵ Yet the overall character of the document is that of a virtual Torah, an impression heightened by the utilization in this text of most of the canonical Torah from the end of Exodus through Deuteronomy. If the *Ḥadokite Fragments*, with its apodictic law, has the feel of the Mishnah, the *Temple Scroll*, with its scriptural character, has some of the feel of *midrash*.

We may characterize the relation of the various laws in the *Temple Scroll* to the text of the Bible in an ascending order of the extent of modification of the biblical *Vorlage*. Some passages essentially reflect quotations of the Pentateuch according to the readings available to the authors in contemporary manuscripts. Other texts reflect slight exegetical additions designed to indicate the interpretations of the author. More complicated are passages in which commands found in different places in the Torah are merged together to form a unified, harmonious text. Somewhat more complex are passages which show evidence of midrashic interpretation, in which one passage is understood in light of another. Furthest from the biblical text are those passages which reflect original composition by the author but which are couched in biblicalizing language, and which invariably allude indirectly to specific biblical texts.¹⁶

¹² E. Tov and S. White, in H. Attridge, et al., *Qumran Cave 4.VIII, Parabiblical Texts Part I*, DJD 13 (Oxford: Clarendon Press, 1994) 187–318, 335–351.

¹³ S. White in DJD 13, 319–333.

¹⁴ As suggested by J. Strugnell, quoted by B.Z. Wacholder, *The Dawn of Qumran, the Sectarian Torah and the Teacher of Righteousness* (Cincinnati: Hebrew Union College Press, 1983) 205–206.

¹⁵ Yadin, *Temple Scroll*, I, 71–88; D.D. Swanson, *The Temple Scroll and the Bible, The Methodology of 11QT*, STDJ 14 (Leiden: E.J. Brill, 1995).

¹⁶ Cf. L.H. Schiffman, “The Deuteronomic Paraphrase of the *Temple Scroll*,” *RevQ* 15 (1992) 543–567 (pp. 443–469 in this volume).

From this basic outline, it should already be clear that the *Temple Scroll* and the *Zadokite Fragments* do not share a common literary form. While the laws in both texts are closely related to their biblical counterparts, the nature of their formulation and organization is markedly different. It would be a great mistake, however, not to notice that some texts in the *Zadokite Fragments* resemble to some extent the character of the *Temple Scroll*.¹⁷ Indeed, some of the smaller halakhic compositions—or at least those which appear smaller in their state of preservation—share with the *Temple Scroll* the use of paraphrase in setting forth *halakhah*. Similar paraphrase occurs in 4Q251 (Halakha^a) which should probably be called “Halakhic Paraphrase.” Other halakhic texts such as Serekh-Damascus (SD), display a formulation resembling the more apodictically-oriented *Zadokite Fragments*.

2. TERMINOLOGY AND LANGUAGE

The *Temple Scroll* lacks both the sectarian terminology and animus which is familiar from the *Zadokite Fragments* and from the sectarian scrolls as a whole. In the Admonition and in those laws which pertain to sectarian procedure, such as joining the sect, the *Zadokite Fragments* employs the very same terminology found in the Rule of the Community and other such documents. It was this similarity that led E.L. Sukenik to conclude early on in his study of the scrolls that the *Zadokite Fragments* and the other sectarian scrolls stemmed from the same provenance.¹⁸ Although the *Temple Scroll* shares many of the characteristics of language generally associated with the texts of the Qumran sect, such as the use of long endings, Qumranic forms are less extensive here, perhaps due to the early date of the sources of the *Temple Scroll*. Similarly, the absence of sectarian animus in this text may result from the fact that its sources came into being even before the sectarian schism had taken place.¹⁹ Certainly, we can explain the absence of technical terminology

¹⁷ E. Sukenik, מגילות גנוזות מתוך גניזה קדומה שנמצאה במדבר יהודה, סקירה, שנייה (Jerusalem: Bialik Institute, 1950) 21. See also the pioneering study of S. Iwry, *The Damascus Document and the Dead Sea Scrolls* (diss.: Johns Hopkins University, 1951) esp. 130–148.

¹⁸ See H. Stegemann, “The Origins of the *Temple Scroll*,” *VTSup* 40 (1988) 237–246. We cannot, however, accept his dating of the sources of the scroll to the Persian period (246–256).

¹⁹ C. Rabin, *Qumran Studies*, Scripta Judaica 2 (Oxford: Clarendon Press, 1957) 108–111.

pertaining to the way of life and teachings of the sect as resulting from the composition of the documents which make up the *Temple Scroll* before the sect had taken shape. We may note parenthetically that 4QMMT occupies a middle position here. It is certainly evidence of the beginnings of the sectarian polemic, but it is not yet affected by the bitterness and self-perception of the incipient sectarian group.

One of the more interesting comparisons to be made between the *Zadokite Fragments* and the *Temple Scroll* relates to their use of terminology that we generally recognize from tannaitic sources. The *Zadokite Fragments* generally makes use of biblical substitutes for post-biblical legal terminology.²⁰ It appears that this terminology was known to the authors of the *Zadokite Fragments* but that as part of their anti-Pharisaic polemic they eschewed its use. The substitution of biblicizing terminology was intentional and close to consistent. To some extent this pattern is also observable in other sectarian texts, like the Rule of the Community and the War Scroll, but the legal content of the *Zadokite Fragments* makes this phenomenon more prominent. *The Temple Scroll*, on the other hand, while certainly using much biblical terminology, shows evidence of the influence of the very same post-biblical terminology which typifies the later mishnaic corpus. Numerous terms of the post-biblical legal vocabulary are evident in this scroll and seem to have been used without hesitation.²¹

3. PARALLEL LAWS

The *Zadokite Fragments* and the *Temple Scroll* display many instances of parallel laws. In what follows, we list and analyze these cases, making an attempt to present an exhaustive list:

a. Polygamy

CD 4:19–5:2, in the Admonition, includes a prohibition of polygamy.²² The same prohibition directed, however, only at the king is found in

²⁰ Yadin, *Temple Scroll*, I, 36–38.

²¹ For a sampling of the many studies on this passage, see F. García Martínez, “Damascus Document: A Bibliography of Studies 1970–1989,” *Damascus Document Reconsidered*, 66. Cf. L. Ginzberg, *An Unknown Jewish Sect* (New York: Jewish Theological Seminary, 1976) 19–20.

²² Cf. Yadin, *Temple Scroll*, I, 355–357.

11QT 57:17–19.²³ This passage indicates that the king may only be married to one wife unless she dies, in which case he may remarry. We should note as well that the passage from the *Zadokite Fragments* also appealed to the Law of the King in Deut 17:14–20 to support its requirement of monogamy. From the passage in the *Temple Scroll*, however, it is impossible to know if the prohibition would also have extended to the rest of the people. It seems from the common proof text that the difficult language of the *Zadokite Fragments* (בחייהם) should be understood to mean that one may not take a second wife as long as the first is alive, even in the event of divorce. This same rule, then, would probably have been intended by the *Temple Scroll*.²⁴ The prohibitions regarding consanguineous marriage found at the end of the *Temple Scroll*, in the last preserved column (66:11–16), do not prohibit polygamy, but we must remember that the text is fragmentary.

b. Marital impurity

CD 12:1–2 (= 4Q271 5 i 17–18) indicates that it is prohibited to have sexual relations in the City of the Sanctuary²⁵ because this would render the holy place impure. A similar prescription is found in the *Temple Scroll* in which one who has had a seminal emission may not enter the Temple until after a three-day purification period (11QT 45:7–12).²⁶

4Q266 6 ii 1–4 indicates that a woman who has had relations while menstrually impure, or while experiencing a non-menstrual blood flow, must go through a seven-day purification period.²⁷ She must remain outside the Temple and may not eat sacred food. The text emphasizes that her purification is not complete until the sun has set on the eighth day. This passage is one of several in which the *Zadokite Fragments* polemicize against the Pharisaic concept of טבול יום, according to which purification is attained for certain purposes even before the completion of the final day. The *Temple Scroll* follows the same view as

²³ Cf. L.H. Schiffman, “Laws Pertaining to Women in the *Temple Scroll*,” *The Dead Sea Scrolls, Forty Years of Research*, ed. D. Dimant and U. Rappaport, STDJ 10 (Leiden: E.J. Brill/Jerusalem: Magnes and Yad Izhak Ben-Zvi, 1992) 216–218 (pp. 519–540 in this volume).

²⁴ Cf. Yadin, *Temple Scroll*, II, 299–300. Cf. the similar laws contained in 4QHalakha^a frg. 17 (previously numbered 12) and our DJD 35, commentary on it, 45–7.

²⁵ On this disputed term, see L.H. Schiffman, “*Ir Ha-Miqdash* and its Meaning in the *Temple Scroll* and Other Qumran Texts,” *Sanctity of Time and Space in Tradition and Modernity*, ed. A. Houtmans, M.J.H.M. Poorthuis and J. Schwartz, JCP 1 (Leiden: Brill, 1998) 95–109 (pp. 53–65 in this volume).

²⁶ Cf. Yadin, *Temple Scroll*, I, 285–289.

²⁷ See the comments in Baumgarten, DJD 18, 56.

our text (11QT 45:9–12, 49:19–21, 51:2–5).²⁸ The same issue recurs in the *Zadokite Fragments* (4Q269 8 ii 3–6 = 4Q271 2 10–13),²⁹ regarding one who sprinkles waters of purification from the impurity of the dead who must wait until sunset before he is considered to be pure. A parallel to this law is found in 4QMMT B 14–16, and in general 4QMMT also rejects the concept of טובול יום.³⁰

c. Prohibited marriage

CD 5:7–9 legislates the prohibition of marriage to one's niece, whether on the side of one's brother or sister.³¹ The very same restriction seems to be repeated in a different passage in 4Q270 2 ii 16. In the early days of research on the *Zadokite Fragments*, it was already noted that this was a polemic against the practice of the Pharisees who, as we know from later Talmudic sources, permitted such marriages and even praised them. The very same proscription appears in 11QT 66:15–17³² and in 4QHalakha^a.³³

d. The law of testimony

From the complex laws of testimony found in CD 9:16–23, it can be deduced that the text understood the commands of Deut 17:6–7 and 19:15 regarding “two or three witnesses” to require two witnesses for financial matters but three for capital matters.³⁴ 11QT 64:8–9 refers to these passages in discussing the law of the informer who is to be put to death, apparently by crucifixion. This passage, however, also seems to provide that two witnesses only might be involved in testifying against a criminal.³⁵ In this respect, the *Temple Scroll* may differ from the *Zadokite Fragments*.

²⁸ Cf. J.M. Baumgarten, “The Pharisaic Sadducean Controversies about Purity and the Qumran Texts,” *JJS* 31 (1980) 157–170; L.H. Schiffman, “Pharisaic and Sadducean Halakhah in Light of the Dead Sea Scrolls: The Case of Tevul Yom,” *DSD* 1 (1994) 285–299 (pp. 425–439 in this volume).

²⁹ Baumgarten, *DJD* 18, 131–132, 174–175.

³⁰ Cf. Qimron and Strugnell, *DJD* 10, 152–154; L.H. Schiffman, “Miqṣat Ma’āse ha-Torah and the *Temple Scroll*,” *RevQ* 14 (1990) 438–442 (pp. 123–147 in this volume).

³¹ Cf. Ginzberg, *An Unknown Jewish Sect*, 2–4.

³² Cf. Yadin, *Temple Scroll*, I, 371–372; II, 299–300.

³³ Previously, *fig.* 12. See *DJD* 35, 25–51.

³⁴ Cf. L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls. Courts, Testimony and the Penal Code*, BJS 33 (Chico: Scholars Press, 1983) 73–78.

³⁵ Cf. Yadin, *Temple Scroll*, I, 379–382. Yadin (I, 381, n. 14) notes that his interpretation differs from mine.

The *Zadokite Fragments* contains detailed laws pertaining to the judiciary which, while derived from biblical law, extend it considerably.³⁶ The *Temple Scroll*, however, in alluding to the biblical command to establish courts (11QT 51:11–12), basically recapitulates the biblical laws on this matter with only small changes.

e. Magic and necromancy

CD 12:1–3 (cf. 4Q267 4 11–12; 4Q270 2 i 10; 4Q271 5 i 18–19) mentions the prohibition of אֹב and יְדֻעוֹנִי, two types of necromancy. The *Temple Scroll* lists these practices among a variety of prohibitions regarding magic (11QT 61:18–19). The scroll generally describes these practices as abominations before God on account of which He removed the Canaanites from the land. This motif is derived directly from the biblical text.³⁷ The *Zadokite Fragments*, however, in referring to practitioners of necromancy, describes them as “any person over whom spirits of Belial rule and who speaks with apostasy...” (CD 12:2–3; 4Q271 5 i 18). While these concepts are not necessarily contradictory, they do indicate the independent formulation of these rules.

f. Idolatry

CD 12:8–11 contains a series of laws forbidding the sale to non-Jews of items which may be used for pagan sacrifices. These descriptions have clear parallels in tannaitic literature, as we have shown in a detailed study.³⁸ Despite recapitulation of the prohibitions of idolatry from Exodus and Deuteronomy, the *Temple Scroll* contains no parallels to these laws.³⁹ The same is the case regarding the law of the *Zadokite Fragments* (4Q269 8 ii 2–3; 4Q270 3 ii 20–21; 4Q271 2 8–10 and parallels) pertaining to the use of metals that have been used for idolatrous purposes,⁴⁰ which has no parallel in the *Temple Scroll*.

³⁶ Cf. Schiffman, *Sectarian Law*, 23–40.

³⁷ Cf. Lev 20:27 and Deut 18:11.

³⁸ Cf. L.H. Schiffman, “Legislation Concerning Relations with Non-Jews in Zadokite Fragments and in Tannaitic Literature,” *RevQ* 11 (1983) 379–89.

³⁹ Cf. L.H. Schiffman, “Laws Concerning Idolatry in the *Temple Scroll*,” *Uncovering Ancient Stones: Essays in Memory of H. Neil Richardson*, ed. L.M. Hopfe (Winona Lake, IN: Eisenbrauns, 1994) 159–175 (pp. 471–486 in this volume).

⁴⁰ Cf. Baumgarten, *DJD* 18, 131, 174.

g. Impurity of the dead

CD 12:15–17 (= 4Q266 9 ii 2–3), referring to impurity of the dead, indicates that stones and earth which become impure through contact with oil may transmit impurity.⁴¹ The *Temple Scroll*, in the same case, states the necessity of cleansing the house of any defilement of oil as part of the process of purifying the house of its ritual impurity.⁴² Apparently, both texts regarded oil as a transmitter of ritual impurity.⁴³

CD 12:17–18 (= 4Q266 9 ii 4–5) mentions that a nail or peg in the wall of a house which has been affected by impurity of the dead, that is, by the presence of a dead body in the house, shall be considered impure like a vessel found in the house. This law is totally consistent with 11QT 49:14–16 that lists items which do, in fact, become impure in these circumstances. Among the items listed there are vessels of metal (49:15). The text clearly intends to say that there is no minimum size requirement for such a vessel and even that a nail or peg, which does not actually serve as a container, becomes impure.⁴⁴

h. Proselytes

CD 14:4 (= 4Q267 9 v 10; 4Q268 2 1–2) lists classes of members of the sectarian group. These include priests, Levites, Israelites, and proselytes.⁴⁵ The notion that proselytes are in some way not fully Israelites is parallel to the notion in the *Temple Scroll* (40:6).⁴⁶ Therefore, the scroll mandates that until the fourth generation proselytes may not enter the middle court of the Temple precincts.⁴⁷ This idea was not accepted as the dominant view in tannaitic law, but is preserved in a minority point of view.⁴⁸

⁴¹ Cf. Baumgarten, DJD 18, 70.

⁴² Cf. L.H. Schiffman, "The Impurity of the Dead in the *Temple Scroll*," *Archaeology and History in the Dead Sea Scrolls. The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman, JSOT/ASOR Monographs 2; JSPSup 8 (Sheffield: JSOT, 1990) 142–144 (pp. 403–423 in this volume).

⁴³ See J.M. Baumgarten, "The Essene Avoidance of Oil and the Laws of Purity," *RevQ* 6 (1967) 183–192.

⁴⁴ Schiffman, "Impurity of the Dead," 144–146.

⁴⁵ Cf. L.H. Schiffman, *Halakhah at Qumran*, SJLA 16 (Leiden: E.J. Brill, 1975) 66–67.

⁴⁶ Cf. Yadin, *Temple Scroll*, II, 170.

⁴⁷ See Qimron, *Temple Scroll*, 56 for a fuller restoration.

⁴⁸ Schiffman, "Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*," *HAR* 9 (1986), 301–320 (pp. 381–401 in this volume).

i. Oaths and vows

We have previously published a lengthy comparison of the laws of oaths and vows in the *Zadokite Fragments* and the *Temple Scroll*.⁴⁹ While both of these treatments are dependent on the same biblical material, the *Zadokite Fragments* treats additional cases not directly specified by the Torah. While no contradiction can be observed between the two documents, their presentations are incongruent, so that detailed comparison is impossible.

j. Priestly gifts

4Q266 6 iv 1–5, a fragmentary passage, seems to require that fourth-year produce be presented to the priests. This notion is clearly stated in 4Q270 2 ii 6.⁵⁰ This view is explicit in 11QT 60:3–4 and in Jub. 7:35–7.⁵¹ In contrast, rabbinic law required that fourth-year produce be eaten in Jerusalem.⁵² The disagreement results from the general approach of the sectarians who treated fourth-year produce like first fruits, whereas the Pharisaic-rabbinic approach equated this produce to the second tithe which is eaten by the owners in Jerusalem.

A list of priestly gifts appears in 4Q266 2 ii 7–9.⁵³ This list includes the first fruits, tithes of animals, redemption of the first born of humans and animals, first shearing of the sheep, and assessments for redemption of human vows and their valuation. This list is essentially parallel to that of 11QT 60:3 as well as to that of 4QMMT B63–64.⁵⁴

k. Offering of the loaves

The *Zadokite Fragments* provide that only after the offering of the first fruits in the Temple is it permissible for the people of Israel to partake of their own crops (4Q270 3 ii 19–21).⁵⁵ The reference here is to the first fruits of wheat which are offered in the form of two loaves on the holiday of Shavuot (Lev 23:17). The *Temple Scroll* assumes the very same law in col. 19, with one difference. According to the *Zadokite Fragments*,

⁴⁹ L.H. Schiffman, "The Law of Vows and Oaths (Num. 30, 3–15) in the Zadokite Fragments and the *Temple Scroll*," *RevQ* 15 (1991) 199–214 (pp. 557–572 in this volume).

⁵⁰ Baumgarten, DJD 18, 145.

⁵¹ Schiffman, "Miqṣat Ma'āse ha-Torah," 452–456.

⁵² Rashi to Lev 27:30.

⁵³ Baumgarten, DJD 18, 145–146.

⁵⁴ Cf. Qimron and Strugnell, DJD 10, 164–166.

⁵⁵ Baumgarten, DJD 18, 146.

each loaf is to be made of one-tenth of an ephah of wheat. The *Temple Scroll* expects each loaf to be made of two-tenths (18:15). This difference results from varying interpretations of Lev 23:17.

l. Informing against and cursing one's people

4Q279 2 ii 12–15 refers to one who reveals the secret of his people to the nations, curses his people or speaks against the prophets.⁵⁶ This passage parallels 11QT 64:10 which prescribes the punishment of crucifixion for one who informs against his people or curses them.⁵⁷ But the *Zadokite Fragments* makes no mention of this rather uncharacteristic penalty.

m. Slaughter of pregnant animals

4Q270 2 ii 15 prohibits the slaughter of an animal and its living embryo.⁵⁸ In other words, the text prohibits the slaughter of a pregnant animal. This same prescription is found in 11QT 52:5⁵⁹ as well as in 4QMMT B38.⁶⁰ All these texts share the notion that the slaughter of a pregnant animal violates the Torah's prohibition on slaughter of an animal and its young on the same day.⁶¹

4. RELATIONSHIP TO OTHER TEXTS

We have identified a number of laws in which the *Zadokite Fragments* and the *Temple Scroll* share the same ruling. In a few cases, such as the טבול יום, it appears that the shared material constitutes part of the priestly tradition labeled by the rabbis as Sadducean. Yet much of the material found in *Zadokite Fragments* finds no place at all in the *Temple Scroll*. This is certainly true for all the material pertaining to the sectarian way of life. The vast majority of the regulations of the *Zadokite Fragments* concern questions of Jewish law, such as Sabbath law and legal procedures, which are beyond the purview of the *Temple Scroll* and so can have no parallel in that document. Conversely, most laws found in the *Temple Scroll* are not represented in the *Zadokite Fragments*. This

⁵⁶ Cf. *ibid.*

⁵⁷ Cf. Yadin, *Temple Scroll*, I, 373–379.

⁵⁸ Cf. Baumgarten, DJD 18, 146.

⁵⁹ Cf. Yadin, *Temple Scroll*, I, 312–314.

⁶⁰ Qimron and Strugnell, DJD 10, 157–158.

⁶¹ Schiffman, "Miqsat Ma'ase ha-Torah," 448–451.

is certainly the case with laws pertaining to Temple and sacrifice—the main subject of the *Temple Scroll*—which seem to have played virtually no role in the *Zadokite Fragments* as they are currently constituted.

In addition to the relationship that the laws in these two texts have to one another, they are related to other texts as well. Despite the many parallels that we have cited between the *Zadokite Fragments* and the *Temple Scroll*, the *Zadokite Fragments* displays closer literary affinities to other texts in the Qumran corpus.

Specifically, we should note that the *Zadokite Fragments* and the Rule of the Community share numerous sectarian regulations such as a common penal code which appears in differing recessions in the two texts.⁶² These regulations cannot be parallel with the *Temple Scroll* because it has no such sectarian content. These regulations are only tangentially dependent on Scripture. It has even been argued that they may have derived from the practices of Hellenistic societies.⁶³ The absence of sectarian regulations from the *Temple Scroll* has been explained on chronological grounds⁶⁴ or as resulting from the unique intention of the author/redactor.

Parallels may be noticed also between the *Zadokite Fragments* and the so-called SD document, Serekh-Damascus, as well as with 4Q251 (Halakha^a). These parallels indicate literary dependence of a kind which cannot be demonstrated for those we have cited between the *Zadokite Fragments* and the *Temple Scroll*. The relationship between the *Zadokite Fragments*, the *Temple Scroll* and 4QMMT is based on their common legal heritage rather than literary parallels.

It seems to be the case, therefore, that the *Temple Scroll*, dating to the early Hasmonean period,⁶⁵ and its sources dating to even before the Maccabean Revolt,⁶⁶ provide a legal and historical backdrop against which the slightly later *Zadokite Fragments* can be understood. We do not deal here with literary dependence, but rather with the derivation of halakhic norms from what must have been a more widespread priestly

⁶² Cf. J.M. Baumgarten, "The Cave 4 Versions of the Penal Code," *JJS* 43 (1992) 268–276.

⁶³ M. Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect*, NTOA 2 (Fribourg: Éditions Universitaires; Göttingen: Vandenhoeck & Ruprecht, 1986) 7–80.

⁶⁴ See B.Z. Wacholder and M.G. Abegg, *Preliminary Edition of the Unpublished Dead Sea Scrolls. The Hebrew and Aramaic Texts from Cave Four*, vol. 3 (Washington, DC: Biblical Archaeology Society, 1995) 72–78.

⁶⁵ Schiffman, "Temple Scroll and the Nature of its Law," 46–48.

⁶⁶ *Ibid.*, 48–51.

tradition practiced by some Second Temple Jews, even beyond the confines of the Temple. This tradition, in turn, shares much with the legal traditions which underlie the book of Jubilees written in about 180 B.C.E. The same traditions helped to shape the sectarian controversy which led to the founding of the Dead Sea sect in about 152 B.C.E. and which is reflected in 4QMMT.⁶⁷ These same prescriptions, therefore, appear in the *Zadokite Fragments* and closely related SD and Halakhah^a. These texts, and the Rule of the Community, originated within the fully formed Dead Sea sect after the schism was complete. Accordingly, the *Zadokite Fragments*, Serekh-Damascus and Halakha^a share numerous sectarian regulations with the central rule book of the community—the Rule of the Community. Further points of contact exist with the War Scroll and the eschatological Rule of the Congregation. We deal here therefore, with a fundamental halakhic tradition reflected in a variety of sources.

To return, then, to the question with which we began: the shared halakhic material in the *Zadokite Fragments* and the *Temple Scroll* reflects the shared priestly legal tradition which served as the basis of the halakhic system for the sectarian community at Qumran. Common terminology found in these documents likewise stems from that tradition. Along with the sectarian self-image, terminology, and regulations, this priestly halakhic tradition was one of the pillars of the sect of the Scrolls. But for us, the recovery of this shared priestly legal tradition—almost definitely that of the Sadducean priesthood—provides additional significance to the rediscovery of the ancient library of Qumran.

⁶⁷ L.H. Schiffman, “The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect,” *BA* 53 (1990) 64–73.

CHAPTER TEN

THE *TEMPLE SCROLL* AND THE HALAKHIC PSEUDEPIGRAPHA OF THE SECOND TEMPLE PERIOD

I. THE TEMPLE SCROLL

Based on Y. Yadin's preliminary lectures on the scroll shortly after its recovery in 1967,¹ M. Goshen-Gottstein wrote that the scroll represented essentially a new form of literature which he termed a "halakhic pseudepigraphon."² He assumed that the author did not intend his work as a real substitute for the Torah. In this respect the scroll would simply have been a work based on the canonical Torah which was intended to transmit the author's halakhic views. Yadin argued against this claim by saying that this author thought he was presenting the true law, and that there was no reason to assume that his activity was any more bold in his literary stance than the original editors of the Pentateuch.³ Yadin cited M. Smith, who had recently written that the Pentateuch itself was, in many ways, pseudepigraphic in its character and who saw the Deuteronomic Code as a prime example of this phenomenon.⁴ Yadin therefore concluded that to the author and the members of the Dead Sea sect, whom he assumed accepted the authority of this scroll, it was

¹ Cf. Y. Yadin, "The *Temple Scroll*," *New Directions in Biblical Archaeology*, ed. D.N. Freedman and J.C. Greenfield (Garden City, NY: Doubleday, 1971) 156–166, which is a written form of Yadin's lecture.

² *Ha-Aretz*, Oct. 25, 1967. Cf. his treatment of a similar issue in "The Psalms Scroll (11 QPs^a), A Problem of Canon and Text," *Textus* 5 (1966) 22–33.

³ Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) vol. I, 391–392 n. 8. These views were first presented in the Hebrew edition of *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1977) vol. I, 299–300 n. 8.

⁴ See M. Smith, "Pseudepigraphy on the Israelite Literary Tradition," *Pseudepigrapha I* (Entretiens sur l'antiquité classique 18; Vandœuvres-Genève: Fondation Hardt, 1972) 191–215 and discussion, 216–227. Cf. also R. Polzin, *Moses and the Deuteronomist, A Literary Study of the Deuteronomic History* (New York: Seabury Press, 1980) 25–72, on the alternation of the divine and Mosaic voices in Deuteronomy. For a totally different approach to the speeches of Moses, see M. Weinfeld, *Deuteronomy and the Deuteronomist School* (Oxford: Oxford University Press, 1972) 10–58.

“a veritable Torah of the Lord.”⁵ To Yadin this meant that the *Temple Scroll* had canonical status.⁶

Needless to say, no decision on these two ways of looking at the scroll can possibly be made without examination of the text itself, especially the manner in which the author/redactor handled the various sources he had before him. This issue was already examined by Yadin in his *editio princeps* and it is worth recapitulating his basic observations and the ensuing discussion.

In characterizing the nature of the scroll, which he seems to have believed had only one author, Yadin observed that the scroll was characterized by several forms of editorial activity. These are: “drafting the text in the first person with the object of establishing that it is God Himself who is the speaker; merging commands that concern the same subject; unifying duplicate commands, including those that contradict one another; modifying and adding to the commands in order to clarify their halakhic meaning; appending whole new sections.”⁷ The operative assumption in this characterization was that the author began with the canonical Torah in essentially the form in which we know it, with the exception of variations in his textual substratum⁸ and that, based on this text, he performed the various editorial steps described above. For our purposes in this study, the most important of his editorial strategies is the rewriting of the biblical commands so as to present God as speaking directly in the first person throughout the scroll.

Yadin took the view that the changes of grammar were intended to make the point that God is the speaker. He cited, as we mentioned, the work of Smith who argued that this technique was used in parts of the Pentateuch in order to transform previously existing codes into the declared word of God. Essentially, our text replaced the Tetragrammaton with the first person in many passages and phrased the supplementary sections, composed by the author, in the first person. But Yadin also noted that in entire passages the Pentateuchal construction

⁵ Yadin, *Temple Scroll*, I, 392.

⁶ Yadin is closely followed by D.D. Swanson, *The Temple Scroll and the Bible, The Methodology of 11QT*, STDJ 14 (Leiden: E.J. Brill, 1995) 6–7.

⁷ Yadin, *Temple Scroll*, I, 71.

⁸ Cf. E. Tov, “The *Temple Scroll* and Biblical Criticism,” *ErIs* 16 (1981–82) 100–11 [Hebrew].

was maintained and the Tetragrammaton appears, God being spoken about in the third person.⁹

Yadin further observed that the author intended to present the law as handed down directly by God without Moses' mediation. For this reason, the author altered Deuteronomy to stress that these are God's words, not Moses'. But he did not have to make such alterations in the other books where God is mentioned in the third person since, in these passages, it is clear that these are the words of God. Yadin maintained that the author is consistent in his use of this technique.¹⁰

This issue was taken up in great detail by B.A. Levine¹¹ who, like Goshen-Gottstein, saw the scroll as a "pseudepigraphic composition". Levine followed the assumption that the reformulation of biblical material in the *Temple Scroll* was intended to attribute the laws in the document to God himself. He recapitulated Smith's main arguments, adding that while Deuteronomy stresses Moses' mediation in its introductions and conclusions, the author of our scroll chooses instead to follow the priestly tradition according to which all laws and commandments are attributed directly to God. Moses only "bears the message". Levine sees the scroll as methodically eliminating the intermediacy of Moses. At the same time, he observes that the scroll's author also eliminated the claims that God had delivered the laws of the priestly code to Moses. In general, Levine argues, as did S.A. Kaufman,¹² that the scroll's author was simply continuing or extending the biblical process. So Levine agrees with Yadin that the scroll presents a new Torah and not a commentary.

In his response to Levine's long review article Yadin objects, among other things, to Levine's position regarding the role of Moses.¹³ In doing so, he seems to have "nuanced" his original claims. Here he notes those

⁹ Yadin, *Temple Scroll*, I, 71.

¹⁰ *Ibid.*, I, 71–72. Some exceptions are discussed by G. Brin, "The Bible in the *Temple Scroll*," *Shnaton* 4 (1979–80) 210–212 [Hebrew]. Cf. Also M. Weinfeld, "'*Temple Scroll*' or 'King's Law'?" *Shnaton* 3 (1978–79) 219 [Hebrew].

¹¹ B.A. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 17–21.

¹² S.A. Kaufman, "The *Temple Scroll* and Higher Criticism," *HUCA* 53 (1982) 29–43.

¹³ Y. Yadin, "Is the *Temple Scroll* a Sectarian Document?" in *Humanizing America's Iconic Book. Society of Biblical Literature Centennial Addresses: 1980*, ed. G.M. Tucker and D.A. Knight (Chico, Calif.: Scholars Press, 1982) 153–169, esp. 156–157. Cf. Yadin, *Temple Scroll*, I, 406–407 in the "Addenda and Corrigenenda" added to the 1983 English translation.

passages in which, despite the fact that Moses' name does not appear, it is clear that he is addressed. In discussing the gate of Levi, "the sons of your brother Aaron" (11QT 44:5) are mentioned. In 11QT 51:5–7 God refers to the forms of uncleanness, "which I declare to you (singular) on this mountain."¹⁴ Yadin concludes that Moses is indeed being addressed by God in the scroll. Hence, in Yadin's view the scroll has to be distanced from the apocryphal books to which Levine had compared it, such as *Jubilees*, *Enoch* and others.¹⁵ Further, Yadin emphasized that "the transposition into first person was intended to turn the whole scroll into a Torah that God reveals to Moses, and not words uttered by Moses himself." To Yadin the scroll was "for the sect a sort of second, additional Torah delivered by God to Moses on Mount Sinai, just like the Masoretic one." This Torah, in his view, was revealed only to the members of the sect. It appears that he identified this scroll with the "hidden" law of the sect, the נִסְתָּר.¹⁶ Only in this way can we understand the title of his popular book.¹⁷ We should note that Yadin never really considered this text as a substitute for the canonical Torah, no doubt because so many issues were omitted completely, for example, the prohibition of murder. This was a selective work which was never intended to replace the original on which it was based.

The debate over the nature of the *Temple Scroll* was also joined by B.Z. Wacholder. He also argued that this was a second Torah revealed at Sinai. His views are essentially the same as Yadin's on this matter and he sees the use of the first person direct address by God as advancing his argument. But he saw the "I-thou" syntax as borrowed from the tabernacle texts of the Torah where the "thou" is clearly Moses. In Wacholder's view the "thou" throughout the *Temple Scroll* is Moses.¹⁸ The notion that the *Temple Scroll* is addressed to Moses, and that he is to be identified as the "thou" of the scroll would presume that Moses' name would have appeared in the lost beginning of the scroll or at its

¹⁴ A second manuscript, 11QT^b reads "you" (plural) but has been corrected by erasure into a singular (Yadin, *Temple Scroll*, II, 225).

¹⁵ Levine, "The *Temple Scroll*," 20.

¹⁶ Yadin, *Temple Scroll*, I, 392 n. 9.

¹⁷ Y. Yadin, *The Temple Scroll, The Hidden Law of the Dead Sea Sect* (New York: Random House, 1985). He describes the *Temple Scroll* as "what both author and sect believed to be the hidden law given by God to Moses and revealed and known only to the founder of the sect and his followers" (232).

¹⁸ B.Z. Wacholder, *The Dawn of Qumran, The Sectarian Torah and the Teacher of Righteousness* (Cincinnati: Hebrew Union College Press, 1983) 1–9.

conclusion, as it does in Deuteronomy. But we will have to hold this matter in abeyance while we clarify some terms.

The truth is that we have seen fundamental confusion in the views surveyed above. Certain basic facts have been agreed upon, but no clear terms have been defined. There are really several issues which must be examined. The *Temple Scroll* may be simply a re-redacted Torah, i.e., the author/redactor reorganized passages, eliminated duplications and in some ways continued editorial activity of the kind which is usually attributed to the biblical redactors. But clearly more has been done. There is no question that Moses' name does not appear in the preserved document. Nor is there any argument about the attempt of the author/redactor to present the scroll as a direct divine revelation. What is at stake is the question of whether this revelation occurred through Moses' mediation, which is certainly the case in the canonical Torah, or whether Moses has been eliminated. If he has not been removed, then we may easily understand the few references which appear in the text, when the second person turns out to be an oblique reference to Moses. It is possible, however, that the author *did* intend to eliminate Moses and accidentally overlooked some of the references to him in the scroll.

To make matters worse, this issue is bound up with other problems. If the scroll were the product of one author, then it would be possible to say that even the slightest oblique reference to Moses shows that he is meant to be everywhere present in the second person pronouns. But we know that the scroll was put together from sources.¹⁹ It is possible that the redactor tried to eliminate Moses from these sources and accidentally allowed the oblique references to slip through. In such a case, we could easily maintain that Moses' presence, not just his name, was supposed to be effaced from the entire document.

To clarify these possibilities we need some kind of useful terminology. We will discuss Moses pseudepigrapha below. For now we presume that a Moses pseudepigraphon takes a position similar to the canonical Deuteronomy, namely that Moses received the divine word and passed it on to Israel. A Moses pseudepigraphon does not claim Moses as the actual author, any more than does the Torah, but rather as the vessel through which God revealed Himself to Israel. A text eliminating Moses

¹⁹ A.M. Wilson and L. Wills, "Literary Sources of the *Temple Scroll*," *HTR* 75 (1982) 275–288.

even from this intermediate role could be termed a divine pseudepigraphon (or, less politely, a God pseudepigraphon) since it places God in the position of revealing Himself directly, without even the mediation of Moses described in the canonical Pentateuch. This distinction is fundamental to our discussion since it determines whether the *Temple Scroll* is a Moses pseudepigraphon or a divine pseudepigraphon.

2. THE BOOK OF JUBILEES

To clarify the discussion we shall first take a look at *Jubilees*. This work has often been compared to the *Temple Scroll* and it does indeed have a fair number of halakhic parallels. At the beginning of the text, the Prologue, which may or may not have been part of the original book, states that the book was given to Moses, “as the Lord spoke to Moses on Mount Sinai” when he received the “tables of the law and the commandments according to the voice [command] of God”. Clearly the notion is presented that this book was received by Moses at Sinai. Subsequently, at the beginning of the actual book, the story becomes more complicated. In chapter 1 God commands Moses to come up to the mountain to receive the tablets of the law “which I have written”. God teaches Moses the entire book of *Jubilees*, which is identical with the tables of the law and the commandments, and commands Moses to write them in a book. When Moses learns about the future of Israel, he falls on his face and is informed of Israel’s ultimate repentance. God orders Moses once more to write down the book of *Jubilees* which He will give on the mountain. After these events, God tells the angel of the presence to write the book for Moses.²⁰ The angel takes the tablets and commands Moses to write the book (*Jub.* 2:1). In fact, Moses is commanded several times to write the book which he received orally.

J.C. VanderKam has suggested that the confusion results from an error in which the *hif'il* of כתב was incorrectly replaced by the *qal* in the relevant passages in the Greek forerunner of Ethiopic *Jubilees*. The correct text would have described the angel’s dictating the book to Moses rather than writing it for him. VanderKam argues that the consistent picture in this book is that Moses received the Torah from God via

²⁰ On this contradiction, see J.C. VanderKam, “The Putative Author of the Book of Jubilees,” *JSS* 26 (1981) 209–215.

an angel who dictated it to him.²¹ VanderKam's suggestion has been proven correct by 4Q216 to *Jub.* 1:27 which has להכתיב, "to dictate".²² Throughout the book, we can see that the you (or "thou" in Wacholder's terminology) is Moses. Moses is prominent in the narrative at the time of his own birth and career (chs. 47–48). This section makes it clear that Moses is still being directly addressed, that God is still speaking to Moses and that he is revealing this book to him at Sinai.

Now we confront the same problem: is this a Moses pseudepigraphon or a divine pseudepigraphon? Who does the author of *Jubilees* claim to be the real author, God or Moses? The matter is even more complex because an angel functions as an additional intermediary charged with dictating to Moses. In reality, God is seen as revealing a book to Moses and Moses is expected to reveal this book to the children of Israel. This text is actually a pseudo-God text; Moses is never portrayed as the author, only as the recipient and bearer of revelation. This approach accords with neither of the two approaches found in the Torah. It is neither the approach of the priestly code, where Moses is bypassed and God speaks directly to the children of Israel, nor is it the deuteronomic approach, where Moses makes a speech and appears as the "author". Rather, it combines both elements, relegating Moses to the role of a divine mouthpiece, through the agency of an angel, while maintaining him as an intermediary.

A comparison of *Jubilees* to the *Temple Scroll* leads to a number of conclusions. We may say that the *Temple Scroll* as it is preserved, without Moses' name, is a divine pseudepigraphon, even if Moses appears as a recipient of revelation, since he is never presented as the author. On the other hand, we may also consider the possibility that, like *Jubilees*, the *Temple Scroll* originally had an introduction which described Moses' receiving the law from God and delivering it to Israel. In any case, the elimination of his name and of his intermediary role from the body of the text itself would render the entire document the revelation of God to Israel through the agency of Moses. We still would have no aspect of Mosaic composition, only of divine composition.

Before examining a number of other so-called pseudo-Moses compositions, we should briefly consider the theological ramifications of

²¹ Ibid., 215–217.

²² J.C. VanderKam in *Qumran Cave 4, VIII, Parabiblical Texts, Part I*, ed. H.W. Attridge et al., DJD 13 (Oxford: Clarendon Press, 1994) 11–12.

this discussion. Both *Jubilees* and the *Temple Scroll* make the claim that, with or without the mediation of Moses, the material they contain was revealed directly and that it is a divine Torah. In this respect they are positing a one-time revelation of God to Israel at Sinai in which this text was revealed. This approach must be strongly contrasted with that of both the Qumran sectarians and the Pharisaic-rabbinic tradition. Both the sect and the rabbis assumed that God gave a revelation of the written Torah (the canonical document) and then gave some form of commentary as well. The Pharisees speak of traditions of the fathers which the rabbis later understood to be divinely given at Sinai. The Qumran sectarians, however, understood the law to be divided into the נגלה and נסתר, that is, the revealed written law, and the hidden or supplementary sectarian law.²³ The נסתר was not revealed at Sinai but is assumed to stem from the inspired biblical exegesis of the sectarians, a notion which is very different from that of the *Temple Scroll*. Yadin's claim that the נסתר can include the *Temple Scroll*²⁴ is therefore impossible, because the sectarian documents embodying the נסתר evoke a totally different theological source of authority and different assumptions about the nature and duration of divine revelation to humanity.

3. THE PSEUDO-MOSES TEXTS

The entire preceding discussion must be put into the framework of an examination of the so-called pseudo-Moses texts or Moses apocrypha.²⁵ This material has been recently reviewed by J. Strugnell and D. Dimant in the course of publishing various Cave 4 texts. Strugnell²⁶ has shown that 4Q376 and 1Q29, Liturgy of the Three Tongues of Fire, constitute

²³ See L.H. Schiffman, *The Halakhah at Qumran*, SJLA 16 (Leiden: E.J. Brill, 1975) 22–32; revised in idem, *Halakhah and Messianism in the Qumran Sect* (Jerusalem: Merkaz Shazar, 1993) 45–53 [Hebrew].

²⁴ Yadin, *Temple Scroll*, I, 392, n. 9.

²⁵ Cf. M.R. James, *The Lost Apocrypha of the Old Testament, Their Titles and Fragments* (London: Society for Promoting Christian Knowledge; New York: Macmillan, 1920) 42–51, which deals with Moses pseudepigrapha.

²⁶ J. Strugnell, "Moses Pseudepigrapha at Qumran: 4Q375, 4Q376, and Similar Works," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman, JSPSup 8; JSOT/ASOR Monographs 2 (Sheffield: Sheffield Academic Press, 1990) 248–254, and J. Strugnell in *Qumran Cave 4, XIV, Parabiblical Texts, Part 2*, ed. M. Broshi et al., DJD 19 (Oxford: Clarendon Press, 1995) 129–136.

the same work. He further claims that 4Q375 is a third manuscript of the same text, a view which we find somewhat questionable. He sees 1Q22, Words of Moses, as a text of similar genre.

In arguing for his identification of these texts, and for the possibility that Words of Moses may belong to the same text, Strugnell makes an extremely important distinction between Moses' appearance in a document *ex parte sua* and *ex parte Domini*. In Words of Moses, Moses appears on his own behalf, not on behalf of God. He then goes on to say that nothing in either 4Q375 or 1Q29 = 4Q376 "excludes such a pseudonymous author", and maintains that it is appropriate to suggest that they are Moses pseudepigrapha. But here he glosses over an important consideration. Other than 1Q22, none of these texts contains an actual address to Moses. If this is the case, then like the *Temple Scroll* (as it is presently preserved), these would be not Moses pseudepigrapha, in the deuteronomic style, but divine pseudepigrapha, in the priestly style, regardless of whatever other deuteronomic features they may or may not contain.

Strugnell asks whether there was indeed a school of pseudo-Moses that created the documents of this genre in antiquity. He distinguished these documents from those such as *Jubilees*, where Moses serves as an amanuensis for an angel, and the *Temple Scroll*, where Moses functions as an amanuensis for God Himself. Strugnell characterizes the Mosaic pseudepigrapha as involving a "proclamation of law" by Moses (speaking in the first person) to Israel (in the second person) or occasionally to Aaron, but not to Moses. God is usually referred to in the third person singular. In this way he has defined the Moses pseudepigrapha as following in the footsteps of Deuteronomy. Hence, he describes these texts as "Pseudo-Deuteronomies" or "Deutero-Deuteronomies." Strugnell notes the presence in the Torah of texts in which the "I" is God and refers to the *Temple Scroll* as a "divine pseudepigraphon." He suggests that there may be ideological links between these two types of pseudepigraphical writing. He further notes that the Moses pseudepigrapha as he has defined them are not connected to the Qumran community, a fact which we have noted regarding the *Temple Scroll* as well. He finally concludes that the evidence is not sufficient to sustain the conclusion that an actual pseudo-Moses school generated these texts. Strugnell speculates that the pseudo-Moses texts may have been produced by the same school of pre-Qumranian Jerusalem Zadokite priests that produced the *Temple Scroll*.

Finally, the Moses pseudepigrapha are taken up by D. Dimant in the context of her study of 4Q390.²⁷ In her discussion of “Pseudo-Moses,” she writes that most of the fragments of 4Q390 contain “parts of a divine discourse” which is “written in the deuteronomic style typical of the divine addresses to Moses” and has a “close affinity with a similar divine address to Moses in the first chapter of *Jubilees*.”²⁸ She points out the differences with the works discussed by Strugnell and objects to the term “Pseudo-Moses” on the grounds that these texts have nothing in common with texts such as the Testament of Moses²⁹ and *Jubilees*. She feels they should be called Moses apocrypha and that they are really pieces of rewritten Torah resembling the *Temple Scroll*.³⁰ On the other hand, she sees 2Q21, Apocryphon of Moses,³¹ written in a third person narrative style, to be closer to her text. We should note that in this text God appears to speak in the first person, so that Moses’ actions and words are described in the third person.

In general, Dimant seems to see the issue of narrative style as the key to identifying a Moses pseudepigraphon. We should note that the fragments she has published of 4Q390 never mention Moses although it is likely that he is being addressed by God in the text.³² She emphasizes that this text involves the direct speech of God, addressed to Moses and modeled on the deuteronomic addresses to Moses. Indeed, the task of the addressee is to receive the divine commandments and to transmit them to Israel; in the same way, Moses is lawgiver and mediator of the divine message to Israel. In her view, one fragment, 4Q389 2 1–9, contains a direct speech of Moses himself. She compares this material to *Jub.* 1, however, claiming that there we also have “pseudepigraphic divine speech addressed to Moses.” This lends further support to the

²⁷ D. Dimant, “New Light from Qumran on the Jewish Pseudepigrapha—4Q390,” *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, ed. J. Trebolle Barrera and L. Vegas Montaner, STDJ 11 (Leiden: E.J. Brill, 1992) vol. 2, 405–447.

²⁸ Dimant, “New Light from Qumran,” 409–410.

²⁹ See J. Priest, “Testament of Moses,” *The Old Testament Pseudepigrapha*, ed. J.H. Charlesworth (Garden City, NY: Doubleday, 1983) vol. 1, 919–934. Preserved in a Latin palimpsest from the sixth century, the document dates from somewhere between the second century B.C.E. and the second century C.E., with recent opinion tending toward a date during the Maccabean Revolt. The text is essentially a rewriting of Deut 31–34. Moses appears here as a mediator.

³⁰ Dimant, “New Light from Qumran,” 410 n. 18.

³¹ M. Baillet in *Les “Petites Grottes” de Qumrân*, DJD 3 (Oxford: Clarendon Press, 1962) 79–81.

³² Dimant, “New Light from Qumran,” 421, to lines 3–4.

view that Moses is the addressee in 4Q390. Dimant states that the *Temple Scroll* was “certainly written as a divine address to Moses,” a matter about which we have seen there is considerable controversy. She has no problem, therefore, in terming the *Temple Scroll* a Moses pseudepigraphon with halakhic rather than apocalyptic content.

CONCLUSION

The material we have surveyed here and the analysis of the views of the various scholars enable us to set down some clear criteria for distinguishing a Moses pseudepigraphon from a divine pseudepigraphon. We may say at the outset that the contents of the text are not at stake. Deuteronomic content will not place a text in the class of Moses pseudepigrapha. We must distinguish three classes of material:

1. divine pseudepigrapha in which God speaks directly to Israel with no intermediary, as in the priestly code,
2. divine pseudepigrapha in which an intermediary appears, usually Moses cast as a mere amanuensis, as in the book of *Jubilees*,
3. Moses pseudepigrapha, in which Moses appears as a full partner, so-to-speak, speaking for himself even while teaching the word of God, as in Deuteronomy and the Testament of Moses.

Concerning the *Temple Scroll* we reach the following conclusions: Certainly, the scroll is not a Moses pseudepigraphon as it does not allow Moses his own voice anywhere in the scroll. If he appears at all, it is in the second person, as the oblique addressee. It is possible that in the complete scroll, he appeared in the third person as the bearer of the divine message in the introduction (or prologue) and perhaps in a concluding section. If so, the scroll would constitute a divine pseudepigraphon with Moses acting as an intermediary. While this is the case in *Jubilees*, where Moses' role is sprinkled throughout the text, in the *Temple Scroll* he does not appear in the body of the document except obliquely.

Either form of a divine pseudepigraphon with which we might identify the *Temple Scroll* will carry with it the notion of direct divine revelation as it appears in the priestly code. Indeed, we may say that much of the literary activity of the author/redactor was directed at converting deuteronomic material to this priestly form, in order to

present the entire text as direct revelation, possibly with Moses as a mouthpiece. The *Temple Scroll*, therefore, has little in common with 1Q22 Words of Moses in which Moses is directly addressed by God and then delivers a speech in which he instructs the people regarding the observance of the law. 1Q29 = 4Q376 Apocryphon of Moses^{b2} never mentions Moses at all and so it resembles the *Temple Scroll* to some extent. Its fragmentary state does not allow us to determine if it is a divine pseudepigraphon, with or without the mediation of Moses, or a Moses pseudepigraphon. 4Q375 Apocryphon of Moses^a is so deuteronomic in content that it is reasonable to assume that it was originally a Moses pseudepigraphon; the preserved material never mentions his name, however. Concerning 2Q21 Apocryphon of Moses (?) we may note that it resembles the *Temple Scroll* only insofar as God speaks in the first person but the appearance of Moses distinguishes it from the scroll. Finally, 4Q390 Pseudo-Moses, which also does not mention Moses at all, may be a text related to Moses, like *Jubilees*, but is best labeled a divine pseudepigraphon, with the possible mediation of Moses, and not a Moses pseudepigraphon.

In essence, then, the *Temple Scroll* stands alone in its literary character, at least in its present form. It is clearly a divine halakhic pseudepigraphon and only a true *deus ex machina* would ever allow us to know if it was delivered through the mediation of Moses or directly to the people of Israel.

CHAPTER ELEVEN

DESCRIPTIONS OF THE JERUSALEM TEMPLE IN JOSEPHUS AND THE *TEMPLE SCROLL*

Studies on the descriptions of the Jerusalem Temple found in the works of Josephus have generally concerned the correspondence between those descriptions and the Second Temple as it stood in the last days before its destruction.¹ Accordingly, such studies have usually attempted to establish a correspondence between Josephus's accounts and the Temple plan found in *Tractate Middot* of the Mishnah.² It has generally been assumed that some form of harmonization of the data in these two sources would yield a reasonable reconstruction of the architectural plan and appearance of what is generally termed the Herodian Temple—the Temple as rebuilt by King Herod (37–4 B.C.E.).³

In his detailed introduction to the *Temple Scroll*, Yigael Yadin assumed that in some way the details of the Temple plan included in the completed *Temple Scroll* by the author/redactor⁴ paralleled the Temple structure as it existed in his day—sometime in the early Hasmonean period.⁵ While certainly this must have been the case regarding certain

¹ E.g., M. Avi-Yonah, "Beit Ha-Miqdash Ha-Sheni," in *Sefer Yerushalayim* (Jerusalem: Bialik Institute and Tel Aviv: Dvir, 1956), 392–418; S. Safrai, "The Temple," in *The Jewish People in the First Century*, ed. S. Safrai et al., CRINT 1/2 (Philadelphia: Fortress Press, 1976), 865–869. Cf. L.I. Levine, "Josephus' Description of the Jerusalem Temple: *War*, *Antiquities*, and Other Sources," in *Josephus and the History of the Greco-Roman Period: Essays in Memory of Morton Smith*, ed. F. Parente and J. Sievers, *Studia Post-Biblica* 41 (Leiden: Brill, 1994) 233–246.

² A critical edition is available in A.S. Kaufman, *Massekhet Middot, Shihzur Nusah Qadum* (Jerusalem: Har Yera'eh Press, 1991).

³ Such a synthesis is opposed by Ch. Albeck, *Shishah Sidre Mishnah, Qodashim* (Jerusalem: Bialik Institute and Tel Aviv: Dvir, 1958) 313.

⁴ Y. Yadin, *The Temple Scroll*, vol. 1 (Jerusalem: Israel Exploration Society, 1983). Yadin saw the scroll as the product of the work of a single author. Subsequent scholarship has identified several sources which were brought together by a final redactor who was responsible for the complete scroll. See A.M. Wilson and L. Wills, "Literary Sources in the *Temple Scroll*," *HTR* 75 (1982) 273–288; M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, *Studies in Ancient Oriental Civilization* 49 (Chicago: Oriental Institute, 1990), 195–198; F. García Martínez, "Source et rédaction du *Rouleau du Temple*," *Hen* 13 (1991) 219–232.

⁵ Yadin, *Temple Scroll*, 1, 386–390. For an introduction to the *Temple Scroll*, see L.H. Schiffman, "The *Temple Scroll* and the Nature of its Law: The Status of the Question,"

elements common to all the Jewish Temple plans, the Temple plan of this scroll was a utopian, reformist document which sought to change radically the religious *status quo* of the author's time. It is possible that the Temple plan included in the scroll was composed even before the Maccabean Revolt.

Similarly, scholars have argued that Josephus was describing Solomon's Temple based on his first-hand knowledge of Herod's Temple. Yadin adds that Josephus may even have been influenced by the *Temple Scroll* itself and the Essenes with whom he spent some time in his youth.⁶

This constellation of interrelated issues has led us to undertake a detailed comparison to the Temple plans of Josephus and of the *Temple Scroll*. This discussion will read Josephus independently of the mishnaic material and will, in turn, compare Josephus' descriptions to those found in the *Temple Scroll*.

A few words should be said about the nature of the material in Josephus which will be studied. Josephus presents three descriptions of the Jerusalem Temple. In *Ant.* 8, he describes the Temple as it was built by Solomon. In narrating the life of King Herod in *Ant.* 15, Josephus describes the Temple that Herod built. Finally, in *War* 5 Josephus describes the Temple within the context of the description of Jerusalem on the eve of the Roman conquest.

The Temple plan found in the *Temple Scroll* is set out in one of the sources of the *Temple Scroll*.⁷ Probably dating to the early Hasmonean period or to earlier in the Hellenistic period, this plan is spelled out in great detail with exacting dimensions. It is based on exegesis of the Tabernacle texts in the Pentateuch, as well as the descriptions of the Temple in Exodus, Kings, and Chronicles, with some literary dependence on the Temple plan of Ezekiel as well.⁸ In this context, we should note that Josephus's description of the Solomonic Temple was, no doubt, to a great extent the product of biblical interpretation on his part.

in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, ed. E. Ulrich and J.C. VanderKam (Notre Dame: University of Notre Dame Press, 1994) 37–55 (pp. 33–51 in this volume).

⁶ Yadin, *Temple Scroll*, I, 192–196.

⁷ For a study of this source, see Wise, *Critical Study of the Temple Scroll*, 61–99.

⁸ See L.H. Schiffman, "Architecture and Law: The Temple and its Courtyards in the *Temple Scroll*," in *From Ancient Israel to Modern Judaism. Intellect in Quest of Understanding: Essays in Honor of Marvin Fox*, ed. J. Neusner, E.R. Frerichs and N.M. Sarna, BJS 159 (Atlanta: Scholars Press, 1989) vol. 1, 267–284 (pp. 215–232 in this volume).

THE TEMPLE PRECINCTS

In *Ant.* 8:95–98 Josephus described the area of the Temple precincts built by Solomon. Immediately around the Temple there was a parapet of only three cubits. Surrounding the Temple and this parapet, Josephus says that there was another courtyard which was square. The wall of this courtyard had four gates, each of which was closed with two golden doors. The walls were also decorated with beautiful porticoes that must have been constructed, according to this plan, on the inside of the walls. A third area, which Josephus describes as including the entire *temenos*, seems to have included the entire raised area upon which the Temple was said to have been built.

According to Josephus, the massive earthworks that created what we know as the Temple Mount were ascribed to Solomon, who had to fill up large valleys with earth and level the area to the height of the top of the mountain. The entire Temple precinct, in this description, was surrounded again with double porticoes that were beautifully roofed and were entered through silver doors.

Reading this description might give the impression that we are dealing with a three-courtyard Temple, but this is not the case. The inner area was occupied by the Temple building itself and the area into which only priests were permitted to enter. Further out, within the next precincts, were permitted Israelites, apparently male, who were ritually pure. The final area was that into which women and those of a lower purity status might enter. If one looks at the actual plan, then, of Solomon's Temple as defined by Josephus, an inner courtyard would surround the area of the Temple itself and that courtyard would itself be surrounded by the boundaries of the Temple precincts. Only two sets of walls, porticoes and doors would then surround the Temple, not three as in the *Temple Scroll*. It does appear, however, that the courtyards of Solomon's Temple were supposed to have been concentric in the plan outlined here.

In *Ant.* 15:396–402, while describing the Herodian building project, Josephus again describes the basic setup of the Temple courtyards. In this passage, he again emphasizes the contribution of Solomon to expanding the upper surface of the mountain and creating the basic platform upon which the Temple precincts stand. Herod is credited with repaving the ancient foundations of the Temple with new ones (391–392). We read that surrounding the Temple itself was a set of porticoes which ringed the entire Temple enclosure—the Temple

Mount. Another set of porticoes was located between the outer wall and a Temple structure. Here again, the Temple structure is surrounded by two apparently concentric courtyards, just as in the account of the Solomonic Temple. The measurements given by Josephus, namely that each side of the Temple enclosure was the length of a stade, which is between 585 and 660 feet, seem to indicate a dimension which agrees neither with the Mishnah nor with that of the present-day Temple Mount enclosure, which may have been expanded somewhat during the Islamic period.

In his description in *War* 5:184–226 Josephus again repeats the contribution of Solomon to the expansion of the Temple Mount. The Temple precincts were surrounded at the very outside by a double row of porticoes. Between this outer boundary and that of the ‘second court’ there was a small balustrade which contained the well-known signs warning Gentiles not to enter further.⁹ Further in was the wall of the court, which was higher than the outer area. This area is also described as quadrangular. Still higher was the wall itself. This wall surrounded a complex which included the court of the women, and, further to the west, the courts of the Israelites and priests. The Temple itself was at its western end. Four gates were installed on each of the northern and southern sides of this complex. An entry gate led into the women’s court and then again opposite, to the west, from the women’s court into the inner area surrounding the Temple. The wall surrounding this area was likewise outfitted with porticoes, but these were single. Detailed descriptions of the gates are given by Josephus.

In this description, it is clear that the outer wall, that surrounding the entire Temple precinct, totally surrounded that of the Temple area. Further, within the Temple complex itself, one proceeded from an outer court, the court of women, to an inner Temple court, without any concentric arrangement. Indeed, from an architectural point of view, these two courts constitute one structure subdivided by a wall.

The beginning of the *Temple Scroll’s* command regarding the Inner Court (11QT 36–38) is not preserved. However, it is possible to reconstruct the dimensions of the plan of this court. The text specifies an Inner Court the inside measurements of which, when the length of the sections between the gates (120×2) and the gates themselves (40)

⁹ E. Schürer, *The History of the Jewish People in the Age of Jesus Christ*, vol. 1, rev. and ed. G. Vermes, et al. (Edinburgh: T&T Clark, 1973) 378 n. 115.

are taken together, is 280 cubits square. Including the thickness of the walls (2×7), the total outside dimension of the Inner Court is 294 cubits square.¹⁰

The gates of the Inner Court are located one on each of the four sides. These gates, as can be determined by comparison with the apportionment of chambers on the outside wall of the Outer Court, represented the four groups of the tribe of Levi, the Aaronide priests on the east, and the Levites of Kohath on the south, Gershon on the west and Merari on the north. This arrangement corresponds exactly to the pattern of the desert camp as described in Num 3:14–39.

After describing the furnishings of the Inner Court, the scroll turns to the discussion of the Middle Court (11QT 38:12–15). The Middle Court is to be concentric (if this can be said of a square) with the Inner Court, surrounding it on all four sides, and located 100 cubits further out. Here the measurements are outside measurements. Included in the 480 cubits is the width of the walls (4 cubits). Ninety-nine cubits were to be between each of the three gates on each side ($4 \times 99 = 396$). The gates were twenty-eight cubits wide ($28 \times 3 = 84$). This yields a total length of 480 ($396 + 84$) cubits measured from the outside.¹¹

The names and locations of the twelve gates of the Middle Court (described in 11QT 39:11–13)¹² were apportioned to each of the twelve sons of Jacob, a pattern repeated in the gates of the Outer Court as well.¹³ The Outer Court is again located at a distance from the Middle Court, arranged also concentrically. Again the measurements given in the scroll are outside measurements, including the width of the walls. The sides are each “about 1600” cubits long. The actual dimension is 1590 cubits, or, including the outward extension of the gates from the outer wall, 1604 cubits. 11QT 40:11–13 specifies that “there (shall be) three gates in [it] in the east, three in the south, three in the west and

¹⁰ Yadin, *Temple Scroll*, I, 204. Contrast the Middle and Outer Courts for which outside dimensions (including the thickness of the walls) are given. Cf. also J. Maier, *The Temple Scroll: An Introduction, Translation and Commentary*, trans. R.T. White, JSOTSup 34 (Sheffield: JSOT Press, 1985) 91–96.

¹¹ The 100 cubits from the Inner to the Middle Court is apparently measured from the inside of the wall of the Inner Court to the outside of that of the Middle Court.

¹² See Yadin, *Temple Scroll*, II, 167 and Maier, *Temple Scroll: An Introduction, Translation and Commentary*, 101.

¹³ Cf. J.M. Baumgarten, *Studies in Qumran Law*, SJLA 24 (Leiden: E.J. Brill, 1977) 145–171, first published as “The Duodecimal Courts of Qumran, Revelation, and the Sanhedrin,” *JBL* 95 (1976) 59–78.

three in the north.” Each section of the wall is 360 cubits and each gate is fifty. This yields a total of four sections of wall and three gates equaling 1590 cubits.

The scroll spells out the exact location of the respective gates for each tribe (11QT 40:13–41:11).¹⁴ This account of the distribution of the gates of the Outer Court corresponds exactly with that of the Middle Court. Both descriptions list the sons of Jacob and proceed from the northeastern corner southwards.¹⁵

Especially significant is the requirement that a series of chambers be constructed in the inner wall of the Outer Court, facing inward (11QT 41:17–42:6).¹⁶ Three distinct structures are envisaged here. As one approached the outer wall, one first entered the stoas, then proceeded further into the “rooms,” and then entered the inner “chambers.”¹⁷ The rooms and chambers each measure ten cubits wide, twenty long and fourteen high. For the chambers, we learn of three-cubit wide entrances. In the case of the stoas, the width is ten cubits and the height fourteen, but there are no room divisions. Following these measurements, there is space for eighteen chambers and their rooms on each side.¹⁸ On top of the bottom story were two more stories of these chambers, reached by stairways, and the upper level was then set aside for *sukkot* (booths) which were to be eight cubits high (11QT 42:7–12). The total height of these structures was to be fifty cubits.

In 11QT 44:3–45:2 we learn of the relationship of the chambers to the various gates.¹⁹ Here we see the total of sixteen sets of chambers and rooms, of three stories with the *sukkot* on top, apportioned to the eleven sons of Jacob other than Levi, and with five sections—two for Aaron and one each for the Levitical clans. The apportionment of a double portion to Aaron raises the possibility that in a ritual sense Aaron holds the birthright among the sons of Jacob.

¹⁴ For restoration and commentary, see Yadin, *Temple Scroll*, II, 171–174.

¹⁵ Yadin, *Temple Scroll*, I, 247, 255.

¹⁶ See the commentary of Yadin, *Temple Scroll*, II, 176–178.

¹⁷ See fig. 16 in Yadin, *Temple Scroll*, I, 258, and the reconstruction in Y. Yadin, *The Temple Scroll: the Hidden Law of the Dead Sea Sect* (New York: Random House, 1985) 141.

¹⁸ The length of twenty cubits included the thickness of the walls (two cubits) so that the inside measurement was eighteen. Specific details are not exact in these measurements. See Yadin, *Temple Scroll*, I, 256–261.

¹⁹ See *ibid.*, II, 185–190 and Maier, *Temple Scroll: An Introduction, Translation and Commentary*, 113–15.

The pattern of distribution of the chambers corresponds to the distribution of the gates. The twelve sons each receive the chambers closest to their gates into the Outer and Middle Courts, and the four Levitical clans receive chambers between those assigned to their brothers, opposite their gates to the Inner Court.²⁰

We should pause to sum up our comparison of the structure of the Temple precincts—the *temenos*. Josephus's accounts of both the Solomonic and Herodian Temple plans are in agreement that two courtyards existed. The entire *temenos* was surrounded by one wall and porticoes, and a second enclosure surrounded the Temple building. In the *Temple Scroll*, it was expected that three enclosures with similar, even more extensive porticoes, would surround the Temple building itself. While Herod's structure would have fit on the Temple Mount as it now exists, the structure outlined in the *Temple Scroll* would have occupied virtually the entire area of the city—assuming the massive earthworks needed could have been constructed.²¹ Indeed, Josephus's plan for the Herodian Temple would have approximately matched the size of the *Temple Scroll*'s Middle Court (which was the same size as the plan of *m. Middot*).

The Herodian Temple was patterned, according to Josephus, on that of Solomon. Yet detailed study of the Temple plan of the *Temple Scroll* indicates that it was a replica of the desert camp of Israel. We can conclude, then, that as regards the general layout of the *temenos* and the internal courts, the accounts of Josephus and the plan of the *Temple Scroll* have very little resemblance. When we take into account that Josephus's Inner Court was rectangular and that the *Temple Scroll*'s was based on concentric squares, it is impossible to claim any real relationship.

Put simply, the attempt of the architect of the *Temple Scroll* to replicate the desert camp with the Tabernacle in its midst, as well as the Temple of Solomon, created a plan in marked contrast to that of Josephus whose account of Solomon's Temple and description of the Herodian Temple depend primarily on the Solomonic structure as described in the Bible—a structure which provided the basic scheme for Herod's royal architect as well.

²⁰ Yadin, *Temple Scroll*, I, 253–256.

²¹ Cf. M. Broshi, "The Gigantic Dimensions of the Visionary Temple in the *Temple Scroll*," *BAR* 13 (Nov./Dec. 1987) 36–37.

THE TEMPLE BUILDING

According to the description of the Solomonic Temple in 1 Kgs 6:5–6, 8 the Temple building itself and the holy of holies were surrounded by stepped or storied structures. These chambers were entered through the outside, and, from this point of view, were not part of the actual Temple.

These structures are mentioned in the description of the Solomonic Temple. 1 Kgs 6:5–6, 8 describes the **יציע** built around the outside wall of the Temple. This structure consisted of three rows of chambers on each side. The lowest was five cubits wide, the next six, and the highest seven.²² The purpose of the recesses thus created, as the building was wider on top than down below, was to make impossible climbing up the side walls.²³ There were entry ways leading from one chamber to the next and also to the chamber above.

A description of the storied structures is found in Josephus's description of the Solomonic Temple (*Ant.* 8:65–66). This description is based on his exegesis of the relevant biblical passages, which means that like the author of the *Temple Scroll*, he searched for sources in the descriptions of the Tabernacle in Exodus, the Temple of Kings and that of Ezekiel. Furthermore, he seems to have mixed in elements from the Temple of his own day, some of which are supported by tannaitic sources as well.

According to him, the Solomonic Temple was surrounded by thirty small chambers that had entrances, one to another. While this specific arrangement is not discussed in the biblical account, it clearly represents some interpretation of 1 Kgs 6:8.²⁴ He adds that each was five cubits wide and twenty cubits high, the height being a detail not mentioned in the Bible. Indeed, it is probable that he imagined an extremely high set of chambers because of his view that the Temple was 120 cubits

²² For the Septuagint, see Yadin, *Temple Scroll*, II, 11. Apparently, it was based on a different *Vorlage*, whereas 11QT was based on a text similar to MT.

²³ S. Yeivin, "אנציקלופדיה מקראית," *מקדש*, "בתי מקדש בישראל," V, 340. See the drawing in B. Mazar, *The Mountain of the Lord: Excavating Jerusalem* (Garden City, NY: Doubleday, 1975) 100.

²⁴ These details are labeled "unscriptural" in H.St.J. Thackeray and R. Marcus, *Josephus, Jewish Antiquities*, vol. 5, LCL (Cambridge: Harvard University Press and London: William Heinemann, 1934) 606 n. d. Josephus's interpretation must be based on a reading such as that of the Septuagint which read "lowest" instead of MT's "middle" at the beginning of the verse.

high. He describes three sets, one on top of another, and says that they are “equal in proportion and number,” which seems to contradict the increasing width of the consecutive layers of chambers mentioned in the Bible. He also notes that the height was equal to that of the lower story, that is, the main Temple building, and did not surround the upper story. These structures then would have been sixty cubits high.²⁵

Josephus, in describing the Herodian Temple of his own day (*War* 5: 220–221), mentions the chambers surrounding the Temple. They had three stories and doors connecting them. He also indicates that these chambers did not surround the upper story of the Temple, which in his view was forty cubits high. Again, in this account as well, he does not seem to allude to the outward slant of the chambers.

These same structures appear in the Temple plan of the *Temple Scroll*. Effectively, these structures were part of the same building as housed the Temple. However, since they were entered from the outside, they were not considered to be part of the actual Temple.²⁶

In this matter, the scroll, like Ezekiel, followed the plan of the Solomonic Temple as known from Kings. The term **יצוע**, restored in the scroll, would have designated this storied structure.²⁷ The term **רובד** is used to designate the pavement or terrace upon which each story is constructed. This pavement would have had to be strong in order to support the next chamber, which protruded further out than the one below.²⁸

The scroll does appear to differ with the biblical sources followed by Josephus in one significant respect. It expects that there will be six levels of chambers, not three. It is difficult to understand this feature in light of the height of sixty cubits (11Q^T 4:10) that the scroll provides,

²⁵ The rest of his account (67) depends on the Septuagint text which differs from the MT-like text which is the basis of the *Temple Scroll*. See Thackeray and Marcus *Josephus, Jewish Antiquities*, V, 607 n.e.

²⁶ P.B. Bean, *A Theoretical Construct for the Temple of the Temple Scroll* (Ph.D. diss., University of Oregon, 1987), 326–327, suggests that the bottom level also served as the foundation for the Temple in this plan.

²⁷ Mishnaic usage uses **יציע** for this architectural term, following the *qere* in MT. It maintains the form **יצוע** in the meaning “couch, bed” as does MT. Yadin assumed that the scroll would have used **יצוע**, the form found in the *ketiv*. On the meaning of **יציע**, see the detailed entry and footnote (n. 2) in E. Ben-Yehuda, *A Complete Dictionary of Ancient and Modern Hebrew* (New York: Thomas Yoseloff, 1960) III, 2121. See also *b. B. Bat.* 61a.

²⁸ For a different interpretation according to which it is a support for the roof beams of each level of chambers, see Albeck, *Qodashim*, 330–331.

unless the author, rejecting the view of Chronicles (see below), thought that Solomon's Temple had only been thirty cubits high. In that case, our author would be doubling the number of levels of chambers to accord with the doubling of the height of the Temple.²⁹

Concerning the outside chambers, we can conclude that Josephus's descriptions are at variance with those of the *Temple Scroll* as regards the number of such chambers and the height of this outer structure surrounding the Temple. Further, the descriptions in Josephus (unlike that of *m. Middot*, by the way) make no mention of the increasing protrusion of the chambers from the building designed to prevent climbing up the side. Other than dependence on the descriptions in the Bible, there is nothing common to Josephus and the *Temple Scroll*.

The main structure was, of course, the Temple itself. For Solomon's Temple, the complete dimensions were given in 1 Kgs 6:2. There we are told that the Temple of Solomon was sixty cubits long, twenty cubits wide, and thirty cubits high. The same length and width are specified in 2 Chr 3:3. This length of sixty cubits given in Kings and Chronicles includes the sanctuary and the holy of holies. The height given in Kings (no height appears in the Chronicles passage) is likewise only for the section of the building—the inner forty cubits—which is not included in the portico. The portico was twenty cubits wider than the Temple and ten cubits deep, as specified in 1 Kgs 6:3.³⁰

The plan of Ezekiel's Temple was similar in regards to the overall dimensions. It called for a sanctuary forty cubits long (Ezek 41:2) not counting the portico, which makes this Temple equivalent in depth to Solomon's. The depth of the portico, like that of Solomon's, was to be twenty cubits (41:2). These same figures—sixty cubits high, twenty cubits wide and sixty cubits long—are given by Josephus for the Solomonic Temple (*Ant.* 8:65–71), simply reflecting the dimensions found in MT. In describing the Herodian Temple, he gives the very same dimensions, a depth of sixty and a width of twenty cubits, not counting the greater width of the portico (*War* 5: 215).³¹

²⁹ Ezekiel expected three sets of chambers (41:7). The main difference in his account is that Ezekiel specifies a total of thirty-three chambers and a width of four cubits for each. It is possible that our scroll specifies this same size, at least for the bottom chambers in line 3.

³⁰ The Septuagint substituted "forty" for the "sixty" of MT in this verse. Note, however, that Codex Alexandrinus has "sixty."

³¹ Note that *Ant.* 15:391 gives a length of 100 cubits, and no width, but the passage is corrupt.

The overall dimensions of the Temple building are given in the *Temple Scroll* in an extremely fragmentary passage (11QT 4:6–8). Virtually the entire text is reconstructed. Here the scroll must have given its length as sixty cubits which was the length of the Solomonic sanctuary. The width expected here was probably twenty cubits and the height of the sanctuary was probably specified as thirty cubits. The portico (אולם) was larger, as we will see below. Yet we must caution that this restoration cannot be considered definite in light of the reading of the Septuagint which has “twenty-five” for the height.³² Codex Alexandrinus, however, gives “thirty,” as in MT. Ezra 6:3 speaks of a Temple sixty cubits high and sixty wide, but our scroll took this measurement as the height of the portico in front of the sanctuary.

1 Kgs 6:3 spelled out the dimensions of the portico. It was to have a length (i.e., width) of twenty cubits beyond that of the Temple and a width (i.e., depth) of ten cubits. The very same figures appear in Josephus’s description of the Solomonic Temple (*Ant.* 8:65). The twenty cubits were effectively the width beyond the Temple and the ten, the depth. Its height of 120 cubits, according to Josephus, will be taken up below. Yet in describing the Herodian Temple, Josephus tells us that the façade was 100 cubits high and 100 wide (*War* 5:207). He explains that the building behind was narrower by forty cubits (being sixty cubits wide), since the portico extended to the right and left of the sanctuary twenty cubits on each side. These figures, however, are contradicted, as we will see. It is possible that 100 cubits was the pre-Herodian height, to which Herod added twenty cubits.

In *Ant.* 8:64, Josephus speaks of the Solomonic sanctuary as having a height of sixty cubits. Then he claims that on top of it was another sixty-cubit story, so that the total height of the building was 120 cubits.³³ Only then, in paragraph 65, does he go on to discuss the portico which was in front of it, reaching to a height of 120 cubits. That Josephus thought that Solomon’s Temple was 120 cubits high is clear from the explanation that he (or his source, Nicolaus of Damascus) puts into Herod’s mouth as a reason for his decision to build the Temple (*Ant.* 15:385). Herod is made to say that whereas Solomon’s Temple was 120 cubits high, the Temple built by the returning exiles was limited

³² The Peshitta adds mention of the height of thirty cubits to 2 Chr 3:3 (Yadin, *Temple Scroll*, II, 13).

³³ Cf. Thackeray and Marcus, *Josephus, Jewish Antiquities*, V, 605 n. g.

by the Persian authorities to sixty cubits. This notion must be derived from Ezra 6:3, which, as we already noted, speaks of a Temple sixty cubits high.

The command in the 11 QT 4:8–12 to build the portico specifies the size of the portico as twenty cubits long and ten cubits wide. The “length” of twenty cubits is actually the width and the “width” actually refers here to the depth of the portico. Put simply, one who entered the Temple and proceeded inwards would traverse a distance of ten cubits as he crossed the portico.

The scroll specifically informs us that the height of the portico structure was to be sixty cubits.³⁴ Earlier, the text mentions the height of the sanctuary and the holy of holies is thirty cubits. There is no height given in Kings for the Solomonic portico; however, 2 Chr 3:4 gives the probably exaggerated figure of 120 cubits.³⁵

On the other hand, Herod’s architects understood the Ezra passage to indicate the height of the sanctuary (their interpretation of **בֵּיתָא**) but took the Chronicles passage to refer to the height of the portico. Hence, the total height of the building comes to 120 cubits.

The *Temple Scroll* must have understood the height of sixty cubits given in Ezra as referring to the entire structure, understanding **בֵּיתָא** in that wider sense—not just referring to the sanctuary. The author of the plan in the *Temple Scroll* assumed that this was a sufficient height. He shares with the Herodian Temple the notion that the Temple building should be half the height of the portico and, therefore, emerges with a full height of thirty cubits. On the other hand, it is possible that he expects the upper chamber to be surrounded by side rooms, for which reason he expects six levels of storied structures, whereas the other traditions speak of only three.

The final aspect to be discussed here is the holy of holies. This section of the Tabernacle was ten cubits square. The twenty cubits of the *Temple Scroll* is the dimension given for the holy of holies in the Solomonic Temple plan in 1 Kgs 6:20³⁶ and 2 Chr 3:8. This same dimension is given by Josephus for the Solomonic Temple (*Ant.* 8:71). The book of

³⁴ On the height, see the detailed notes of Yadin, *Temple Scroll*, II, 14–15.

³⁵ While the Septuagint agrees with this reading, the Codex Alexandrinus and the Syriac read “twenty.” This reading may originally derive from a scribal error, or more likely is dependent on the height of the Tabernacle. In any case, it cannot apply to the Solomonic Temple.

³⁶ Understanding **וּלְפָנָיו** as if it said **וּלְפָנָיו**, as in NJPS, “the interior of the Shrine.” Cf. Rashi and Radak, *ad loc.*

Ezekiel expected a holy of holies of the same size in its Temple as well (41:4). These same dimensions are given in Josephus's description of the Herodian Temple (*War* 5:219). In view of the unanimity of the measurement of the holy of holies, the identification of the reference to twenty cubits in the *Temple Scroll* in a fragmentary passage must be accepted as definite.

When we review the dimensions of the Temple building itself, we see that Josephus and the *Temple Scroll* shared the dimensions for the sanctuary required by the biblical description of the Solomonic Temple. Josephus gives contradictory numbers for the dimensions of the façade of the portico of Herod's Temple. In any case, he described a much higher and grandiose façade than that which the *Temple Scroll* required based on its particular biblical exegesis. Whereas Josephus spoke of 120 cubits as the height of the portico, the height in the *Temple Scroll* was only sixty. Regarding the holy of holies, Josephus and the *Temple Scroll* agree to a square structure of twenty cubits.

CONCLUSION

The descriptions of the Jerusalem Temple presented by Josephus and those of the *Temple Scroll* share very little beyond basic details that they derived from the biblical material pertaining to the Solomonic Temple. The structure of courtyards, the surrounding chambers, and the façades described are quite different. Several specific conclusions emerge.

1. There is absolutely no chance that Josephus used the *Temple Scroll* or the architectural plan included in it as a source.
2. The ideals of the architect of that plan for a gargantuan, redesigned Temple were never realized, even when Herod's architects rebuilt the Temple.
3. According to the accounts of Josephus, the Herodian architects made no use at all of the *Temple Scroll*.
4. Josephus's plan for the Solomonic Temple resulted from biblical interpretation with minimal influence from the existing Temple of his day.
5. The description of the Herodian Temple by Josephus derived from direct information—observation of its architecture. Unlike the description of the *Temple Scroll*, Josephus's accounts represented reality, not Utopia. Those of the Temple Scroll represented Utopia—not reality.

CHAPTER TWELVE

THE PROHIBITION OF JUDICIAL CORRUPTION IN THE DEAD SEA SCROLLS, PHILO, JOSEPHUS AND TALMUDIC LAW

It is an axiom of any legal system which attempts to dispense justice that corruption of any of those involved in the judicial procedure cannot but lead to the perversion of justice. While it stands to reason that any well-ordered society would seek to eliminate corruption of the system of justice in order to guarantee the administration of its laws, this is even more the case in the system of Jewish law which in all its pre-modern manifestations saw itself as divinely mandated. Further, since Jewish law understood itself as maintaining the cosmic balance which was upset by injustice and inequity, we can expect to find that the punishment of judicial corruption would be a major issue.

It is therefore to be expected that biblical law, like its ancient Near Eastern predecessors, outlawed the taking of bribes and the perversion of the judicial process. We will find that this remained a major issue, however, in all the early post-biblical legal corpora of Jewish law, regardless of the fundamentally different provenances, approaches, and datings of these systems. Yet at the same time we will observe trends towards extreme stringency in these matters which may indicate the social and political conditions of the Greco-Roman period.

Our study will begin by sketching the biblical background, and then treat, in turn, the evidence of the Dead Sea Scrolls, discussions of this issue in Philo and Josephus, and the rabbinic evidence.

THE BIBLICAL BACKGROUND

The basic theme of biblical legislation and admonition regarding judicial honesty is in the form of prohibition and condemnation of the taking of bribes by judges.¹ The problem was not limited to ancient Israel.

¹ See the survey of S. Loewenstamm, “דָּבָר,” *Encyclopedia Miqra’it* VII, cols. 617–619.

In ancient Mesopotamia we find that dishonest judicial practice had to be condemned. In the Akkadian Hymn to the Sun God, Shamash is praised for punishing the judge who takes a bribe (Akkadian *īātu*), while the righteous judge is described as one who does not take bribes.² In describing Babylonia, Esarhaddon (680–669 B.C.E.) describes bribery (*kadrū*) among the social injustices of the city. The same is said in a text attributed to Nebuchadnezzar, the author of which takes credit for stopping these practices.³ Other legal documents and reports indicate that this was a widespread problem in Mesopotamian legal practice.⁴ It has been suggested that in some cases the term *īātu* can refer to a legal payment for the judge's services,⁵ but this suggestion has been challenged.⁶ In ancient Egypt similar ideas are found. Thutmose II advised his viziers not to show partiality for it is an abomination to the god. Favoritism was not to be practiced and both parties were to be treated justly.⁷

That the same was the case in biblical Israel is clear from the many references in Scripture, in legal, prophetic, and wisdom contexts. In Exod 18:21 Jethro listed, among the qualifications of the judges whose appointment he recommended to Moses, that they be **שנאי בצע**, "hating unjust gain". Exod 23:6–8, a passage as a whole apparently aimed at members of the judiciary,⁸ requires avoidance of a false charge (**דבר שקר**), so that innocent people do not get executed (cf. Deut 27:25), and prohibits the taking of bribes (**שחד**). The latter are said to blind the wise and falsify the words of the righteous. Bribery, along with favoritism, is likewise forbidden in Deut 16:19. Deut 10:17–18 in fact praises God, the righteous judge, for not being liable to corruption.

A number of non-legal passages in the Bible relate to judicial corruption. 1 Sam 8:1–3 relates about the sons of Samuel that they took bribes and perverted justice. Numerous prophetic calls for avoidance of bribery testify to the extent of corruption in the judicial system of

² Col. ii, lines 40–45; J.B. Pritchard (ed.), *Ancient Near Eastern Texts Relating to the Old Testament* (Princeton: Princeton University Press, 1969) 388. This work is cited below as *ANET*.

³ Both Akkadian terms appear there as synonyms.

⁴ Loewenstamm, "**שחד**," col. 619.

⁵ J.J. Finkelstein, "The Middle Assyrian Šulmānu-Texts," *JAOS* 72 (1952) 77–80.

⁶ Loewenstamm, "**שחד**," col. 216.

⁷ E.R. Goodenough, *The Jurisprudence of the Jewish Courts in Egypt as Described by Philo Judaeus* (Amsterdam: Philo Press, 1968) 201.

⁸ Cf. N.M. Sarna, *The JPS Torah Commentary, Exodus* (Philadelphia and New York: Jewish Publication Society, 1991) 143.

ancient Israel (Isa 1:23, 5:23, 33:15, Ezek 22:12, Mic 3:11, 7:3; cf. Ps 15:5, 26:9–10, Prov 17:23). In all these cases the assumption is that the receiver of bribes perverts justice and it is this act which is categorically condemned.

There is some ambivalence in two wisdom passages which refer to the usefulness of giving bribes. This is the case in both Prov 17:8 and 21:14 which seem to avoid making any judgment on the giver of the bribe. Rather, they simply indicate that bribes are given with the expectation of their influencing ruling parties.

We should note that there are some passages in the Bible where the word שוחד appears as a gift.⁹ These uses may have conditioned those interpretations we will encounter below which take this word in the prohibition of judicial corruption to refer to the taking of fees for rendering judgment.

The passages we have surveyed here go no further than general prohibitions and condemnations. We should not be surprised, then, to find that post-biblical tradition, in spinning out the detailed exposition of the biblical legal system, should have had to tackle the difficult issues raised by these passages, especially regarding the penalties incurred by corrupt judges and the means for maintaining the honesty of the judiciary.

THE *TEMPLE SCROLL*

Probably the earliest treatment of this problem is in the detailed exegesis of Deut 16:18–20 in the *Temple Scroll* from Qumran.¹⁰ This passage occurs in the section of the scroll which is generally termed the Deuteronomistic Paraphrase. The author/redactor of the scroll, completing his work early in the Hasmonean period, had put together a variety of earlier sources dealing with the Temple plan, purity laws, the law of the king, and other topics. In order to give the complete scroll the appearance of a “Torah”, he added the final portion of the scroll. This section is essentially a restatement of most of the laws of Deuteronomy, with minor exegetical variants and midrashic interpretations added to express

⁹ L. Koehler and W. Baumgartner, *Hebräisches und aramäisches Lexikon zum alten Testament* IV (Leiden: E.J. Brill, 1990) 1351.

¹⁰ Cf. G. Brin, “המקרא במגילת המקדש,” *Shnaton* 4 (1979/80) 184–186, who treats this passage in detail.

the author's views on the laws under discussion.¹¹ It is in this context that the scroll presents the law of judges of 11QT 51:11–18:¹²

(11) You shall appoint judges and officers (or: bailiffs) in all your gates¹³ and they shall judge the people (12) with righteous judgment. They may not show favoritism¹⁴ in judgment, nor take a bribe, nor (13) pervert justice. For (the taking of) a bribe perverts justice and subverts the cause of righteousness,¹⁵ and blinds the (14) eyes of the wise, thus causing great guilt, and defiling the Temple (literally: house)¹⁶ with the sinful (15) transgression. Justice, and only justice, shall you pursue, in order that you may live and come to inherit (16) the land which I am giving you to inherit (or: to possess) forever. But the man (17) who takes a bribe and perverts righteous judgment shall be put to death, and you shall not be afraid (18) of putting him to death.¹⁷

This law basically follows Deut 16:18–21. In adapting verse 18, our author excised the words, **אשר ה' אלהיך נתן לך לשבטיך**. This is a difficult omission to explain. The author of the scroll had an ideal plan according to which the tribes of Israel would dwell in cities arranged around the central sanctuary in Jerusalem.¹⁸ Accordingly, we would have expected him to assume that there would be a central court of

¹¹ See L.H. Schiffman, "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992) 543–567 (pp. 443–469 in this volume).

¹² See the left column of the fragment Rockefeller 43.978 published in Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) vol. II, 225 and vol. III, Supplementary Plates, Plate 39*:6. Although the fragment preserves only the rightmost part of the column, it confirms the presence of the non-biblical addition in 11QT 51:16–18. Cf. E. Qimron, *The Temple Scroll, A Critical Edition with Extensive Reconstructions* (Beer Sheva-Jerusalem: Ben Gurion University of the Negev Press and Israel Exploration Society, 1996) 75.

¹³ Yadin renders "towns".

¹⁴ Yadin, *Temple Scroll*, II, 228 notes that **יכירופנים** is written as one word in 11QT^a (see *ibid.*, III, Plate 66). His suggestion that the scribe considered this a "legal term" is unlikely as there are so many other such terms which are not combined in the scroll. His alternative suggestion that the scribe first wrote the singular **יכיר פנים** and then added the *waw* is much more likely, since the singular is found in MT.

¹⁵ Yadin's translation "of the righteous" is not of 11QT but rather follows MT **צדיקים**.

¹⁶ J. Maier, *The Temple Scroll, An Introduction, Translation and Commentary*, trans. R. White (Sheffield: JSOT Press, 1985) 120, is imprecise when he speaks of "pollution of the Land". The passage speaks of the Temple.

¹⁷ Lit. "afraid of him from putting him to death". For the reading **ממנו** in the scroll, see Yadin, *Temple Scroll*, II, 229.

¹⁸ Cf. L.H. Schiffman, "Sacred Space: The Land of Israel in the *Temple Scroll*," *Biblical Archaeology Today 1990, Proceedings of the Second International Congress on Biblical Archaeology, Jerusalem, June 1990*, ed. A. Biran and J. Aviram (Jerusalem: Israel Exploration Society and Israel Academy of Sciences and Humanities, 1993) 398–410 (pp. 281–294 in this volume).

justice for each tribe. Apparently, unlike the rabbis¹⁹ our author felt the tension between the requirement of appointment of tribal courts (לשבטיך) and those in the cities (בבלי שערך), and decided to follow a system of setting up courts by location and district, rather than by tribal identification.

This conclusion was reached despite the assumption of the scroll that the biblical tribal definitions would exist in the ideal society which the complete scroll envisaged.²⁰ It is possible that this is an example of disagreement between the Deuteronomic Paraphrase and other sections of the scroll. Such a disagreement has been observed between the laws of war in the Paraphrase and the Law of the King.²¹ Yet it is probable that the scroll interpreted לשבטיך here to refer to the geographic entities for each tribe in which the cities were, of course, to be located.

From the point of view of the present study, the most significant aspect of this text is its treatment of the prohibition of judicial corruption. The three prohibitions in this regard, those on showing favoritism, taking bribes, and perverting justice, appear here in a different order from that in MT to Deut 16:18.

MT	11QT
pervert justice	show favoritism
show favoritism	take bribes
take bribes	pervert justice

Since both MT and 11QT continue with an explanation of the reasons why the taking of bribes is forbidden, MT flows more smoothly since it places this offense last. Further, the perversion of justice can be taken as a general category in MT, specified by the following cases. There is no question, then, that MT presents a superior text. But how did 11QT's version come into being? The only possibility is that the author sought to indicate that the prohibition לא תטה משפט in Deuteronomy

¹⁹ *Sifre Devarim* 144 [ed. L. Finkelstein (New York: Jewish Theological Seminary, 1969) 197–198], *h. Sanhedrin* 16b, but note the questions of Tosafot, *ad loc.* and Nahmanides to Deut 16:18.

²⁰ L.H. Schiffman, "Architecture and Law: The Temple and its Courtyards in the *Temple Scroll*," *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding, Essays in Honor of Marvin Fox*, ed. J. Neusner, E. Frerichs, N.M. Sarna (Atlanta: Scholars Press, 1989) vol. I, 267–284 (pp. 215–232 in this volume).

²¹ See *idem*, "The Laws of War in the *Temple Scroll*," *RevQ* 13 (Mémorial Jean Carmignac, 1988) 302 (pp. 505–517 in this volume).

referred to bribery²² and, hence, the author changed the order of the biblical commands purposely. Otherwise, we would have to reckon with a textual variant or simply an error. This interpretation would mean that there are really only two prohibitions, and would favor a translation of the *Temple Scroll* version as follows: “Nor take a bribe lest you pervert justice, for . . .”.

In addition, 11QT phrases these three prohibitions (or two according to the second translation) in the plural, in agreement with the LXX as opposed to MT which has the singular. Yet this is not simply a matter of textual variation. While Deut 1:17 (לֹא תִכִּירוּ פָנִים בַּמִּשְׁפֵּט) may certainly be an influence here,²³ more important is the author’s successful attempt to smooth over the shift in number and person between Deut 16:18 and 19. The end of 18 is phrased in the third person plural, referring to the judges and officers. Yet verse 18 in MT is in the second person singular, the language of so many biblical apodictic commands. Our scroll has smoothed this inconsistency over by making both verses agree, stating the entirety in the third person plural, so that it is clear that it is the officials of verse 18 (not some nebulous “you”) who must fulfill the commands of verse 19. We deal with exegetical variants here, but in this case the LXX represents the same interpretation. Our author may have been encouraged to make his change by the existence of versions of the text in the plural.

The author has inserted the words כִּי הַשׁוֹחֵד מִטָּה מִשְׁפֵּט. This addition is intended to emphasize the very same interpretation the author put forward before, namely that the Torah’s statement at the start of verse 19, לֹא תִטָּה מִשְׁפֵּט, was intended to refer to the taking of bribes, and not to be a general statement. In formulating this clause he must have been influenced by Exod 23:6, לֹא תִטָּה מִשְׁפֵּט אֲבִינֶךָ בְּרִיבֹו.²⁴

In adapting Deut 16:19b, the author again reversed the order for exegetical reasons. He wanted to make the point, following his addition, that bribery leads to perversion of justice, continuing his general understanding of the passage. Hence, he wanted to put the clause regarding סִלְף, the subverting of righteousness, before that discussing the “blinding” of the wise. In other words, he sought to complete his discussion of the perversion of justice before moving on to “blinding”

²² Yadin, *Temple Scroll*, II, 228.

²³ Ibid.

²⁴ Ibid.

of the judges. Only then, after this reversal, does he proceed to mention the “blinding” of the eyes of the wise.²⁵

In the process, another difference with MT is introduced. 11QT has **דברי הצדק** for MT **דברי צדיקים**, which is parallel to **עיני חכמים**. Accordingly, it is likely that the reading of MT is accurate and that an intentional change was introduced into 11QT. Further, MT is supported by the parallel in Exod. 23:8.²⁶ Yet the author of the Paraphrase seeks to explain **דברי צדיקים** in the text he had before him as referring to righteousness, not to the words of righteous people. In this interpretation he is in agreement with a number of sources,²⁷ including the LXX to Exod 23:8 and tannaitic tradition, as we will note below.²⁸ We see these sources as representing exegesis as well, not as preserving a variant textual tradition. This modification again seems to be exegetical, and the suggestion that it is to be linked with the prominent use of **צדק** in sectarian texts²⁹ seems to be unfounded. A true textual variant here would be difficult to imagine because of the parallel in Exodus and in the previous phrase in the Deuteronomic verse.

In both clauses the text of 11QT has a participle where MT and Exod 23:8 have the imperfect. While it is difficult to be certain, the author seems to have been motivated to change the tenses by the desire to emphasize that this is not a matter of question, i.e., that acceptance of such bribes or gifts may have a deleterious effect, but, rather, that it *must* have this effect.

At this point the scroll includes an entire sentence which, despite some biblical parallels,³⁰ is of original composition by the author of the scroll or of the Paraphrase. This sentence further explains the reason why bribery is forbidden, as it leads to great guilt and defiles the Temple. Here the author is again emphasizing his basic theme of the evil of injustice and judicial corruption. We will see below that virtually all

²⁵ Cf. the similar explanation of Yadin, *ibid.*

²⁶ Exod 23:8, however, has **פקחים** for Deuteronomy's **חכמים**.

²⁷ *Tg. Onq.* and *Ps.-J.* to Deut 16:19, Saadyah Gaon in Ibn Ezra to Exod 23:8, cited in Yadin, *Temple Scroll*, II, 228.

²⁸ But LXX to Deut 16:19 has *logous dikaion*, “words of the righteous”.

²⁹ Yadin, *Temple Scroll*, II, 228. Cf. J.M. Baumgarten, “The Heavenly Tribunal and the Personification of *Ṣedeq* in Jewish Apocalyptic,” *Aufstieg und Niedergang der Römischen Welt II. 19, Judentum: Allgemeines Palästinisches Judentum*, ed. W. Haase (Berlin and New York: Walter de Gruyter, 1979) 219–239.

³⁰ Yadin, *Temple Scroll*, II, 229. The parallels to sectarian literature which Yadin cites are somewhat overdrawn since the phrases in question are themselves based on the Bible.

exegetes of this material effectively neutralize the motive clause of the Bible and replace it with another explanation.

Some comment should be made on this link between judicial corruption and the defilement of the Temple. According to Deut 17:8–13 the Temple was the place of final appeal in legal matters, and, according to later tradition,³¹ it was there that the high court (Sanhedrin) sat. Clearly, the intimate link between justice and the Temple is presumed in this addition of the scroll. It is as if the Temple stands through the merit of justice, and injustice, therefore, defiles it.

The text then returns to Deut 16:20 which appears here with a number of variations from MT. **ובאתה** has been introduced under the influence of Deut 6:18. This addition may represent a harmonizing tendency. Another possibility is that it may be a reflection of an earlier harmonization on the part of some *Vorlage*. The change from the mention of God in the third person to the first person is typical of the scroll.³² For MT **לך**, singular, the scroll has **לכמה**, plural.³³ The entire clause may be derived from Deut 5:28 **לרשתה... אשר אנכי נתן להם**, with the change from the third person to the second, required by our text, based on the use of **לכם** in Deut 4:1, 11:17, and 11:31. Certainly, we are dealing here with an author who has reworked the text following Deuteronomic style. However, the author did not systematically weave these passages together. Rather, he derived his style from the Deuteronomic idiom in making these additions.

Associative stringing together of Deuteronomic language led the author to add **כול הימים**. After all, Deut 12:1 has **לרשתה** (then a pause, *'etnahta'* in Masoretic accentuation), followed by **כול הימים**. This is a matter of harmonization and expansion based on Deuteronomic language, not a case of textual variation.

At the end of this section, the author (or his source) again introduces his own legal statement, mandating the death penalty (**והאיש אשר** **להמיתו**...) for one who takes a bribe. In this original section, the author has concluded by midrashic exegesis that perversion of justice is a capital offense. Deut 1:17 uses **לא תגורו מפני איש** regarding the avoidance of favoritism in judgment (*ibid.*, **לא תכירו פנים במשפט**). Our author compared this command midrashically to **לא תגור ממנו** (LXX pl.=**תגורו**)

³¹ *m. Middot* 5:4.

³² Yadin, *Temple Scroll*, I, 3; Brin, "המקרא במגילת המקדש," 210–214.

³³ LXX has the singular, *soi*, Vulgate, *tibi*.

regarding the obligation to execute the false prophet in Deut 18:22.³⁴ Accordingly, he concluded that just as the death penalty was required for the false prophet, so it was for judges who accepted bribes. In this exegesis the verse designed to encourage judges to go ahead with the execution of the false prophet has been made to refer to corrupt judges and to require their execution. Further, **להמיתו** may have been derived from the law of the idolatrous prophet in Deut 13:10.³⁵

This addition is consistent with the view of the scroll that the main point of Deut 16:18–20 is the prohibition of bribery. The very same idea regarding the monarch appears in the Law of the King in 11QT 57:19–21:

And he may not pervert justice, nor take a bribe in order to pervert righteous justice. Nor may he covet a field or vineyard or any property or house, or any object of desire in Israel, or stolen property...³⁶

This prohibition may be a reflection of the complaints of the author or his source with the state of affairs in Judea in the Hellenistic period. Indeed, the entire section of the Law of the King is in our view a polemic against the political state of affairs in Hasmonean Palestine.³⁷ But more important to us presently is the interpretation of Deut 16:18–19. From the beginning of verse 19 the author took the words **לא תטה משפט** which he converted into the third person as context in the *Temple Scroll* required, adding the conjunction *vav* as in many other passages. He then skipped the words of MT **לא תכיר פנים**, continuing with the prohibition on taking bribery, also found in verse 19. Then he replaced the rationale which the verse gave for the prohibition of taking bribes entirely. Instead of the biblical notion that bribery blinds the wise and perverts the words of the righteous, the scroll puts in **להטות משפט צדק**, the last two words of which are taken from the previous verse, verse 18. Effectively, the scroll here confirms the interpretation given above; namely, that bribery itself leads to the perversion

³⁴ Cf. M. Kister, "עוללות מספרות קומראן," *Tarbiz* 57 (1987/8) 316–317.

³⁵ Yadin, *Temple Scroll*, II, 229. Rabbinic passages regarding bribery and suggested Qumran parallels are dealt with in *ibid.*, I, 382–385. On the idolatrous prophet, see L.H. Schiffman, "Laws Concerning Idolatry in the *Temple Scroll*," *Uncovering Ancient Stones, Essays in Memory of H. Neil Richardson*, ed. L.M. Hopfe (Winona Lake, IN: Eisenbrauns, 1994) 159–175 (pp. 471–486 in this volume).

³⁶ The text breaks off at the end of col. 57 and we cannot be certain if **גזל** is a noun, "stolen object," or the verb "steal".

³⁷ Cf. L.H. Schiffman, "The King, His Guard and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987) 253–255 (pp. 487–504 in this volume).

of justice. Further, we should note that in the law of judges, the Paraphrase and the Law of the King both side with the view that these prohibitions refer to the judges, rather than to the witnesses.³⁸

PHILO

The laws pertaining to the administration of justice are discussed in detail by Philo in *Special Laws* IV, 55–78 where he provides four basic principles for the administration of judgment. In general, this entire section seeks to show that the Torah's laws pertaining to the administration of justice are in agreement with the dominant ideals of Hellenic thought.³⁹ As an introduction, he defines the basic character which a judge must have. Like all Jews, they must be “exempt from every unreasoning passion and every vice” (§ 55)⁴⁰ and “permeated by pure justice” (§ 56).⁴¹ The first of the principles, shared by both Jewish and Greek law, the rejection of hearsay as evidence (§§ 59–61),⁴² is not relevant to this study.

The second principle is not to take bribes (*dora*).⁴³ In § 62 he quotes Exod 23:8 = Deut 16:19 to indicate that:

gifts...blind the eyes which see and corrupt the things that are just (*dikaia*),⁴⁴ while they prevent the mind from pursuing its course straight along the high road.⁴⁵

The text continues to say in §§ 63–64 that it is also “half depravity” to take a bribe to do justice, even if awarding victory to the one who

³⁸ See the detailed discussion in Yadin, *Temple Scroll*, I, 383–385 regarding Qumran parallels and rabbinic traditions. On the death penalty for perjury, see S. Belkin, *Philo and the Oral Law, The Philonic Interpretation of Biblical Law in Relation to the Palestinian Halakah*, Harvard Semitic Series 9 (Cambridge, MA: Harvard University Press, 1940) 147–149 and B. Revel, “Onesh Shevu‘at Sheqer Le-Da‘at Philon We-Ha-Rambam,” *Horev* 2 (1934/5) 1–5.

³⁹ Goodenough, *Jewish Courts*, 205.

⁴⁰ All translations are from *Philo*, VIII, trans. F.H. Colson (Cambridge, MA: Harvard University Press/London: W. Heinemann, 1939) 43–57.

⁴¹ Cf. Goodenough, *Jewish Courts*, 189–193.

⁴² Cf. *ibid.*, 193–194; Belkin, *Philo and the Oral Law*, 179–181.

⁴³ This term, according to Goodenough, *Jewish Courts*, 195 n. 134, can refer to well-intentioned gifts as well as bribes.

⁴⁴ Compare 11QTF 51:13 דברי הצדק for MT דברי צדיקים in Deut 16:19; but LXX to Exod 23:8 has *hremata dikaia*.

⁴⁵ Goodenough, *Jewish Courts*, 196, maintains that this is a polemic against the dishonesty of Roman officials.

deserves it. He specifies the reason why a judge may not take a fee for the administration of judgment (§ 65):

he is habituating himself to be covetous of money, and that vice is the source from which the greatest iniquities spring, and he is injuring one who deserves to be benefited when that person has to pay a price for justice.

Indeed, the *tannaim*, as we will see below, maintain the very same prohibition.⁴⁶ Yet Philo may also be influenced as well by Plato, *Laws* 955c–d.⁴⁷

Continuing with the exegesis of Deut 16:20, Philo states (§ 66):

Moses . . . bids us pursue justice justly,⁴⁸ implying that it is impossible to do so unjustly. He refers to those who give a just award for lucre.

This verse, therefore, is the scriptural source in Philo's view for the prohibition on taking bribes even to do justice or to take a fee for serving as a judge.

In § 70 he turns to the third instruction, scrutinizing the facts, not the litigants, a precept based on Deut 16:19, cf. 1:17:

He must force himself to ignore and forget those whom he has known and remembered, relations,⁴⁹ friends and fellow citizens, and on the other hand strangers, enemies, foreigners so that neither kind feeling nor hatred may becloud his decision of what is just.⁵⁰

In § 71 he explains the principle behind this prohibition. He sees this requirement as explained explicitly in the Torah in Deut 1:17 where it states:

“judgment is God's” and the judge is the steward of judgment. As a steward he is not permitted to give away his master's goods, for the best of all things in human life is the trust he has received from the hands of One who is Himself the best of all.

⁴⁶ Cf. B. Ritter, *Philo und die Halacha* (Leipzig, 1979) 104 n. 2; Belkin, *Philo and the Oral Law*, 181.

⁴⁷ Goodenough, *Jewish Courts*, 196; *Philo*, VIII (Colson edn, 430–431).

⁴⁸ Compare the similar exegesis of this verse in Philo, *On the Cherubim*.

⁴⁹ This must refer to distant relatives, the cases of which it was permitted to judge. Compare *m. Sanhedrin* 3:1–4 and *t. Sanhedrin* 5:1–5 on the prohibition of close relatives of the litigants serving as judges.

⁵⁰ For a parallel in Aristotle, *Rhetoric* I, i, 1354b, 4–16 see Goodenough, *Jewish Courts*, 201. See also Belkin, *Philo and the Oral Law*, 181–182.

This passage, to which one imbued with the Greek concept of justice would also have given full assent,⁵¹ makes clear that judicial corruption represents a challenge to God's sovereignty, a view very similar to what we will encounter below in Josephus.

Following Exod 23:3, Philo turns to the prohibition of favoritism toward the poor in § 72. He contrasts this rule with the large number of commands regarding charity for the poor, intending to show that justice cannot be compromised on behalf of the poor (§§ 73–77).⁵² In general, his presentation, unlike that of the *Temple Scroll*, indicates no penalty for the taking of bribes or payments by judges. Yet like the scroll, he weaves together the laws of Deut 1 and 16 and Exod 23 into one presentation of the prohibition of judicial corruption.

JOSEPHUS

The most important feature of the law of judges in the *Temple Scroll* is, of course the death penalty for the taking of bribes. Josephus (*Apion* II, 207), in his polemical survey of the laws of the Torah, rules accordingly, saying:

A judge who accepts bribes (*dora*) suffers capital punishment.⁵³

While Josephus is here in agreement with the notion that a judge who takes a bribe is to be executed, he gives no indication of the derivation of this law whatsoever. A fuller discussion of the law of Deut 16:18–20, with no mention of the death penalty, appears in *Ant.* IV, viii, 14 (§§ 214–218). This passage, however, does include the prohibition of judicial corruption and will be considered in detail here. While Josephus bases himself here on our passage from Deuteronomy, we will see that he has woven together a new construct, much in the same way as did the author of the *Temple Scroll*.

The full passage is as follows:

(§ 214) As rulers let each city have seven men long exercised in virtue and in the pursuit of justice; and to each magistracy let there be assigned two subordinate officers of the tribe of Levi. (§ 215) Let those to whom it shall

⁵¹ Goodenough, *Jewish Courts*, 201–202.

⁵² Compare *ibid.*, 204–205.

⁵³ *Josephus*, I, trans. J. Thackeray (Cambridge MA: Harvard University Press; London: W. Heinemann, 1926) 377.

fall to administer justice in the cities be held in all honour; none being permitted to be abusive or insolent in their presence; for a respect for human dignitaries will make men too reverential to be ever contemptuous of God. (§ 216) Let the judges have power to pronounce what sentence they think fit, always provided that no one denounce them for having received a bribe to pervert justice or bring forward some other charge to convict them of not having pronounced aright; for they must be influenced neither by lucre nor by rank in declaring judgment, but must set justice above all. (§ 217) Else God would appear to be contemned and accounted weaker than those to whom, from fear of their strength, the judge accords his vote. For God's strength is justice; and one who gives this away out of favour to persons of rank makes them more powerful than God. (§ 218) But if the judges see not how to pronounce upon the matters set before them—and with men such things oft befall—let them send up the case entire to the holy city and let the high priest and the prophet and the council of elders meet and pronounce as they think fit.⁵⁴

§ 214 is equivalent to Deut 16:18. Whereas Deuteronomy commands the appointment of judges and bailiffs, Josephus requires seven judges and two Levitical bailiffs for each court.⁵⁵ Josephus, following Deuteronomy's **ושפטו את העם משפט צדק** requires that these men be “long exercised in virtue and in the pursuit of justice.” This interpretation indicates that he understood this clause to be a dependent clause modifying **שפטים**, meaning, “in order that they judge...”, or “who will judge...”.

§ 215 appears to be based on Exod 22:27, with each clause in the verse reflected in Josephus. He understood the verse as follows: Do not blaspheme God, as a result of which you are prohibited from cursing a ruler among your people. The judges represent God's authority and that of His Torah, and cursing them is tantamount to cursing Him. This explanation is similar to that given by Philo and may be dependent on it or may reflect contemporary exegesis.

The long expatiation of § 216 makes two separate points: The judges are not to fear false accusation of corruption, on the one hand, and, on the other hand, they are not to be corrupted. The first point may be based on Deut 1:17, **לא תגורו מפני איש**. The remainder of the section is clearly based on Deut 16:19 (cf. Exod 23:8) which prohibits judicial corruption. Yet here, no penalty is set forth. He has taken the prohibition on bribery to indicate also that the judges must aspire to a

⁵⁴ *Josephus*, IV (Thackeray edn, 579–581).

⁵⁵ See L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, CA: Scholars Press, 1983) 26–28. Seven judges appear again in Josephus, *War* II, xx, 5 (§ 571) and in *Ant.* IV, viii, 38 (§ 287).

standard of behavior by which no one would accuse them of perverting justice. Here Josephus represents the biblical parallelism of clauses when he states, “that no one denounce them for having received a bribe to pervert justice” (based on **כי השחד יעור עיני חכמים**) and “or bring forward some other charge to convict them of not having pronounced aright” (based on **ויסלף דברי צדיקים**). Effectively, this interpretation eliminates these words as an explanation of how bribery corrupts, taking them instead as a separate prohibition on creating the impression of bribery or corruption. Instead, as a motive for the prohibition of bribery and judicial corruption, Josephus supplies the theological considerations added by him in section § 217 which, as we mentioned already, are similar to those of Philo.

Clearly, his reference to “rank” is an exegesis of **לא תכיר פנים** and his initial statement that “they must not be influenced” reflects the biblical **לא תטה משפט**. The words “but must set justice above all”, are the equivalent of the Bible’s **צדק צדק תרדף**.

Josephus adds an important point in § 217. Judicial corruption makes God, Whose law is being violated, appear weaker than the litigant who gains favor by bribing the judge.⁵⁶

TANNAITIC INTERPRETATION

A sustained tannaitic interpretation of Deut 16:18–20 is found in *Sifre Devarim* 144.⁵⁷ Based on Deut 16:18, the *Sifre*, in an anonymous section, derives the obligation of appointing judges:⁵⁸

“Judges and bailiffs:” How do we know that they must appoint a court for all Israel? The Torah states, “Judges... you shall appoint for yourself.”⁵⁹

⁵⁶ The passage concludes in § 218 with an adaptation of Deut 17:8–9 which is beyond the concerns of this study.

⁵⁷ Finkelstein edn, 197–200. A related passage in *Sifre Devarim* 152–3 (to Deut 17:8–13) is dealt with in S.D. Fraade, *From Tradition to Commentary: Torah and its Interpretation in the Midrash Sifre to Deuteronomy* (Albany: State University of New York Press, 1991) 83–87.

⁵⁸ Compare the *baraita* in *b. Sanhedrin* 16b which derives from here the obligation of setting up “judges for Israel”, apparently just a recapitulation of the plain sense of Deut 16:18.

⁵⁹ All translations of rabbinic sources are by me.

From the first part of the verse, **שפטים... לתת לך**, the *Sifre* learned of a central court for “all Israel”.⁶⁰ After a gloss in which Rabbi Judah requires that in addition a head of the central court be appointed,⁶¹ the *Sifre* continues with the anonymous section:

And how do we know that they must appoint a court in each and every city? The Torah states, “Judges...in all your gates”... And how do we know that they must appoint a court for each and every tribe? The Torah states, “Judges⁶² for your tribes”... Rabban Simeon ben Gamliel says: “For your tribes, and they shall judge,” (this teaches that) it is a commandment upon each and every tribe to judge its (own) tribe.

Basing itself on **בכל שעריך** in verse 18, the *Sifre* rules that courts must be established in every city.⁶³ Further, the *Sifre* derives from **לשבטיך** that courts are to be established for each tribe. This explanation is glossed by Rabbi Simeon ben Gamliel who states that each tribe is to judge its own members, which he derives from the juxtaposition (separated by an *’etnahta’* in MT) of **לשבטיך** and **ושפטו** which follows it.⁶⁴

After a brief exegesis of **ושפטו את העם** which it takes to indicate “against their will,”⁶⁵ the *Sifre* reaches the issue of primary concern to us, the integrity of the judicial process:

“Righteous judgment.” But has it not already been said, “Do not corrupt judgment?” So why does the Torah state “righteous judgment?” This refers to the appointment of judges.

The text begins by interpreting the words **משפט צדק**, “righteous judgment”, to refer not to the legal proceedings, which it asserts are covered in verse 19, but rather to the appointment of judges, i.e., that only expert and honest judges shall be appointed so as to ensure the dispensing of true justice.⁶⁶

⁶⁰ Compare also *t. Sanhedrin* 3:10, based on Num 35:29. We will not treat here the obligation to appoint bailiffs (**שטרנים**) as discussed in the *Sifre* since it is not relevant to this study. See L.H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls, A Study of the Rule of the Congregation* (Atlanta: Scholars Press, 1989) 35.

⁶¹ Cf. Finkelstein edn, 197.

⁶² Reading with MT where Finkelstein, for some reason, followed the *editio princeps* which is clearly in error in adding the conjunctive *vav*.

⁶³ Compare *t. Sanhedrin* 3:10 and a *baraita* in *b. Makkot* 7a, both of which are based on Num 35:29.

⁶⁴ So also *t. Sanhedrin* 3:10. We omit the material printed by Finkelstein in small print which is a later addition (“**הקדמה להוצאה ראשונה**”).

⁶⁵ Cf. *Sifre Devarim* 286 (Finkelstein edn, 25), interpreting Deut 25:1, **ושפטום**.

⁶⁶ Finkelstein edn, 198.

The *Sifre* then turns to verse 19, the key prohibition of judicial corruption:

“Do not corrupt judgment,” that you should not say, “So and so is nice, so and so is my relative.” “Do not show favoritism,” that you should not say, “So and so is poor, so and so is rich.”

The first two clauses of the verse are taken to prohibit different forms of favoritism. **לֹא תִטֶּה מִשְׁפָּט** is understood to prohibit favoritism because of friendship⁶⁷ or familial tie, while **לֹא תִכְיִר פְּנִים** refers to discrimination on economic grounds.⁶⁸ Judges are admonished here not to allow these kinds of considerations to affect their judgment.

An alternate interpretation is also possible. A parallel passage in *Sifre Devarim* 15⁶⁹ interprets Deut 1:17, “you shall not show favoritism in judgment,” to refer to one “appointed to designate judges” who may not exercise favoritism in his appointments to the bench. Since much of this passage is parallel to ours, it is possible that our text is dealing here also with the prohibition of corruption in making judicial appointments.⁷⁰

The prohibition of the taking of bribes is explained as referring even to accepting bribes to condemn the guilty or exonerate the innocent, as was the case in Philo as well:

“And do not take a bribe:” There is no need to state (that one may not take a bribe) to exonerate the guilty or to condemn the innocent, but rather (this refers to one who takes a bribe) even to exonerate the innocent and to condemn the guilty.

This prohibition may be understood in two ways: (1) It may be a prohibition on taking fees for rendering judgment, a matter much discussed in rabbinic literature.⁷¹ (2) It may also be an assertion, much like that

⁶⁷ This must be the meaning here of **אִישׁ פְּלוּגֵי נֶאֱחָה** in light of what follows.

⁶⁸ Cf. *Sifre Devarim* 17 (Finkelstein edn, 28), which derives this same prohibition from Deut 1:17, **כַּקְטֵן כַּגְדֹּל תִּשְׁמְעוּן**. The same notion is derived from Lev 19:15 in *Sifra’ Qcdoshim* 4:2–3 [רב] **סִפְרָא דְּבִי רַב**, ed. I.H. Weiss (New York: Om Publishing, 1946) 89a].

⁶⁹ Finkelstein edn, 27–28.

⁷⁰ This interpretation is explicitly rejected by Finkelstein, 198.

⁷¹ See J. Bazak, “טוהר השיפוט במשפט העברי”, *Sefer Ha-Yovel Likhvod Morenu Ha-Ga’on Rabbi Joseph Dov Ha-Levi Soloveichik*, ed. S. Yisraeli; N. Lamm and Y. Rafael (Jerusalem: Mossad Harav Kook; New York: Yeshiva University, 1984) vol. II, 718–720 and *b. Ketubot* 105a where such a practice is prohibited in a *baraita’* but permitted in Babylonian amoraic practice.

we found in the *Temple Scroll*, that the taking of bribes must inevitably lead to the corruption of the judicial system, even if they are intended to lead to correct pronouncements.⁷²

The first possibility is strongly supported by an explicit reference in *m. Bekorot* 4:6:

If one takes his salary to judge, his judgments are not valid.

A *baraita* appears in *b. Ketubot* 105a which rules:

Unbecoming is the judge who takes a salary to judge but his judgment is a (valid) judgment.

Here we see that in a case where the judge did take a payment, his judgment is considered valid, after the fact (בדיעבד). A difficult version of this *baraita* appears in *t. Bekorot* 3:8:⁷³

One who is suspect of taking his payment and then judging...⁷⁴ all the judgments which he rendered...are invalid. But (after the verdict) the litigant may give the judge a salary for his judgment...even though they said, “Unbecoming is the judge who takes a salary.”⁷⁵

Clearly, tannaitic tradition looks with disfavor on taking a fee for rendering judgment and disqualified the verdict (when both parties paid) only if the payment took place before the decision. It may be this practice which the *Sifre* is opposing.

The *Sifre* then adds a required nuance to the words of Scripture:

“For bribery will blind the eyes of the wise,” and there is no need to say (that it will blind) the eyes of the foolish. “And will falsify the words of the righteous,” and there is no need to say (that it will falsify) the words of the wicked.

The text tells us that “even” needs to be added to the sense of the motive clauses at the end of verse 19: Even the wise, not to mention

⁷² This seems to be the assumption of the anonymous amoraic explanation in *b. Ketubot* 105a, הני מילי היכא דשקיל בתורת שוחד. It is clearly stated in an exegesis of the parallel passage in Exod 23:8 in *Mekhilta’ De-Rabbi Ishmael* 20 [ed. H.S. Horovitz and I.A. Rabin (Jerusalem: Bamberger & Wahrman, 1960) 328].

⁷³ Cf. S. Lieberman, *Tosefet Rishonim* II (Jerusalem: Bamberger & Wahrman, 1938) 268–269.

⁷⁴ We omit throughout this quotation references to testimony which are not relevant to our study.

⁷⁵ Our exegesis and reconstruction are based on those of Y. Abramsky, תוספתא עם פירוש חזון יחזקאל, סדר קדשים אף על פי שאמרו מכוער לדיין (Jerusalem, 1989/90), 15a–b. T. reads: אף על פי שאמרו מכוער לדיין. We emend to אף על פי שאמרו מכוער לדיין.

the stupid; and even the righteous, not to mention the wicked, will be corrupted by bribery. A second interpretation seeks to explain away the repetition:

Another interpretation: “For bribery will blind the eyes of the wise,” they will say about the impure that it is pure and about the pure that it is impure. “And it will falsify words of the righteous,” they will say about that which is forbidden that it is permitted, and about that which is permitted that it is forbidden.

The *Sifre* explains the need for two separate clauses pertaining to the wise and the righteous by saying that bribes lead to corruption in two separate aspects of the law: in distinguishing what is pure from what is impure, and in determining what is permitted and what is prohibited.⁷⁶

An additional explanation, as preserved in *Sifre*,⁷⁷ attempts to explain why judges who take bribes are termed “wise” and “righteous” by Scripture:

Another interpretation: “For bribery will blind the words of the wise,” (that) he will not live out his days until he will rule correctly in his decision. “And will falsify the words of the righteous,” (that) he will not live out his days until he knows what he is saying.

This difficult text seems to state that in the end these judges will have to own up and see correct judgment pronounced in these cases.⁷⁸ Yet comparison with parallel passages, some of which will be discussed below, favors the view that this text must be emended so that it states that those who pervert justice will be punished with blindness or becoming demented.

Verse 20 is not taken by the *Sifre* to refer to judicial corruption. Rather, the double appearance of the word צדק is understood to indicate that after one has been declared innocent he may not be brought back to court to be convicted, but if one is condemned, he may be brought back to be exonerated.⁷⁹ A second interpretation bases itself on תרדף

⁷⁶ Compare the *Mekhilta’ De-Rabbi Shim’on ben Yoḥai* [ed. J.N. Epstein and E.Z. Melamed (Jerusalem: Mekize Nirdamim, 1955)] to Exod 23:18, p. 216.

⁷⁷ Cf. Finkelstein edn, 199.

⁷⁸ D. Pardo, *Perush Sifre Deve Rav* (Jerusalem: Makhon Lev Sameah, 1989/90) vol. III, 339. Contrast L. Finkelstein, “Improved Readings in the *Sifre*,” *PAJR* 3 (1932) 45–46, reprinted in idem., *Sifra on Leviticus V* (New York: Jewish Theological Seminary, 1991) 95*–96*.

⁷⁹ Compare the parallel in *Mekhilta’ De-Rabbi Ishmael* 20 (Horovitz-Rabin edn,

and calls on litigants to seek a court of high reputation for justice (שדינו פה) such as those of famous tannaim.⁸⁰

In addition to the full-length exposition of the law of judges in Deut 16:18–20, the *Sifre* also refers to judicial corruption in dealing with the related material in Deut 1:16–18 in *Sifre Devarim* 16–17.⁸¹

The words שמע בין אחיכם ושפטתם צדק (Deut 1:16) are taken here to refer to deliberateness in judgment, in accord with which the *Sifre* quotes *m. Abot* 1:1.⁸² In other words, this clause was understood not to refer to judicial corruption. A second set of anonymous interpretations takes ושפטתם צדק as referring to the litigants, rather than to the judges. Again, this verse is not taken as referring to judicial corruption.

As already mentioned, verse 17 is understood here to refer to problems of corruption:

“You may not show favoritism in judgment:” This refers to one who is designated to appoint judges, lest you will say, “So and so is nice (handsome), I will appoint him a judge; so and so is mighty, I will appoint him a judge; so and so is my relative, I will appoint him a judge; so and so has lent me money,⁸³ I will appoint him a judge. You will end up causing the guilty to be exonerated and causing the innocent to be condemned. It is not because he (the judge) is wicked, but because he does not know. Scripture considers him (the appointer of judges) as if he had shown favoritism in judgment. “You shall hear out the small and the great in the same way.” Lest you say, “Since this one is poor, this one is rich, it is a commandment to support this one (the poor, so) I will judge in his favor and he will be supported effortlessly, the Torah states, “You shall hear out the small and the great in the same way.” Another interpretation: “You shall hear out the small and the great in the same way,” lest you say, “How shall I damage the honor of this rich man for a dinar, I will judge in his favor, and when he goes out (of the court) I will tell him, ‘Give it to him, for you are guilty,’” the Torah says, “You shall hear out the small and the great in the same way.”

327–328) where this principle is derived from Exod 23:7. See also *Mekhilta’ De-Rabbi Shim’on ben Yohai* to Exod 23:7 (Epstein-Melamed edn, 216). The same exegesis is found in a *baraita* in *b. Sanhedrin* 33b.

⁸⁰ Compare the *baraita* in *b. Sanhedrin* 32b.

⁸¹ Finkelstein edn, 25–30.

⁸² Cf. *Avot De-Rabbi Nathan*, Version A, chap. 1 [ed. S. Schechter (New York: Feldheim, 1967)] 1b–2a.

⁸³ For הלויניסטון perhaps emend to הלויניסטון, “speaks Greek,” based on the suggestion of D. Hoffman, *Midrash Tannaim ‘al Sefer Devarim* (Tel Aviv: Offset Yisrael-America, n.d.) vol. I, 9, followed by Finkelstein, 28 in the notes but whose main text presents a conflated reading.

The beginning of verse 17, **לא תכיר פנים במשפט**, is interpreted here to refer to honesty in the appointment of judges. Discrimination based on friendship, strength, familial or financial relationship, is outlawed. The following words, **בקטן כגדל תשמעון**, are taken as prohibiting favoritism in judgment in order to help a poor litigant in earning a living. An alternate interpretation of the same words prohibits favoritism toward the rich to prevent their embarrassment.⁸⁴

The following clause in Deuteronomy, **לא תגורו מפני איש**, has been taken by the *Temple Scroll* as requiring the death penalty for judicial corruption. The *Sifre* understands it only as an admonition to the judge not to be afraid of the litigants and thus render a false judgment.⁸⁵

Discussion of judicial corruption is also found in *Mekhilta' De-Rabbi Ishmael* Mishpaṭim 29⁸⁶ interpreting Exod 23:6–8. The prohibition in verse 6 of corrupting the judgment of a poor man is understood in an anonymous passage to refer to a prohibition on prejudice in favor of a good person (**כשר**) against an evildoer in judgment. This interpretation takes **אביון** to refer to “poor in commandments” and means that a person’s prior behavior and lack of observance of *halakhah* may not lead to a decision on the part of the court to find unjustly against him. More important for our study is the interpretation of Exod 23:8:

“And you may not take a bribe:” Perhaps you will say, “I will take money and I will not pervert justice.” The Torah says, “For bribery blinds the eyes of the wise.” And this is a matter of reasoning *a fortiori*. If regarding one who takes (a bribe) intending not to pervert justice the Torah said, “for bribery blinds the eyes of the wise,” how much more so (regarding) the one who takes (a bribe) intending to pervert judgment.

In dealing with verse 8, which is an explicit prohibition of bribery, the *Mekhilta'* takes the prohibition in Exodus to refer to a case where a bribe is taken by the judge intending to judge honestly nonetheless. Apparently, the assumption here is that Deut 16:19, explicitly referred to, intends to prohibit the taking of bribes with the outright intention of corrupting the judicial process.

⁸⁴ An added section, not part of the *Sifre* itself, discusses the obligation of the judge to render judgment and debates the appropriateness of compromise instead of the rendering of strict judgment. Compare the historicizing explanation of the dispute in Finkelstein, 29.

⁸⁵ Compare Ramban to Deut 1:17 [ed. C. Chavel (Jerusalem: Mossad Harav Kook, 1959/60) vol. II, 349].

⁸⁶ Horowitz-Rabin edn, 326–328.

From this verse, the text also adduces that one who takes bribes will become physically blind as a punishment:

From this they said: Whoever takes money and perverts judgment will not live out his days without losing the light of his eyes. Rabbi Nathan says, “Until he has one of these three things: either confusion in regard to the Torah, so that he declares pure the impure or declares impure the pure; or that he will be in need of the financial help of others; or that he will lose the light of his eyes.”⁸⁷ “And it will falsify the words of the righteous:” He changes the justified words which were given at Sinai.

The negative consequences of bribe-taking for the judge are considerably widened in the statement attributed to Rabbi Nathan. In the final anonymous comment, the text interprets דברי צדיקים, literally, “the words of righteous (people)”, to refer to “righteous words” (דברים המצודקים), exactly the same as the interpretation of the *Temple Scroll*. That bribery leads to perversion of God’s Torah given at Sinai is the clear message here.

AMORAIC EVIDENCE

The primary locus of the discussion of bribery in amoraic sources is in *b. Ketubot* 105a–106a. We will concentrate here on those sections of the discussion which indicate the amoraic approach and which add to the picture we have found in the tannaitic sources.

The Babylonian amora Rava gives a general explanation for the prohibition of bribery in *b. Ketubot* 105b:

Said Rava: What is the reason (for the prohibition of) bribery? Once he (the judge) has accepted a bribe from him, his attitude has become close to his (the litigant’s) and he is like himself, and a person does not see his own guilt.

This explanation clearly takes biblical שחד as bribery, given by one side only, not as a payment by both litigants to the judge for his services.

Extremely important for our purpose is the discussion of the early Babylonian amoraic judge Qarna, a colleague of Samuel’s, who regularly was paid to judge by both sides:

⁸⁷ Cf. the parallel in *b. Ketubot* 105a–b and D. Halivni, *Meqorot U-Mesorot, Nashim* (Tel Aviv: Dvir, 1968) 252–255.

Qarna would take a coin⁸⁸ from the innocent and a coin from the guilty, and render a judgment for them. But how would he do this? But is it not written, “You shall not take a bribe (i.e. a fee)?” And if you will say that these words (apply) when you do not take from both of them, lest he pervert justice, but (in the case of) Qarna, since he took from both of them, he would not come to pervert judgment; but (even) if he will not come to pervert judgment is it permitted (to take a fee)?...⁸⁹ These words (the prohibition of taking a fee, apply) where he takes it as bribery, (but) Qarna took it as a fee. But is it permitted as a fee?...⁹⁰ These words (the prohibition) refer to a salary for judging, (but) Qarna would take (only) a payment for desisting (from his regular work).

The *sugya* continues for several more rounds, but the final conclusion remains that it was permissible for Qarna to be paid the amount he would have made otherwise in his regular employment as an expert in sensing when wine was about to turn to vinegar.⁹¹ In this case, where it was clear that he had lost money for rendering judgment, he was permitted to be paid. This entire anonymous discussion shows that the practice of taking payments for judging had become accepted in Babylonian amoraic circles, yet the tannaitic sources left the rabbis uncomfortable with this practice.

SUMMARY AND CONCLUSION

Of the sources we have studied, all of them understood the Torah to explicitly prohibit judicial corruption, i.e. the taking of bribes by judges to pervert justice or the showing of favoritism in judgment. Only the *Temple Scroll* saw this offense as punishable by death. The other sources specified no particular punishment seeing these simply as negative commandments (לֹאֲרֵי) which normally incur the penalty of flogging.

Philo also takes up the issue of the payment of judges for their services which he regards as utter corruption. Such an exegesis is clearly based on the wider understanding of biblical שוּד as a payment, which could be taken to refer to a prohibition on judges accepting payment. It is to such a payment that tannaitic sources may refer

⁸⁸ An *istera*, usually designating a silver coin equal to a *sela* or half a *zuz*.

⁸⁹ Here follows the quotation of the *baraita* treated above which prohibits taking a bribe even to judge fairly. The amoraim interpreted this tannaitic text to refer to taking a fee from the litigants for judicial service.

⁹⁰ The gemara quotes *m. Bekorot* 4:6, quoted above.

⁹¹ So Rashi.

when they prohibit the taking of bribes even to judge honestly. On the other hand, this may instead refer to accepting a bribe when you know the payer to be on the right side of the case. In Babylonian amoraic sources, the taking of such payments from both sides is permitted, albeit explained in a variety of ways as not being a direct payment for service as a judge.

Three of the sources are united in seeing the biblical motive clause, **כי השחד יעור עיני חכמים ויסלף דברי צדיקים**, as not indicating the actual reason for the commandment to forswear the taking of bribes. The *Temple Scroll* says that judicial corruption profanes the Temple, and Philo and Josephus say it is a direct affront to the notion of God's sovereignty. Rabbinic sources, however, understand this statement to indicate the fact that after taking such gifts no one can really be impartial in judgment, as explained explicitly by amoraim. For this reason, amoraic sources tell of extremes in refusing to judge where even the smallest of favors had been done for the judge by one of the litigants.

All sources explain favoritism in the same way, as obscuring the ability of the judge to rule fairly. It is in this way similar to bribery, except that in the case of favoritism the relationship is established by prior association or by the presumed status of one of the litigants, rather than by a cash payment.

The four corpora of exegesis we have studied here clearly respond to a common agenda which is provided by the biblical material. Yet beyond this, it is clear that certain exegetical traditions connect these materials, most probably indirectly. The view of the *Temple Scroll* requiring the death penalty is indeed reflected in Josephus in one place, but ignored in another. Philo knows nothing of it, but it is clear that he was the source for some of Josephus's notions. On the other hand, both Philo and Josephus were influenced by the emerging Pharisaic-rabbinic interpretations, yet Philo sought to show that Jewish law was in agreement with dominant Hellenic ideals while Josephus sought to project the Torah as one of the great lawbooks of the *oikumene*. Yet the rabbis seem in no way to have been influenced directly by any of the other sources.

All of our sources would certainly have agreed with a statement of the *Sifre* regarding Deut 16:20. This statement on the importance of judges is a fitting conclusion to the insistence of the *Sifre* on the highest standards of judicial honesty. One cannot read this tannaitic passage without a realization that it constitutes a modulation of the words of the Torah into the mode of post-destruction circumstances, in which

the Land of Israel is under foreign domination, the people of Israel is in great part exiled from the land, and it is threatened with physical destruction in the Diaspora.

“[Righteousness, and only righteousness shall you pursue,] in order that you shall live and inherit the land”: This teaches that the appointment of judges is sufficient to sustain Israel and to cause them to dwell on their land, and to prevent them from being destroyed by the sword.

PART THREE
THE TEMPLE

CHAPTER THIRTEEN

ARCHITECTURE AND LAW: THE TEMPLE AND ITS COURTYARDS IN THE *TEMPLE SCROLL**

Sometime in the second half of the reign of John Hyrcanus (134–104 B.C.E.) the author/redactor of the *Temple Scroll* sought to propound his plan for a total reformation of the Hasmonean order.¹ Although his demands for reform included the restructuring of the political system as well, his primary emphasis was on the reorganization of the Temple and its worship to conform to those interpretations of the Torah embodied in the *Temple Scroll*. Among those aspects most important to the author/redactor of the scroll was the reconstruction of the Jerusalem Temple in accord with a thorough plan, which is probably to be seen as the centerpiece of the scroll. At the outset it needs to be emphasized that this plan is not intended for a Messianic Temple but rather for a Temple to serve until the coming of the end of days, when it will be substituted by a new one.²

This Temple plan was not simply an attempt to provide a larger or more beautiful sanctuary for the God of Israel. Sanctuaries invariably reflect the views of their builders on a variety of significant issues relating to ideas of sanctity and holiness, approach to worship, and what we have come in the modern west to call theology.³ This is certainly the case with the Israelite Temples known from archaeological research or from literary sources.⁴ The architect of the Temple plan of the *Temple Scroll* certainly intended his plan to convey such messages. The present

* I wish to thank my New York University colleagues, Professors Baruch A. Levine, Elliot R. Wolfson and Robert Chazan for their help in preparing this study.

¹ See L.H. Schiffman, "The King, His Guard, and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987) 237–59 (pp. 487–504 in this volume).

² Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983), I, 182–5. Contrast B.Z. Wacholder, *The Dawn of Qumran* (Cincinnati: Hebrew Union College Press, 1983) 21–30. Wacholder cannot be correct since his view requires the translation of Hebrew **וּ** as "during," a meaning otherwise unattested.

³ B.A. Levine, "Biblical Temple," *Encyclopedia of Religion*, 2, 211–14.

⁴ See M. Haran, *Temples and Temple Service in Ancient Israel* (Winona Lake, Indiana: Eisenbrauns, 1985) 13–57.

study seeks to investigate the architecture of his plan to uncover the conceptual universe that lies behind it. In doing so, it is hoped that this study will once again confirm that the various systems of ancient Jewish thought must be recovered through careful study of the legal and exegetical materials preserved for us.

In the *Temple Scroll* as presently constituted, the Temple plan begins with detailed instructions for the construction of the Temple building itself. Thereafter, complete descriptions of the furnishings of the Temple appear. At this point, the redactor has included the sacrificial festival calendar, originally a separate source. When this calendar reaches its conclusion, the text turns to description of the actual Temple precincts. Continuing from its earlier discussion of the Temple building, it precedes outward to consider the three courts which surround the Temple and which together constitute the *temenos*.

There is considerable evidence pointing to the existence of this Temple plan before the redaction of the scroll. Among the fragments which Yadin identified as representing manuscripts of the *Temple Scroll* is Rockefeller 43.366. This fragment includes much of the Temple plan discussed below. Yadin dated this fragment to the last quarter of the second century B.C.E., basing himself on the examination by N. Avigad.⁵ In fact, J. Strugnell has noted that this fragment is not part of a manuscript of the *Temple Scroll*, but rather belongs to an expanded Torah scroll, a Pentateuch with non-biblical additions.⁶ If so, such scrolls served as sources for the author/redactor of the complete scroll, or of some predecessor who may have combined the ritual calendar with the Temple plan. In any case, this fragment proves that the Temple plan of our text pre-dates the complete *Temple Scroll*.⁷

The *Temple Scroll* is providing for a Temple of very different plan and proportions from that which had existed in First Temple times, or that which existed at the time of the architect and the author/redactor.⁸

⁵ Yadin I, 20.

⁶ In Wacholder, *Dawn*, 206. Cf. F. García Martínez, "Estudios Qumránicos 1975–1985: Panorama Crítico (II)," *Estudios Bíblicos* 45 (1987) 365f.

⁷ Cf. A.M. Wilson, L. Wills, "Literary Sources in the *Temple Scroll*," *HTR* 75 (1982) 275–88.

⁸ See, however, the study of J. Maier, "The *Temple Scroll* and Tendencies in the Cultic Architecture of the Second Commonwealth," *Archaeology and History in the Dead Sea Scrolls*, ed. L.H. Schiffman JSPSup8, JSOT/ASOR Monographs 2 (Sheffield, Sheffield Academic Press, 1990) 67–81. Maier argues that the Temple plan of the *Temple Scroll* reflects not the independent, utopian vision of its author, but rather "ideal norms which to a remarkable extent correspond to tendencies attested in the history of the Jerusalem

This new Temple plan would be characterized by the enclosure of the sanctuary itself within three concentric courtyards. While this Temple plan embodies some aspects of earlier designs, it is unique in many ways. Our detailed discussion of its elements will show that this Temple plan is an attempt to recreate within the *temenos* the Israelite camp of the desert period, which surrounded the Tabernacle. This was the period which the architect saw as representing the pristine purity and sanctity of Israel.⁹ Yet, at the same time, our text is influenced strongly by the description of the Temple and the holy city in Ezekiel. This paper will seek to set forth the nature of this plan and to understand the ideal which underlies it. We will see that the nature of his Temple reveals much about the conceptual universe of the redactor of the scroll and of the author of this section or his source.¹⁰

I. THE INNER COURT

The beginning of the *Temple Scroll's* commands regarding the Inner Court is not preserved. However, it is possible to reconstruct the dimensions and plan of this court. The scroll provides the following elements (11QT 36:3–7):¹¹

...] from the angle [...] [to the corner]¹² of the gat[e one hundred and twenty cubits. The gate shall be forty [cubits] wide. For each and every side¹³ [this should be its dimensions.] [The wi]dth of [its] wa[ll] (shall

sanctuary” which were part of a living architectural tradition. In particular, Maier seeks to trace the pattern of concentric squares in earlier traditions. Yet he evinces no convincing proof that these traditions pre-date the sources of the *Temple Scroll*.

⁹ Cf. S. Talmon, “The ‘Desert Motif’ in the Bible and in Qumran Literature,” *Biblical Motifs, Origins and Transformations*, ed. A. Altmann (Cambridge: Harvard University Press, 1966) 31–63.

¹⁰ For an alternative analysis, see C.R. Koester, *The Dwelling of God* (CBQ Monograph Series 22; Washington: Catholic Biblical Association of America, 1989).

¹¹ For restorations and philological notes, see Yadin II, 152–3, and J. Maier, *The Temple Scroll, An Introduction, Translation & Commentary* (Sheffield: Sheffield University Press, 1985) 96f. Lines 1 and 2 are too fragmentary to be satisfactorily translated. All *Temple Scroll* translations in this article are mine. Maier presents a complete discussion of the Inner Court on pp. 91–96. Our study indicates that the reconstruction of the Temple plan by Yadin is much more in consonance with the text of the scroll than is that of Maier. The discussion below, therefore, follows Yadin.

¹² “Angle” (מקצוֹעַ) designates the inside of the intersection of two lines, whereas “corner” (פְּנֵה) refers to the outside (Yadin II, 153, commentary to line 4).

¹³ E. Qimron, “Le-Nushah shel Megillat Ha-Miqdash,” *Leshonenu* 42 (1978) 144 reads רוֹחוֹתָי instead of רוּחַ וְרוּחַ (line 5) which would require a translation “all its sides.”

be) seven cubits, [and] its hei[ght] (shall be) [forty-]five [cubits up to the ceiling of [its] roof. [The wid]th of [its] ch[ambers] shall be twenty-six cubits from angle to angle.

The text now turns to the gates of the Inner Court (11QT 36:7–9):¹⁴

And (as to) the ga[t]es through which they enter and [g]o out, the width of each gate (shall be) four[tee]n cubits, and their height (shall be) [tw]enty-eight cubits from the threshold to the lintel.

The text again returns to the overall dimensions (11QT 36:12–14):¹⁵

From the corner of the gate to the second angle of the court (shall be) one hundred twenty cubits. This shall be the dimension of all these gates of the Inner Court. And the gates (shall) enter into the court...¹⁶

From these texts it is possible to determine the plan of the Inner Court and its size. The text specifies an Inner Court the inside measurements of which, when the length of the sections between the gates (120×2) and the gates themselves (40) are taken together, is 280 cubits square. With the thickness of the walls (2×7), the total outside dimension of the Inner Court is 294 cubits square.¹⁷

The gates of the Inner Court are located one on each of the four sides. These gates, as can be determined by comparison with the apportionment of chambers on the outside wall of the Outer Court, represented the four groups of the tribe of Levi, the Aaronide priests on the east, and the Levites of Kohath on the south, Gershon on the west and Merari on the north. This arrangement corresponds exactly to the pattern of the desert camp as described in Num 3:14–39.

II. THE MIDDLE COURT

After describing the furnishings of the Inner Court,¹⁸ the scroll turns to the discussion of the Middle Court (11QT 38:12–15):¹⁹

¹⁴ See Yadin II, 154f., and Maier, 96.

¹⁵ See Yadin II, 155f.

¹⁶ For the restoration of the continuation, see Yadin II, 156.

¹⁷ Yadin I, 204. Contrast the Middle and Outer Courts for which outside dimensions (including the thickness of the walls) are given.

¹⁸ See Yadin II, 207–41.

¹⁹ For restorations and philological notes, see Yadin II, 163f. and Maier, 101. Maier discusses the Middle Court on pp. 98–101.

And you shall make a second [c]ourt ar[ou]nd the Inn[er Court],²⁰ separated by one hundred cubits.²¹ The length on the east side (shall be) four hundred eighty cubits. This shall be the width and length on all its sides, to the south, the west and the north. The thickness of its wall (shall be) [fo]ur cubits. Its height shall be twenty-eigh[t] cubits. Cells shall be made in the wall on the outside,²² and (the distance) from one chamber to the next (shall be) three and a half cubits.²³

The dimensions of these gates are discussed in 11QT 39:13–16:²⁴

Between the gates, the dimension (shall be): From the northeastern corner to the gate of Simeon, ninety-nine cubits; and the gate (itself) twenty-eight cubits. From this gate (marginal correction indicates: “From the gate of Simeon)²⁵ to the gate of Levi, ninety-nine cubits; and the gate (itself) twenty-eight cubits. From the gate of Levi to the gate of Judah, [ninety-nine cubits; and the gate (itself) twenty-eight cubits.]²⁶

The Middle Court is to be concentric (if this can be said of a square) with the Inner Court, surrounding it on all four sides, and located 100 cubits further out. Here the measurements are outside measurements. Included in the 480 cubits is the width of the walls (4 cubits). 99 cubits were to be between each of the three gates on each side ($4 \times 99 = 396$). The gates were 28 cubits wide ($\times 3 = 84$). This yields a total length of 480 ($396 + 84$) cubits measured from the outside.²⁷

The names and locations of the gates of the Middle Court are described in 11QT 39:11–13:²⁸

²⁰ Yadin read סב[ן]ב ל[חצר] הפנימית: E. Qimron, “New Readings in the *Temple Scroll*,” *IEJ* 28 (1978) 165 reads סובבת את החצר הפנימית (“which surrounds the Inner Court”) which he says is “easily legible.”

²¹ Literally, “at a width of one hundred cubits.” Cf. Yadin II, 163. Cf. also 11QT 40:5–11.

²² Qimron, “New Readings,” 165 reads בחוץ, which he says seems to have been corrected to מחוץ.

²³ Restoring with Yadin II, 164, commentary to line 15. 11QT 39:1–3 dealt with the construction of the gates of the Middle Court (Yadin II, 165).

²⁴ See Yadin II, 167f. and Maier, 102.

²⁵ Qimron, 166 indicates that the word “Simeon” is not visible on the photographs, and that הזה was inserted by the scribe as a correction.

²⁶ Restored with Yadin II, 169 who points out that the space is not sufficient on the top of col. 40 (lines 01–07) for a full catalogue of all the gates and dimensions. At some point the author must have abbreviated his description in some way.

²⁷ The 100 cubits from the Inner to the Middle Court is apparently measured from the inside of the wall of the Inner Court to the outside of that of the Middle Court.

²⁸ See Yadin II, 167 and Maier, 101.

The nam[es of the ga]tes of this [c]ourt [shall] be according to the names of the sons of Is[r]ael: Simeon, Levi and Judah to the east; [R]euben, Joseph and Benjamin to the south; Issachar, Zebulun and Gad to the west; Dan, Naphtali and Asher to the north.

We will return below to the distribution of the gates. Suffice it to say at present that the twelve gates were apportioned to each of the twelve sons of Jacob, a pattern repeated in the gates of the Outer Court as well.²⁹

III. THE OUTER COURT

The command to build the Outer Court appears in 11QT 40:5–11:³⁰

You shall make a thi[r]d court . . . [separ]ated from³¹ the Middle Court [by sixty-five cubits].³² . . . in length, approximately one thousand six [hundred] cubits from corner to corner. For each and every direction this shall be the dimension, to the east, south, west and n[or]th. The width of the wall (shall be) seven cubits, and the height, forty-nine cubits. Chambers (shall be) constructed between its gates, on the outside against the foundation, up to its crenellations(?).

The Outer Court is again located at a distance from the Middle, arranged also concentrically. Again the measurements given in the scroll are outside measurements, including the width of the walls. The sides are each “about 1600” cubits long. The actual dimension is 1590 cubits, or, including the outward extension of the gates from the outer wall, 1604 cubits.

The gates of the Outer Court are described in 11QT 40:11–13:

There (shall be) three gates in [it] in the east, three in the south, three in the west, and three in the north. The width of the gates (shall be) fifty cubits, and their height seventy cubits. From gate to gate shall be a [dimension of] three hundred sixty cubits.

²⁹ Cf. J.M. Baumgarten, *Studies in Qumran Law* (Leiden: E.J. Brill, 1977) 145–71, first published as “The Duodecimal Courts of Qumran, Revelation, and the Sanhedrin,” *JBL* 95 (1976) 59–78.

³⁰ See Yadin II, 170f. and Maier, 110–11 for restorations and commentary. Detailed discussion of the Outer Court appears in Maier, 103–10.

³¹ Literally: “[wi]de around the . . .” (so Yadin II, 170).

³² Restoring with Yadin II, 170, commentary to line 7.

Each section of the wall is 360 cubits and each gate is 50. This yields a total of 4 sections of wall and three gates equalling 1590 cubits. 14 cubits may be added, since the gates on each side protrude 7 cubits, according to 11QT 41:12 (1590 + 14 = 1604).³³

These gates are to be constructed as follows (11QT 41:12–17):³⁴

The gates (shall) protrude from the wall of the courtyard outward seven cubits. Inside, they shall extend (inwards) from the wall of the courtyard thirty-six cubits. The width of the openings of the gates shall be fourteen cubits, and their height (shall be) twenty-eight cubits up to the lintel. They shall be roofed with beams of cedar wood overlaid with gold. Their doors (shall be) overlaid with pure gold.

The scroll spells out the exact location of the respective gates for each tribe (11QT 40:13–41:11):³⁵

From the corner to the gate of Simeon is three hundred and sixty cubits; from the gate of Simeon to the gate of Levi, the same dimension. From the gat[e] of Levi to the gate of Judah, the same dimension, three [hundred and] sixty cubits.³⁶ [From the gate of Judah to the southern corner, the same dimension, is three hundred and sixty cubits. From this corner to the gate of Reuben is three hundred and sixty cubits. From the gate of Reuben to the gate of Joseph, the same dimension, is three hundred and sixty cubits. From the gate of Joseph to the gate of Benjamin is three hundred and sixty cubits. From the gate of Benjamin to the west[ern corner is three hundred and sixty cubits. And thus from] this [corner] to the gat[te] of Issachar is three hundred and sixty] cubits. From the gate of Issachar [to the gate of Zebulun is three] hundred [and sixty] cubits. From the gate of Zebulun to the gate of Gad is three hundred six[ty] cubits. From the gat[te] of Gad [to the northern corner] is three hundred and sixty cubits. From this corner to the gate of Dan is three hundred and sixty cubits. And thus from the gate of Dan to the gate of Naphtali is three hundred and sixty cubits. From the gate of Naphtali to the gate of Asher is three hundred and sixty cubits. From the gate of Asher to the eastern corner is three hundred and sixty cubits.

This account of the distribution of the gates of the Outer Court corresponds exactly with that of the Middle Court. Both descriptions list

³³ Yadin I, 253f.

³⁴ See Yadin II, 175f. and, for a thorough discussion, Yadin I, 253–5 and Maier, 111–12.

³⁵ For restorations and commentary, see Yadin II, 171–4.

³⁶ From this point the restoration is extensive, since the top of col. 41 is not preserved. Yet it is virtually certain. From line 5 the text of 11QT corresponds to that of Rockefeller 43.366 which has aided greatly in confirming the restoration.

the sons of Jacob and proceed from the northeastern corner southwards.³⁷

Especially significant is the requirement that a series of chambers be constructed in the inner wall of the Outer Court, facing inward (11QT 41:17–42:6):³⁸

Between one gate and another, you shall construct inside (the wall) chambers, [rooms and stoas]. The width of the room (shall be) ten cubits, its length twenty cubits, and its height fou[rteen cubits]. It shall be roofed with beams] of cedar wood. The thickness of the wall (shall be) two cubits. Outside of it shall be the chambers. [The width of each chamber shall be ten cubits, the length] twenty cubits, the wall a thickness of two cubits, [and its height fourteen cubits] up to the lintel. Its entrance (shall be) three cubits wide. [Thus you shall construct] all the chambers and [their] rooms, and the[ir] stoa[s all shall be of a wi]dth³⁹ of ten cubits. Between one gate and another, [you shall construct eight]een, and their rooms, eight[een....]

Three distinct structures are envisaged here. As one approached the outer wall, one first entered the *stoas*, then proceeded further into the “rooms,” and then entered the inner “chambers.”⁴⁰ The rooms and chambers each measure ten cubits wide, 20 long and 14 high. For the chambers, we learn of 3 cubits wide entrances. In the case of the *stoas*, the width is 10 cubits and the height 14, but there are no room divisions. Following these measurements, there is space for 18 chambers and their rooms on each side.⁴¹ On top of the bottom story were two more stories of these chambers, reached by stairways, and the upper level was then set aside for *sukkot* (booths) which were to be 8 cubits high (11QT 42:7–12). The total height of these structures was to be 50 cubits.

In 11QT 44:3–45:2 we learn of the relationship of the chambers to the various gates:⁴²

³⁷ Yadin I, 247, 255.

³⁸ See the commentary of Yadin II, 176–8.

³⁹ Restoring with Yadin’s commentary, II, 178.

⁴⁰ See Fig. 16 in Yadin I, 258 and the reconstruction in Y. Yadin, *The Temple Scroll, The Hidden Law of the Dead Sea Sect* (New York: Random House, 1985), 141.

⁴¹ The length of 20 cubits includes the thickness of the walls (2 cubits) so that the inside measurement was 18. Specific details are not exact in these measurements. See Yadin I, 256–61.

⁴² See Yadin II, 185–90 and Maier, 113–15.

You shall apportion [the chambers and their rooms. From the gate of Simeon]n to the gate of Judah shall be for the priests [the sons of Aaron].⁴³ And the en[tire] right side of the gate of Levi and its left side, you shall apportion to the sons of Aaron, your brother: one hundred eight chambers and their rooms, and their two *sukkot* which are above the roof. For the sons of Judah (you shall apportion) from the gate of Judah to the corner, fifty-four chambers and their rooms and the *sukkah* which is upon them. For the sons of Simeon, from the gate of Simeon to the second corner, their chambers, rooms and *sukkot*. For the sons of Reuben, from the angle next to the sons of Judah to the gate of Reuben, fifty-two chambers, and their rooms and *sukkot*. From the gate of Reuben to the gate of Joseph, for the sons of Joseph, for Ephraim and Menasseh. From the gate of Joseph to the gate of Benjamin, for the sons of Kohath, of the sons of the Levites. From the gate of Benjamin to the western corner, for the sons of Benjamin. From this corner to the gate of Issachar, for the sons of Issachar. From the gate of [Issachar to the gate of Zebulun, for the sons of Zebulun. From the gate of Zebulun to the gate of Gad, for the sons of Gershon of the Levites. From the gate of Gad to the northern corner, for the sons of Gad. From this corner to the gate of Dan, for the sons of Dan. From the gate of Dan to the gate of Naphtali, for the sons of Naphtali. From the gate of Naphtali to the gate of Asher, for the sons of Merari of the Levites.] From the ga[te of Asher to the eastern corner, for the sons of Asher. All the chambers (apportioned) for the tribe of Levi] are two hundred and] seventy [chambers. For the Israelites, five hundred and eighty six chambers.⁴⁴

Here we see the total of 16 sets of chambers and rooms, of three stories, with the *sukkot* on top, apportioned to the eleven sons of Jacob other than Levi, with five sections going two to Aaron and one each to the Levitical clans. The apportionment of a double portion to Aaron raises the possibility that in a ritual sense Aaron holds the birthright among the sons of Jacob.

The pattern of distribution of chambers corresponds to the distribution of the gates. The twelve sons each receive the chambers closest to their gates into the Outer and Middle Courts, and the four Levitical clans receive chambers between those assigned to their brothers, opposite their gates to the Inner Court. Much energy has been expended in attempting to explain how and why the order of the sons of Jacob

⁴³ Following the first suggestion of Yadin II, 186, commentary to line 5. His first suggestion, the restoration of **בני צדוק**, "the sons of Zadok," is extremely unlikely since the Zadokites play no role in the *Temple Scroll*. This is but another small piece of evidence for the incongruity of the *Temple Scroll* with the writings of the Qumran sectarians.

⁴⁴ 11QT 45:1-2 is restored with the commentary of Yadin, II, 190.

and their placement differ from that in the various biblical lists.⁴⁵ We remain unconvinced of the explanations but still cannot offer a better alternative.

IV. COMPARISON WITH OTHER TEMPLE PLANS

In order to highlight the uniqueness of the Temple plan of the *Temple Scroll*, it is useful to compare its general scheme to the plans for the Solomonic Temple, the Temple of Ezekiel 40–48, Josephus' descriptions, and Tannaitic sources.⁴⁶ These comparisons will show that although some sense of concentricity existed in other plans, it was not complete. Further, the addition of the extra courtyard (the outer) was a unique proposal of the *Temple Scroll*. Finally, we will see that the scroll's approach is not to be compared to the existing Second Temple in some misguided search for equivalence. Our author calls for radical changes in the order of the day; he does not describe contemporary reality.

The earliest structure for which detailed accounts are given is, of course, the Tabernacle of the desert wandering period. For our purposes it is not important if the descriptions of the Pentateuchal accounts are to be considered historical. Rather, what is significant is that for the designer of the Temple of our scroll, these texts set forth the "original" plan for an approved Israelite shrine. This Tabernacle was itself a rectangular tent shrine set in a rectangular courtyard.⁴⁷

While the structures within the Inner Court, especially the Temple building itself, must remain beyond the scope of the present study, it should be emphasized that restoration of the design of the Temple and the various installations of the Inner Court in the *Temple Scroll* leads to the conclusion that the Temple was rectangular in this plan, and it and its accompanying furnishings fit within a rectangle. In this respect the architect was guided by the plan of the desert Tabernacle. The area in which the rituals took place was set within the Inner Court such

⁴⁵ Yadin I, 255f.

⁴⁶ Cf. also the Temple descriptions of Hecateus of Abdera (M. Stern, *Greek and Latin Authors on Jews and Judaism*, vol. I [Jerusalem: Israel Academy of Sciences and Humanities, 1976], 39, quoted from *Apion* I, 198–9); *Letter of Aristaeus* 83–104; Eupolemus, Fragment 2, 35 (trans. F. Fallon, *The Old Testament Pseudepigrapha*, ed. J.H. Charlesworth, vol. II [Garden City, New York: Doubleday, 1985], 34f.).

⁴⁷ S. Loewenstamm, "Mishqan," *Ensiqlōpedyah Miqra'it* 5, cols. 536–41, Haran, 149–64.

that free space of the court surrounded it on all four sides.⁴⁸ This itself represents a major innovation on the part of the scroll. In the case of Solomon's Temple there is no definitive evidence regarding the exact placement of the Temple within the courtyard. In Ezekiel's Temple, the structure is placed against the western side of the enclosure such that a western gate cannot be constructed. Josephus appears to describe Solomon's Temple such that the Temple was placed against the western side of the court,⁴⁹ although he has been interpreted as describing a design similar to that of our scroll.⁵⁰ The tannaim describe a gate on the western side,⁵¹ yet the Temple building is still placed close to the western side of the Temple Mount,⁵² not in the middle of the enclosure.

One would have expected our scroll to attempt to reproduce the Solomonic Temple as a model. Yet this is not the case. Solomon's Temple was itself not an independent structure; it was part of a complex which included the royal palace and other royal installations. The Temple building itself was surrounded by a courtyard in which the various rituals were undertaken. This Inner Court was itself surrounded by a second court which, however, included also the royal installations.⁵³ Solomon's Outer Court cannot be seen as a Temple court, since it did not wall off the sanctified area from incursion by any forbidden class. This, in practice, is the purpose of such courts in Israelite Temples. This Outer Court had no connection to the sanctity of the enclosed precincts since the royal area in First Temple times was open to all, Israelites and others, regardless of ritual purity or impurity. Solomon's Temple was a rectangular structure surrounded by one rectangular court. This plan is similar to the general plan of the Tabernacle, itself walled off within a courtyard and separated from the less sanctified areas which surrounded it.

The court around the Tabernacle was entered only from the east. The court surrounding the Temple of Solomon had three gates, on the east,

⁴⁸ Yadin I, 205–7 and Fig. 5, 206. Yadin, based on 11QT 37:9, suggests that the plan included an inner wall surrounding the Temple building and the ritual installations of the Inner Court.

⁴⁹ *Ant.* VIII, § 95–98.

⁵⁰ Yadin I, 192–4. Yadin finds in Josephus' description the three concentric courts of the *Temple Scroll*, but § 95 seems to be describing a wall within the Court of the Priests, not a separate court.

⁵¹ *m. Mid.* 1:3.

⁵² *m. Mid.* 5:1.

⁵³ See I. Yeivin, "Miqdash Shelomoh," *Ensiqlopedyah Miqra'it* 5, cols. 328–47. See also the plan in *Atlas of Israel* (Jerusalem: Survey of Israel, 1970), IX/5, B.

north and south sides; access from the west was probably not possible. In neither of these structures is there a sense of concentricity. In fact, they give the impression, especially when the Temple building itself is examined, of entering into a further and further series of rooms, all closer and closer to the eventual holy of holies (*devir*). These plans offer only partial parallels to the Temple of the *Temple Scroll* and differ from it in its most distinct characteristic, its three concentric courts.

In the Temple plan of Ezekiel 40–48 the situation is different. Here, for the first time, in Ezekiel’s ideal construct, we encounter a Temple plan with two courts, an inner and an outer. The Inner Court surrounds the Temple building and the altar and furnishings, and the Outer encloses an even wider area. Whereas only (Zadokite?)⁵⁴ priests may enter the Inner Court, Israelites may enter the Outer Court. The altar is in the middle of the Inner Court,⁵⁵ and the Temple building itself lies towards the west. The Inner and Outer Courts each have three gates, on the east, north and south.⁵⁶ Again, the notion here is not concentric. The concept is one of entering further and further into more and more sanctified precincts.⁵⁷

Perhaps more significant for our purposes is the plan of the Temple which appears in the Mishnah. It is usually claimed that this Temple plan is that of the Herodian Temple, and that the previous “Second Temple” was of considerably smaller dimensions.⁵⁸ Elsewhere we have questioned this assumption, based on a careful reading of the descriptions of Josephus.⁵⁹ Our view is that the mishnaic description indicates that already in the pre-Herodian Second Commonwealth the Temple precincts included most of the present day Temple Mount. Indeed, Josephus, when read correctly, attributes the construction of the Temple

⁵⁴ Ezek 44:15–17. Cf. L.H. Schiffman, *The Halakhah at Qumran* (Leiden: E.J. Brill, 1975), 72–5.

⁵⁵ J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978) 520 who notes that this is not the case in the plan of the *Temple Scroll*.

⁵⁶ M. Haran, “Miqdash Yehezqel,” *Ensiqlopedyah Miqra’it* 5, cols. 346–56. Cf. J. Maier, “Die Hofanlagen im Tempel-Entwurf des Ezechiel im Licht der ‘Tempelrolle’ von Qumran,” *Prophecy: Essays Presented to Georg Fohrer on his Sixty-fifth Birthday, 6 September, 1980*, ed. J.A. Emerton (Berlin and New York: Walter de Gruyter, 1980), 55–67.

⁵⁷ Ezekiel’s plan calls for Temple precincts to be located in an area devoted to no tribe, a sort of no man’s land called the *terumah*. The author of these chapters envisaged the Temple as separated from the city.

⁵⁸ H. Albeck, *Shishah Sidre Mishnah, Seder Qodashim* (Jerusalem: Bialik Institute, Tel Aviv, Dvir, 1958), 313.

⁵⁹ L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary,” *HAR* 9 (1985) 315–17 (pp. 381–401 in this volume).

Mount to Solomon.⁶⁰ In any case, the Temple Mount certainly was regarded by Josephus as ancient and pre-dating Herod.

This Temple plan, as reconstructed with some help from Josephus' descriptions of the Herodian structures, envisages a Temple building placed within a Court of the Priests, which itself opens into a further Court of Women. (The Court of Israel is only a small area in the priests' court into which Israelites were permitted to enter to perform certain ritual acts.) These two courts are in turn surrounded by the boundaries of the Temple Mount. Again, there is no sense of concentricity here. The central precinct with its adjoining courts is bounded on all sides by the boundaries of the Temple Mount to which it is affixed at the western side.

It is important, however, that the size of the mishnaic Temple Mount is 500×500 cubits,⁶¹ which is smaller than the platform for Herod's Temple known to us as the present day Temple Mount. This is due to Herod's shoring up of and expansion of the precincts which he did for architectural and topographic reasons.⁶² Yet in the *Temple Scroll* we have noted that the dimensions of the Middle Court are to be only slightly smaller, 480×480 cubits. This means that the designer of the plan for the Temple in our scroll intended to expand his Temple by adding the additional surrounding courtyard. In doing so, he would have extended the Temple way beyond its original *temenos* to new, gargantuan, dimensions which virtually encompassed the entire settled area of Jerusalem.⁶³ This entire area was to be cleared of its population and to become part of the *temenos*.⁶⁴

V. THE TEMPLE AND THE DESERT CAMP

How can the unique Temple plan of the *Temple Scroll* be explained? What message did the architect of this plan seek to convey about the

⁶⁰ *Ant.* XV, xi, 2 (§ 397–400), *War* V, v, 1 (§ 184–189).

⁶¹ *m. Mid.* 2:1.

⁶² Josephus (*War* I, xxi, 1 [§ 401]) says that Herod doubled the size of the Temple Mount.

⁶³ Cf. M. Broshi, "The Gigantic Dimensions of the Visionary Temple in the *Temple Scroll*," *BAR* 13 (1987) 36–37, who did not see my discussion in "Exclusion," 317.

⁶⁴ Contrast the view of Yadin I, 277–81 and *passim*, that the "Temple City" represents the inhabited area of the city of Jerusalem. Cf. B. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 14–17, and Yadin I, 415.

sanctity of the Temple and its relation to the people of Israel in his ideal view? The purpose of this Temple plan is to represent the fundamental aspects of the layout of the Tabernacle with the desert encampment of the Israelites which had surrounded the shrine during the period of wandering in the desert. The various prohibitions on entry into the three courts of the precincts of the sanctuary of the *Temple Scroll* have been shown to be based on the very same distinctions of the three camps found in tannaitic literature.⁶⁵ The Inner Court corresponded to the tannaitic Camp of the Divine Presence, the Middle Court to the Camp of the Levites, and the Outer Court to the Camp of Israel. Further, in characteristic manner, our scroll in certain cases imposed an additional stringency, permitting those allowed onto the Temple Mount in tannaitic halakhah, which is the camp of the Levites, only into the Outer Court, and not the Middle Court. Such a set of distinctions regarding the sanctity of the Temple precincts was in effect in the days of the architect of the scroll's Temple plan. He sought to place the camp of Israel within the expanded *temenos*, hence he created a Temple structure that made access for the tribes, and even symbolic dwelling places for them, a basic principle of his design.

Yet it must be asked why the architect chose to pattern his Temple after the desert camp, and exactly how he saw the structure and function of that camp. To these issues we now turn.

The architect of the *Temple Scroll's* plan has a schematic concept of how the Land of Israel is to be settled. Like Ezekiel before him, he sees the sanctuary as being the center around which all the tribes of Israel are to dwell.⁶⁶ Our author, however, goes further, in that he assumes the land to be a perfect square. The tribes are to be apportioned territory in the area surrounding the sanctuary. The sanctuary itself is an idealized microcosm of the Land of Israel. All its gates are oriented inward. Each gate is named for those who may go through it in order to enter into the next level of sanctity in the concentric Temple structure.

Each of the twelve sons has a gate leading into the Outer Court. The author must have assumed that each tribe would live outside

⁶⁵ Schiffman, "Exclusion," 301–20.

⁶⁶ See M. Greenberg, "Idealism and Practicality in Numbers 35:4–5 and Ezekiel 48," *Essays in Memory of E.A. Speiser*, ed. W.W. Hallo, American Oriental Series 53 (New Haven: American Oriental Society, 1968), 63–6. Ezekiel does not propose a symmetrical distribution of the tribes in the Land of Israel, as does our author. His intention is to provide each tribe with a parcel of land including each of the geographic regions of the country. Hence, he arranges the distribution in strips running east-west.

that gate, in his imagined, idealized square country. Each tribe was assumed to enter the *temenos* and then to proceed initially into its chambers. From there, all members of the tribe or clan could circulate in the Outer Court. Those excluded even from the Outer Court, those impure from seminal emission, the blind, those afflicted with gonorrhea, *sara'at*, or the impurity of the dead,⁶⁷ are to be stopped at the gate of the Outer Court. Those allowed into the Middle Court, from which proselytes until the fourth generation, women and young boys were excluded, could then proceed through the respective second set of gates into that court, beyond which they were prohibited from going. Only unblemished priests in their vestments and, apparently, Levites, were permitted to enter even further, hence their gates which proceed into the Inner Court, where the Temple itself and the various ritual furnishings were located.

What we have here is a set of concentric squares of holiness and sanctity through which one proceeds until reaching the highest permissible point. The Israelite, in the perfect society and sacrificial system of the *Temple Scroll*, is to seek to enter the holy precincts as far as is permissible. Sanctity is experienced by entering the place God has chosen, the City of the Sanctuary. There one symbolically dwells in the Israelite desert camp, and experiences the supreme holiness which is enshrined there.

This explanation, like so much of our research on this question, shows that the City of the Sanctuary is not a name for Jerusalem. It is a term for the *temenos*, including all three courts. It was the ideal of the author, in planning his pre-Messianic Temple, that the expanded *temenos* would include areas corresponding to all the three camps of the desert. The entire desert's camp with its special sanctity was to be included symbolically in the *temenos*. The places of residence for the tribes of Israel were to be located in the hinterland outside of the respective gates to the Outer Court. Yet the ideal of the scroll required that the tribes have a symbolic residence in the Temple. This is the purpose of the chambers, rooms and even *sukkot*.⁶⁸

⁶⁷ Schiffman, "Exclusion," 306–14.

⁶⁸ On the use of the *sukkot*, cf. 11QT 42:12–17.

VI. LATER REFLECTIONS

The Temple plan of the *Temple Scroll*, like so much else in the Dead Sea Scrolls, has later parallels and echoes. As is usually the case, these parallels cannot be connected historically to the Qumran manuscripts. Nonetheless, they help us to understand the Second Temple materials and show how later approaches to Judaism made use of similar motifs.

The Temple of our scroll is to be entered from twelve gates, each of which is designated for a particular one of the sons of Jacob. This notion must be derived from Ezekiel 48:31–34 where twelve such gates provide access to the city which is described as adjacent to the Temple structure. Rev 21:12–14 has a similar description of the new Jerusalem, adding names of angels for each gate as well as twelve foundations, each bearing the name of an apostle, indicating the identification of the new Jerusalem with the church. The *Temple Scroll* expects those seeking sanctity to enter from these gates into the Outer Court of the Temple.

A depiction of the Israelite camp arranged around the sanctuary is found in a painting from Dura Europos.⁶⁹ Each tribe is shown as a tent, grouped around the Tabernacle, in front of which is a well with twelve rivers leading from the center into the twelve tents. In front of the well stands Moses, holding his staff. This well is that of Num 21:16–18.⁷⁰ Yet there is an additional aspect. Num 21:18 is interpreted to refer to Moses, who appears as the lawgiver with his staff. From the well of the Tabernacle, water, symbolic of sanctity, flows to the tribes of Israel in twelve streams.

A very similar idea appears in the *Sefer Ha-Bahir* where twelve “pipes,” each named for one of the tribes of Israel, extend from a central spring and carry the divine effulgence to the people of Israel.⁷¹ This image

⁶⁹ Panel WB I, in C.H. Kraeling, *The Synagogue, The Excavations at Dura-Europos, Final Report VIII, Part I* (New York: Ktav, 1979), Plate LIX, and pp. 118–25.

⁷⁰ For the aggadic basis of this painting, cf. *t. Sukkah* 3:10–13 and S. Lieberman, *Tosefta Kifshutah IV* (New York: Jewish Theological Seminary, 1962), 876–8.

⁷¹ *Sefer Ha-Bahir* 113 (ed. R. Margalio, Jerusalem: Mosad Harav Kook, 1977/8) 50–51. Here the twelve pipes serve as an alternative to the system of ten *sefirot* also found in the *Bahir*. On this system of twelve, see also *Bahir* 94–95 (ed. Margalio, 40–42), and the parallel in *Sefer Yesirah* 5:1 (Jerusalem: Lewin-Epstein, 1967/8) 51a–b and the commentary attributed to Rabad (actually by Joseph ben Shalom Ashkenazi), *ad loc.* Cf. M. Idel, *Kabbalah, New Perspectives* (New Haven: Yale University Press, 1988), 122f.

again appears in the *Zohar* where it is stated that the Divine Presence is itself surrounded by four camps of three tribes each, just as the altar below was surrounded by the twelve tribes. Each of the tribes receives its divine blessing through one of the twelve gates of the heavenly Jerusalem.⁷² These gates presumably correspond to the twelve portals of earthly Jerusalem as expected by Ezekiel. We can further identify these twelve gates with the twelve windows of the Heavenly Synagogue, a motif which serves as the source of the requirement that synagogues have twelve windows.⁷³

This motif goes through one final transformation in the Middle Ages. Isaac Luria uses this notion of twelve different entrances to Heavenly Jerusalem to explain the multiplicity of versions of the prayer book. He maintains that each of the tribes had its own rite which was directed especially towards one of the gates to the Heavenly city described by Ezekiel.⁷⁴

Are these ideas reflections of the *Temple Scroll*? Most probably not. What we have here is a series of interrelated motifs. The artists of Dura-Europos understood the Temple as a source from which sanctity flows to the twelve tribes of Israel. In similar manner, the *Sefer Ha-Bahir* saw twelve different conduits for divine blessing and for Israel's praise. The Kabbalah of the *Zohar* amalgamated the camp of Numbers with the twelve city gates of Ezekiel's new Jerusalem to place the tribes in a square around the Temple, a square with a gate or window for each tribe.

These parallels, from totally different manifestations of Judaism, suggest that the architect of the Temple plan of the *Temple Scroll* had reached very similar conclusions. For him, the Temple and its courtyards were a source of holiness for all Israel. They had to be approached with awe and reverence and in the required level of ritual purity. The Temple symbolized the nation of Israel in its pristine perfection in the years of wandering in the desert. There God's blessings flowed out from the center, the Tabernacle, to the tribes encamped around. In his ideal, the tribes were to enter the sanctuary, approaching the sacred as

⁷² *Zohar* I, 251b. The same idea appears in Mordecai ben Joseph of Avignon, *Sefer Mahaziq 'Eminah*, MS Vat. 211, fol. 17. Cf. R. Chazan, "Chapter Thirteen of the Mahazik Emunah: Further Light on Friar Paul Christian and the New Christian Missionizing," *Michael* 12 (1991) 9–26.

⁷³ *Zohar* II, 252a.

⁷⁴ Meir Poppers, *Peri 'Eš Hayyim* (Koretz, 1779), 2b–3a.

closely as possible, to receive that blessing. With the adoption of these plans for the Temple, designed years before, the author/redactor of the entire *Temple Scroll* dreamt of a day when Israel would dwell, as it were, in the tent of the Lord. He looked forward to the reestablishment of Israelite society, within the courtyards of the House of the Lord.

CHAPTER FOURTEEN

THE CONSTRUCTION OF THE TEMPLE ACCORDING TO THE *TEMPLE SCROLL*

Perhaps one of the most painful aspects of Yigael Yadin's conflict with Ben Zion Wacholder, in the aftermath of the latter's publication of *The Dawn of Qumran*,¹ resulted from Wacholder's challenge to the name *Temple Scroll*. Yadin, like any parent, clearly felt it was his right to name the scroll he had purchased, reconstructed, deciphered and published.² Yet Wacholder, in fact echoing Yadin's own understanding of the scroll as an imitation Torah,³ argued for the title "11QTorah." That this title could never have been possible since it cannot stand alone without the cave number, was of course irrelevant to Wacholder. His point was simply that this document encompasses almost the entire non-narrative portion of the canonical Torah and that the description of the Temple itself was but a small part of the text. Yadin would counter, of course, that the Temple and its courtyards were indeed the largest part of the text and that the rest of the scroll, with the exception of some of the Deuteronomic Paraphrase at the end, related to the rites to be performed in the Temple and to laws of purity as they related to the Temple.

It is therefore curious that of all the topics the scroll covers, very little space was devoted in Yadin's discussion to the Temple itself. To be sure, columns 4–7 which deal with this topic are so fragmentary that they seem not to lend themselves to extensive discussion. Yet the detailed analysis of these fragments, coming from the so-called wads x and y, in Yadin's commentary actually points to some very interesting

¹ B.Z. Wacholder, *The Dawn of Qumran: The Sectarian Torah and the Teacher of Righteousness* (Cincinnati: Hebrew Union College Press, 1983).

² Y. Yadin, *Megillat ha-Miqdash*, 3 vols. and Supplementary Plates (Jerusalem: Israel Exploration Society, 1977). The English edition was published later: Y. Yadin, *The Temple Scroll*, 3 vols. and Supplementary Plates (Jerusalem: Israel Exploration Society, 1983). References below are to this edition which was revised and updated. All translations in this study, however, are my own.

³ Yadin, *Temple Scroll*, I, 392.

conclusions. Indeed, much of what I am presenting here may be regarded as emerging from the terse notes of Yadin on this topic.

Just as curious is the fact that even less information is included in Yadin's popular book on the *Temple Scroll*,⁴ which deals extensively with the structures around the Temple, the courtyards and the other cultic appurtenances and furnishings.⁵ Yet how can we propose to analyze a scroll called the *Temple Scroll* and ignore the Temple, the physical and spiritual center of the author/redactor's universe?

An attempt has been made to fill this lacuna in the master's thesis of Philip B. Bean, undertaken in the Department of Architecture of the University of Oregon.⁶ This study provides an interesting perspective on the issues. Yet it was conducted in a bibliographic and exegetical vacuum, seriously reducing its usefulness to students of the scrolls.

In what follows we will try to outline those features of the construction of the Temple that can be gathered from the fragmentary description in the scroll, and to compare these systematically to what is known from the descriptions of the Tabernacle,⁷ the Solomonic Temple, Ezekiel's Temple, Josephus⁸ and the Mishnah.⁹

At the outset, it is important to stress that we do not seek to find a period in which the scroll's Temple plan was in use. We know for sure that it never was. Rather, the author/redactor of the scroll, or whoever was the architect of its complex and innovative Temple plan, was a reformer. He sought to propose the replacement of the existing Temple with his own. The Temple he proposed was not intended for the messianic period. The author hoped that it would be built in his

⁴ Y. Yadin, *The Temple Scroll: The Hidden Law of the Dead Sea Sect* (New York: Random House, 1985).

⁵ The Temple is also omitted in M.O. Wise, *A Critical Study of the Temple Scroll from Cave 11* (Chicago: Oriental Institute, 1990), where the "Temple Source" is discussed on 61–99.

⁶ P.B. Bean, "A Theoretical Construct for the Temple of the *Temple Scroll*" (University of Oregon Thesis, 1987). He discusses the Temple building on pp. 325–58.

⁷ See M. Haran, *Temples and Temple-Service in Ancient Israel* (Winona Lake: Eisenbrauns, 1985), 150–53.

⁸ Two other Hellenistic period authors describe the Temple, but they do not provide specific enough details to be of help. For Hecataeus of Abdera, see M. Stern, *Greek and Latin Authors on Jews and Judaism I* (Jerusalem: Israel Academy of Sciences and Humanities, 1976), 39. Philo describes the Temple in *Special Laws*, I, 71–72. The Tabernacle is described by him extensively in *Life of Moses*, II, 74–108.

⁹ The commentary of J. Maier, *The Temple Scroll* (Sheffield: JSOT Press, 1985), 66–8 and the work of D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT* (STDJ 14; Leiden: E.J. Brill, 1995), 215–24 add little to the work of Yadin.

own time and would serve as the center for Jewish spirituality and worship until the coming of the end of days. What we seek to learn is how this plan relates to others that did exist, or which were put forward by other visionaries of Late Antiquity.

I. THE TERRACES AND STORIED STRUCTURES

Column 3 had concluded by listing some of the principle furnishings of the Temple and the materials of which they were to be built, thus concluding the command to build the Temple. The Temple building itself forms the subject of column 4. This subject began probably in the missing lines at the top of the column, and the text then turned to the description of the structures on the outside of the Temple building. The fragmentary text is as follows (11QT 4:2–5):¹⁰

- 2 [...storied structures] protrude¹¹ to the o[utside¹²...]
- 3 [...around the walls(?) of the] Temple,¹³ fo[ur(?) cubits] wide. [...]
- 4 [...the storied structur]es¹⁴ and a pavement between the [fifth (?) storied structure¹⁵...]
- 5 [...bet]ween(?)¹⁶ the sixth, a pavement [...]

The subject of these fragmentary lines is the stepped or storied structure which surrounded the actual Temple. Effectively, these structures were part of the the same building as housed the Temple. However, since they were entered from the outside they were not considered to be part of the actual Temple and are taken up first.¹⁷

These structures are mentioned in the description of the Solomonic Temple. 1 Kings 6:5–6, 8 describes the **יצוע**, corrected in a *qere* to **יציע**,

¹⁰ We omit line 1 as the preserved letters, **שמ** [, do not allow for any definite conclusion. For the possibilities, see Yadin II, 12.

¹¹ Cf. Swanson, 216–17. It is difficult to understand Swanson's analysis on p. 217. It appears as if he did not properly understand Yadin's proposed restoration for this text.

¹² Restored with Yadin II, 12 in the commentary.

¹³ Restored with Yadin II, 12, in the commentary, following 1 Kings 6:5.

¹⁴ Restoration suggested by Yadin II, 12 in the commentary.

¹⁵ Yadin II, 11, in the introductory remarks to the column, suggests restoring **בין ה[יצועים]** but in the commentary (II, 12) he proposes [... ה[יצוע] ה] referring to line 4. We have proposed that this would be an appropriate place for mention of the fifth storied structure, and so we restore **בין ה[יצוע החמישי]**

¹⁶ Restoring with Yadin II, 307 in the reconstruction.

¹⁷ Bean, 326–7 suggests that the bottom level also served as the foundation for the Temple in this plan.

built around the outside wall of the Temple, which itself consisted of the היכל (the Great Hall) and the דביר (the Shrine=holy of holies). This structure consisted of three rows of chambers on each side. The lowest was five cubits wide, the next six, and the top seven.¹⁸ The purpose of the recesses thus created, as the building was wider on top than down below, was to make impossible climbing up the side walls.¹⁹ There were entry ways leading from one chamber to the next and also to the chamber above.

A very similar structure appears in Ezekiel's ideal Temple plan. Ezek 41:5–9 describes the Temple as surrounded on three sides by three stories of chambers. Doors were to lead from the chambers to the north and south (v. 11).

While we certainly cannot restore all the details in the description in our scroll, it is certain that it is this outer structure that is being discussed. The scroll, like Ezekiel, in this matter followed the plan of the Solomonic Temple as known from Kings. The term יצוע, restored in the scroll, would have designated this storied structure.²⁰ The term רובד is used to designate the pavement or terrace upon which each story is constructed. This pavement would have had to be strong in order to support the next chamber which protruded further out than the one below.²¹ The term רובד appears in one other passage in the *Temple Scroll*. In 11QT 46:5 it appears in the context (lines 5–8) of a description of a pavement of fourteen cubits which surrounded the outer court upon which was erected a stairway of 12 steps for each of the gates into the

¹⁸ For the Septuagint, see Yadin II, 11. Apparently, it was based on a different *Vorlage* whereas 11QT was based on a text similar to MT.

¹⁹ S. Yeivin, "Miqdash, Bate Miqdash be-Yisrael," *Ensiqlōpedyah Miqra'it* 5, 340. See the drawing in B. Mazar, *The Mountain of the Lord: Excavating in Jerusalem* (Garden City, NY: Doubleday, 1975), 100.

²⁰ Mishnaic usage uses יציע for this architectural term, following the *qere* in MT. It maintains the form יצוע in the meaning "couch, bed," as does MT. Yadin assumed that the scroll would have used יצוע, the form found in the *ketiv*. This form is listed in the Preliminary Concordance as occurring in 4Q392 1, 9 in the phrase דביר [ר] יצועים, although the *waw* has a dot above it to indicate uncertainty. Accordingly, we cannot be certain of the form of this word. The text now appears in B.Z. Wacholder and M.G. Abegg, *A Preliminary Edition of the Unpublished Dead Sea Scrolls, The Hebrew and Aramaic Texts from Cave Four, Fascicle Two* (Washington, DC: Biblical Archaeology Society, 1992), 38, where מלפנו (line 9) is an impossible reading. On the meaning of יציע, see the detailed entry and footnote (n. 2) in E. Ben Yehuda, *A Complete Dictionary of Ancient and Modern Hebrew* (New York: Thomas Yoseloff, 1960), III, 2121. See also *b. B. Bat.* 61a.

²¹ For a different interpretation according to which it is a support for the roof beams of each level of chambers, see H. Albeck, *Shishah Sidre Mishnah: Qodashim* (Jerusalem: Bialik Institute, Tel-Aviv: Dvir, 1958), 330–31.

Temple complex.²² Again, here the pavement serves as a platform for the erection of additional architectural structures.

The scroll does appear to differ with the biblical sources in one significant respect. It expects that there will be six levels or chambers, not three. It is difficult to understand this feature in light of the height of 60 cubits (4:10) which the scroll provides unless the author, rejecting the view of Chronicles (see below) thought that Solomon's Temple had only been 30 cubits high. In that case, our author would be doubling the number of levels of chambers to accord with the doubling of the height of the Temple. We should also remember that Ezekiel expected three sets of chambers (41:7). The main difference in his account is that Ezekiel specifies a total of 33 chambers and a width of 4 cubits for each. It is possible that our scroll specifies this same size, at least for the bottom chambers, in line 3.

A description of the storied structures is also found in Josephus's description of the Solomonic Temple (*Ant.* VIII, iii, 2 [§ 65–66]). This description is based on his exegesis of the relevant biblical passages, which means that like the author of the *Temple Scroll*, he searched for sources in the descriptions of the Tabernacle in Exodus, the Temple of Kings and that of Ezekiel. Furthermore, he seems to have mixed in elements from the Temple of his own day, some of which are supported by tannaitic sources as well.

According to him, the Solomonic Temple was surrounded by thirty small chambers which had entrances one to another. While this specific arrangement is not discussed in the biblical account, it clearly represents some interpretation of 1 Kings 6:8.²³ He adds that each was five cubits wide and twenty cubits high, the height being a detail not mentioned in the Bible. Indeed, it is probable that he imagined an extremely high set of chambers because of his view that the Temple was 120 cubits high. He describes three sets one on top of another, and says they are

²² Yadin II, 197–8; cf. I, pp. 273–4. On these gates see Schiffman, "Architecture and Law: The Temple and its Courtyards in the *Temple Scroll*," *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding: Essays in Honor of Marvin Fox*, ed. J. Neusner, E.S. Frerichs and N.M. Sarna (Atlanta: Scholars Press, 1989), I, 273–7 (pp. 215–232 in this volume).

²³ These details are labelled "unscriptural" in H.St.J. Thackeray and R. Marcus, *Josephus, Jewish Antiquities V* (Cambridge: Harvard University Press and London: William Heinemann Ltd, 1934), 606 note d. Josephus's interpretation must also be based on a reading such as that of the Septuagint which read "lowest" instead of MT's "middle" at the beginning of the verse.

“equal in proportion and number,” which seems to deny the increasing width mentioned in the Bible. He also notes that the height was equal to that of the lower story, that is, the main Temple building, and did not surround the upper story. These structures then would have been 60 cubits high. The rest of his account (67) depends on the Septuagint text which differs from the MT-like text which is the basis of our scroll.²⁴

Another account of these same chambers is found in the Mishnaic description of the Second Temple in *m. Mid.* 4:3–4.²⁵ While many scholars have assumed that the Mishnah describes the Herodian Temple, this view is unproven and it may in fact describe the pre-Herodian structure. In any case, it speaks of thirty-eight chambers, 15 on the north and south, and 8 on the west. As in the other accounts, there are no chambers on the front of the building. Three stories of five were located on each side. In the back there were three, three and two. Each chamber had an entrance into those to the sides and above, a detail which we have seen was paralleled in Josephus and represents an exegesis of 1 Kings 6:8, but which is not fully explained in the Bible.

In the Mishnah we encounter the term **רובד** which we have translated as “pavement.” The width of the three stories is specified as 5, 6, and 7 cubits. Between the first and second stories there was a pavement of 6 cubits and between the second and third one of 7. These were intended, as we have already seen, as the flooring for the next stage as the walls moved outward. The Mishnah quotes 1 Kings 6:6 as the authority for this plan. It is there, we should remember, that the term **יציע** occurred, but this Mishnah passage is the first time we encounter **יציע** and **רובד** together.

Josephus, in describing the Herodian Temple of his own day (*War* V, v, 5 [§ 220–221]) mentions the chambers surrounding the Temple. They had three stories and doors connecting them. He also indicates that these chambers did not surround the upper story of the Temple, which in his view was 40 cubits high. He does not seem to allude to the outward slant of the chambers.

It is apparent that all these sources which we have discussed shared a common sense of certain elements of the Temple plan. But at the

²⁴ See Thackeray and Marcus V, p. 607 note c.

²⁵ An eclectic critical edition of this tractate is available in A.S. Kaufman, *Massekhet Middot* (Jerusalem: Har Yera'eh Press, 1991).

same time there are certain elements that differ, leaving us unable to definitely reconstruct the plan of the scroll.

II. THE TEMPLE

As presently preserved, the scroll provides very little information about the Temple (termed here **בית**) in 11QT 4:6–8:

- 6 [...] *vacat* [And you shall build the Temple sixty cubits long...]
 7 [...and twenty cubi]ts the width, and the height of the sa[nctuary
 (shall be)]
 8 [thirty (?) cu]bits.²⁶

This passage refers to the actual structure of the sanctuary, usually called the **היכל**, the Great Hall. Here the text must have given its length as sixty cubits, which was the length of the Solomonic sanctuary. The width expected here was probably twenty cubits and the height of the sanctuary was probably specified as thirty cubits, which applied to the sanctuary but not to the portico (**אולם**) which was larger, as we will see below. Yet we must caution that this restoration cannot be considered definite in light of the reading of the Septuagint which has “twenty-five” for the height.²⁷ Codex Alexandrinus, however, gives “thirty” as in MT. We should also mention that Ezra 6:3 speaks of a Temple (**ביתא**) sixty cubits high and 60 wide, but we will see that our scroll took this measurement as the height of the portico in front of the sanctuary.

If this passage has been reconstructed properly, then the author based the dimensions of the sanctuary on 1 Kings 6:2. The same length and width are specified in 2 Chron 3:3. It is important to note that the length of 60 cubits given in Kings and Chronicles includes the sanctuary and the holy of holies. The height given in Kings (no height appears in the Chronicles passage) is likewise only for the section of the building—the inner forty cubits—which is not included in the portico. (The portico’s “length” of 20 cubits is its width, and its “width” is its depth, 10 cubits, as specified in 1 Kings 6:3.) The Septuagint substituted “forty” for the “sixty” of MT in this verse. Note however that Codex Alexandrinus has “sixty.”

²⁶ Restored with Yadin II, 13 in the commentary.

²⁷ The Peshiṭta adds mention of the height of thirty cubits to 2 Chron 3:3 (Yadin II, 13).

If the restoration is correct, the scroll used the term קודש, which we have translated “sanctuary,” to denote the main part of the Temple building, called the היכל, Great Hall, in Kings. This term appears in the Bible (Exod 26:33, etc.) and as well as in Mishnaic usage (*m. Mid.* 4:5, etc.). The usage here of the term preferred by the tannaim should be seen as an example of the tendency of this scroll in certain instances to make use of terms known to us from rabbinic sources, rather than those which are usual in the Bible.²⁸

Because the issue of the height of the sanctuary is tied up with that of the portico, we will deal here only with the comparative data regarding the length and width of the sanctuary and reserve the discussion of the height for the treatment of the portico.

The measurements of the Tabernacle did not influence this plan as regards the floor plan. The Tabernacle was 10 cubits wide and thirty long, much smaller than this Temple.

The plan of Ezekiel’s Temple was similar in regards to the overall dimensions. It called for a sanctuary 40 cubits long (41:2), not counting the portico, which makes this Temple equivalent in length (better: depth) to that of Solomon’s. The width, which means the depth, like that of Solomon, was to be twenty cubits (41:2). These same figures are given by Josephus for the Solomonic Temple (*Ant.* VIII, iii, 2–3 [65–71]), simply reflecting the dimensions found in MT. In describing the Herodian Temple, he gives the very same dimensions, a depth of 60 and a width of 20 cubits, not counting the portico (*War* V, v, 5 [§ 215]).

Perhaps the most important aspect of the Mishnaic description is that it considers the measurements all to be inside measurements, and that it gives information on the thickness of the wall, which might be of help in attempting to reconstruct the entire architectural plan.

The Mishnah (*Mid.* 4:6–7) gives a measurement of 100 cubits in length for the היכל (Great Hall). But when we look carefully at this measurement we see that it is an outside measurement of the entire Temple building. The depth of the היכל itself, meaning the sanctuary, is given as 40 cubits (*m. Mid.* 4:7). This figure does not include the additional space for the portico. We will discuss the measurements of the portico below, but suffice it to say here that the Mishnah expects its outer wall to be 5 cubits and for it to be 11 cubits deep, based on Ezek

²⁸ This term should be added to the list in Yadin I, 35 (no. 3).

40:49 (where the “width” is actually the depth). When taken together with about half of the six cubit wall between the portico and sanctuary according to the Mishnah, we get the figure of 19 cubits, rather close to the twenty of our restoration of the scroll and of the Solomonic plan. It should be noted, though, some would emend to “twelve” in Ezekiel, following the Septuagint.²⁹

The upshot of all these comparisons is that the basic floor plan was the same in all the plans, Solomon’s Temple, the Ezekiel plan, the Mishnaic plan, and the Herodian Temple. All this shows that the restoration of the *Temple Scroll* given above is the correct one, despite its being so extensive.

III. THE PORTICO

The scroll preserves information about the אולם, often translated as vestibule or porch. We will use the term portico as it seems most accurate. 11QT 4:8–12 states:

- 8 [...cu]bits.³⁰ And you shall build³¹ the vestibule [...]
 9 [twenty cubits and (its) widt]h ten cubits, and [its] walls [of a width
 of ? cubits...]³²
 10 [...] and (its) height, sixty cubi[ts...]
 11 [...a width oft]welve cubits, and (its) h[eight (?)]...]
 12 [and the height of the gate]³³ twenty-one cubits [...]

The command to built the portico specifies the size of the portico as 20 cubits long and 10 cubits wide. No such portico appears at all in the Tabernacle texts and it is clearly an innovation of the Solomonic Temple. This very same set of dimensions is given in 1 Kings 6:3 for

²⁹ G.A. Cooke, *A Critical and Exegetical Commentary on the Book of Ezekiel* (ICC; Edinburgh: T. & T. Clark, 1936), 440, 445.

³⁰ This word is most probably the end of the discussion of the sanctuary itself, and Yadin suggests (II, 13) that it refers to either its height or the thickness of the walls.

³¹ Emending to ובניתה with Yadin II, 13. Cf. Swanson, 218. The reading in the manuscript, ובאתה, “And you shall come,” is impossible due to the direct object that follows. The misreading of the letters ני as א by the scribe shows that he was copying from a *Vorlage*, a conclusion certainly to be expected in view of the existence of one and possibly two other copies of the same text in the Qumran corpus.

³² Restored with Yadin II, 308 in the reconstruction and II, 12 in the commentary.

³³ The scroll generally uses the term שער, “gate,” but Mishnaic tradition speaks of an entrance (פתח) which had no doors (*m. Mid.* 3:7). This term does appear in the scroll in 31:7, 41:14 and 46:6.

the Solomonic Temple. The “length” of twenty cubits is actually the width, since the long side is always referred to as אורך.³⁴ The figure of ten cubits, the “width,” actually refers here to the depth of the portico. Put simply, one who entered the Temple and proceeded inwards would traverse a distance of ten cubits as he crossed the portico. The very same figures appear in Josephus’s description of the Solomonic Temple (*Ant.* VIII, iii, 2 [§ 65]) and these are of course derived from Kings.

The Temple plan in Ezekiel differs, however, giving the dimensions as 20 long (meaning wide) and 11 wide (meaning deep) (Ezek 40:49). There the Septuagint has “twelve.” The plan of Ezekiel as specified in MT is followed in *m.Mid.* 4:7 which indicates that this is an inside measurement, not counting the thickness of the walls. The width of the portico in the Mishnaic description was greatly enlarged due to the addition on both sides of rooms for storing sacrificial knives (בית הליפות). While some commentators try to claim that the Mishnah still expects the width of the portico to be the same as that of the sanctuary, namely 20 cubits, the fact is that the Mishnah speaks of an inside measurement that would come to 70 cubits. Yet it is possible that the halakhic status of the portico was not given to the extensions on the two sides. Josephus’s description of the Herodian Temple (*War* V, v, 4 [§ 207]) also speaks about such extended sides, although both *m.Mid.* 4:7 and Josephus speak of a total width of the portico structure equal to 100 cubits. Apparently, then, our author followed the plan of Solomon, which was almost exactly followed by that of Ezekiel. On the other hand, the architects of the Herodian Temple and the Mishnaic plan also expected much wider portico structures.

Line 10 specifically informs us that the height of the portico structure was to be 60 cubits.³⁵ Earlier, the text mentioned the height of the sanctuary and the holy of holies which was to be 30 cubits. There is no height given in Kings for the Solomonic portico, however 2 Chron 3:4 gives the probably exaggerated figure of 120 cubits. While the Septuagint agrees with this reading, the Codex Alexandrinus and the Syriac read “twenty.” This reading may originally derive from a scribal error, or more likely is dependent on the height of the Tabernacle. In any case, it cannot apply to the Solomonic Temple.

³⁴ Rashi to 1 Kings 6:3.

³⁵ On the height, see the detailed notes of Yadin II, 14–5.

Josephus seems to reflect this verse in a difficult passage. In *Ant.* VIII, iii, 2 (§64), he speaks of the sanctuary as having a height of 60 cubits. Then he claims that on top of it was another 60 cubit story reaching a façade of 120 cubits.³⁶ Only then, in paragraph 65, does he go on to discuss the portico (προναῖος = πρόναος)³⁷ which was in front of it, reaching to a height of 120 cubits. That Josephus thought that Solomon's Temple was 120 cubits high is clear from the explanation he (or his source, Nicolaus of Damascus) puts into Herod's mouth as an explanation for his decision to build the Temple (*Ant.* XV, xi, 1 [§ 385]). Herod is made to say that whereas Solomon's Temple was 120 cubits high, the Temple built by the returning exiles was limited by the Persian authorities to 60 cubits. This notion must be derived from Ezra 6:3 which, as we already noted, speaks of a Temple of 60 cubits in height. Apparently, Josephus (or his source) understood Ezra's dimension to refer not to the sanctuary alone, but rather to the height of the total structure, including the portico. The same 60 cubit height for the pre-Herodian Second Temple appears also in *Ant.* XI, iv, 6 (§ 99) which is simply a paraphrase of the account in Ezra.³⁸ Ultimately, all this derives from the Chronicles tradition which Josephus followed and which apparently was followed by the architects of the Herodian Temple.

The scroll must have understood the height of 60 cubits given in Ezra as referring to the entire structure, understanding ביתא in that wider sense—not just as referring to the sanctuary. The author of the plan in the *Temple Scroll* assumed that this was a sufficient height. He shares with the Herodian Temple the notion that the Temple building should be half the height of the portico, and therefore emerges with a full height of 30 cubits. On the other hand, it is possible that he expects that the upper chamber of the sanctuary will add another 30 cubits to the height, leading to a height of 60 cubits for the entire Temple. Further, it is possible that he expects the upper chamber to be surrounded by side rooms, for which reason he expected six levels of storied structures whereas the other traditions speak of only three.

³⁶ Cf. Thackeray and Marcus, 605 note g

³⁷ This word refers to the "front hall" of a temple, through which one passes into the temple, or into the innermost shrine containing the statue of the god (see H.G. Liddell and R. Scott, *A Greek-English Lexicon*, rev. H.S. Jones and R. McKenzie [Oxford: Clarendon Press, 1968], 1490b).

³⁸ The height of 120 cubits for the Herodian Temple appears also in *Ant.* XV, xi, 2 (§ 391).

On the other hand, Herod's architects understood the Ezra passage to indicate the height of the sanctuary (their interpretation of ביתא) but took the Chronicles passage to refer to the height of the portico. Hence, the total height of the building comes to 120 cubits.

Altogether different measurements for the height appear in the Mishnah. *m. Mid.* 3:7 indicates that the gate to the portico was 40 cubits high, so the portico had to be higher than that. (According to *War* V, v, 4 [§ 208] the height of this gate was 70 cubits.) The Mishnah does give an exact height for the sanctuary. Including the upper chamber it came to 100 cubits (*m. Mid.* 4:6). Since the Mishnah assumed that the upper story of the sanctuary extended up to the height of the portico, the portico was expected to be 100 cubits high. These dimensions seem to be totally unrelated both to the *Temple Scroll* and to the actual Herodian Temple.

Line 11 appears to take up the gate to the portico, i.e. the outside gate into the Temple structure. The width of this gate is apparently given here as 12 cubits. The Bible gives no width for the gate into the Solomonic portico.³⁹ The width of the gate in Ezekiel's plan is given as three cubits on each side (Ezek 40:48). Apparently this verse envisions a double set of doors of 6 cubits total width. Many scholars believe that this text has to be emended since the gate would be too narrow. Indeed, the Septuagint supports emendation as it reads, "and the width of the gate was fourteen cubits, and the sidewalls⁴⁰ of the gate were three cubits on each side." In any case, Ezekiel's fourteen cubits is close to, but does not equal, the measurement of 12 in our scroll.

m. Mid. 3:7 specifies a width of 20 cubits for the entrance to the portico which, by the way, is said (*m. Mid.* 2:3) to have had no doors, only a curtain (פרוכת). Josephus, in describing the Herodian Temple

³⁹ Josephus, therefore, provides no details on this entrance in *Ant.* VIII.

⁴⁰ The word ἐπὶμαίς is defined in its fourth definition by Liddell and Scott, 679b as "leaves of a folding-door," which would suggest that the 3 cubits were the width of the two panels of each of the two doors. This would mean that two such doors made up a width of twelve cubits, a number which is architecturally acceptable, but which contradicts the width of 14 cubits given by the LXX. Their definition lacks adequate support as this passage in the LXX is the only one cited for this definition, and may be the only example existing. But it is possible to understand their definition as referring to one set of doors, meaning that there was a total width of 6 cubits (as suggested in MT). But how would this be reconciled with the 14 of LXX? So we must define this term as referring to the side walls, based on the basic meaning of this noun as "shoulder" or "shoulder joint."

(*War* V, v, 4 [§ 208]), indicates that the entrance into the portico was 25 cubits wide.

The fact that the width of twelve cubits appears in no other Temple plan that we know calls for caution in concluding that the width of the gate is indeed the subject of line 11. Supporting the identification of this as the width of the gate to the portico is the fact that the same width is given in 11QT 5:9 (see below) for the width of the four gates of the upper chamber.

There also (5:10) the height of the gates must have been 21 cubits as in our text (line 12). Just as was the case with the width, the Bible does not furnish a height for the gate to the Solomonic portico. Ezek 40:48 likewise gives no height for this gate. *m. Mid.* speaks of a height of forty cubits. Josephus, in describing the Herodian Temple (*War* V, v, 4 [§ 208]) speaks of a height of 70 cubits. While none of these figures in any way can be said to agree with the 21 cubits of the *Temple Scroll* plan, they have in common the notion that the height of the entrance was approximately double the width. We should also note in this connection that according to the Mishnah all other gates in the Temple were to be 20 cubits high and 10 wide (*m. Mid.* 2:3).

IV. THE HOLY OF HOLIES

A very fragmentary passage in 11QT 4:13–14 preserves evidence for the plan of the holy of holies:

- 13 [...] twenty cubits square [...]
 14 [...over]laid [with go]ld *vacat* [...]⁴¹

The only possible structure to be discussed in this context with dimensions of 20 cubits square is the holy of holies.⁴² This section of the Tabernacle was 10 cubits square. The 20 cubits of the *Temple Scroll* is the dimension given for the holy of holies in the Solomonic Temple plan in 1 Kings 6:20⁴³ and 2 Chron 3:8. This same dimension is given by Josephus for the Solomonic Temple (*Ant.* VIII, iii, 3 [§ 71]). The book of Ezekiel expected a holy of holies of the same size in its Temple as

⁴¹ Lines 15–16 are too fragmentary to be discussed here. For possible restoration, see Yadin II, 16.

⁴² See Bean, 329 for an alternative view.

⁴³ Understanding וּלְפָנָי as if it said וּפְנֵי, as in NJPS, “The interior of the Shrine.” Cf. Rashi and Radak, *ad loc.*

well (41:4). These same dimensions are given in *m. Mid.* 4:7 as well as in Josephus's description of the Herodian Temple (*War* V, v, 5 [§ 219]). In view of the unanimity of the measurement of the holy of holies, this identification of the reference in the *Temple Scroll* in line 13 must be accepted as definite.

The fragmentary words of line 14 also refer to the holy of holies. The passage must have described the overlay of gold which covered the inside of the holy of holies. This line is clearly dependent on 1 Kings 6:20–21 which uses the very same words. The golden overlay is also mentioned in 2 Chron 3:8. *Ant.* VIII, iii 3 (§ 73–75) also follows these passages in stating that the entire inside and outside of the Solomonic Temple building was of gold. *m. Mid.* 4:1 states that the entire Temple, except the backs of the doors, was overlaid with gold. Ezekiel does not seem to mention this detail, but Josephus's description of Solomon's Temple states that it was fully lined with gold (§ 74–75).

11QT 7:1–7 may be a description of the boards which lined the holy of holies. Although this would present problems in understanding the order of topics in the scroll, there are several reasons to draw such a conclusion. The text is as follows:

- 1 [...] the board [...]
- 2 [...]...[...]
- 3 [...] wo[oden] boards⁴⁴ [...and the width of ...]
- 4 [...one board is a cubit and half of]⁴⁵ a cubit, and ten [...]
- 5 [...] eighty board[s⁴⁶...]
- 6 [... ab]ove, above all [...]
- 7 [...] one hundred [...]⁴⁷

According to Exod 26:15–16 the Tabernacle was to have boards one and a half cubits wide and 10 cubits long. The author of our scroll most probably apportioned boards of the same size to cover the walls of the holy of holies. In doing so he had to compensate for the fact that the holy of holies in his plan was about twice as big as that of the Tabernacle, which had an inside measurement of 9 cubits wide. Our scroll apparently determined that 82 such boards were necessary to cover the walls. As we have discussed, the measurement of 20 by 20 by 20 cubits was preserved in the 1 Kings account of the Solomonic

⁴⁴ For this use of לוח see the note in Yadin II, 25.

⁴⁵ Restoring the end of line 3 and line 4 with Yadin II, 25 in the commentary.

⁴⁶ Restoring with Yadin II, 25 in the commentary.

⁴⁷ It is uncertain if this line still deals with the planks for the holy of holies.

Temple. The boards were to be stood up vertically, reaching from the floor, half way up the walls, with a second set of 10 cubit boards on top of them reaching to the ceiling. It has been calculated that this would take a total of 82 boards (see line 5).⁴⁸

V. THE UPPER CHAMBER OF THE TEMPLE

Columns 5 and 6 of the scroll overlap due to the fact that the scroll had to be repaired by recopying the early columns. As a result, the passage describing the upper chamber (עליה) is preserved in two versions, which together can be restored to provide substantial text. We provide here a composite text (11QT 5:1–12=6:1–9):⁴⁹

- 5:1 [...] joints⁵⁰ [...]
 5:2 [...] cubits.⁵¹ [...]
 5:3=6:1 [...] thickness (of) three⁵² [...]
 5:4=6:2 [...] ⁵³of the same size as⁵⁴ [... And you shall make an upper chamber] above the sanctuary (?) [...]
 5:5=6:3 [twenty-eight cubi]ts by twenty-eig[ht cubits...]
 5:6=6:4 [(with) its height forty cubi]ts and its ceiling,⁵⁵ also [...]
 5:7=6:5 [...ten] cubits the entire height [of the entablature and the windows...]⁵⁶
 5:8=6:6 [...to you (?)] and four gates [to the upper chamber, for its four sides...]
 5:9=6:7 [...and the width of] the gate (shall be) twelve [cubits, and its height twenty-[one]

⁴⁸ Yadin II, 28–9.

⁴⁹ See Yadin I, 11–12 and II, 16–17.

⁵⁰ Yadin II, 18 suggests that the subject may be cedar planks or something similar.

⁵¹ There probably follows a number, three or eight, starting a new sentence (Yadin II, 18).

⁵² There would follow a measure. Yadin II, 18 suggests that this is the thickness of the objects constituting the “joints” of line 1. In view of the use of עובי in Mishnaic usage which he cites, there is no reason not to take it here as referring to the thickness of the walls. Yet it is true that generally the scroll uses רוחב for that purpose.

⁵³ The last word may perhaps be restored as רוח|בה or מעזי|בה. It may also be complete and mean “in it,” that is, in the upper chamber.

⁵⁴ See the parallel usages in the scroll cited by Yadin II, 18.

⁵⁵ Biblical מקרה (*meqareh*) appears only in Eccl 10:18. Cf. E. Qimron, *The Hebrew of the Dead Sea Scrolls* (HSS 29; Atlanta: Scholars Press, 1986), 66, § 330.1d.

⁵⁶ Yadin II, 19 in the commentary suggests that the text may be restored: יכה [אל] יכה שקופים אטומים ככול אשר אני מדבר אל יכה “(windows) recessed and latticed according to everything which I say to] you.” Cf. 1 Kings 6:4.

- 5:10=6:8 [cubits. And the entire entablatur[re...its doors...]
 5:11=6:8 [the low]er. And the entirety (shall be) overlaid [...]
 5:12=6:9 [with pure gold] *vacat* [...]

The subject dealt with in this reconstructed passage is certainly the upper chamber (עליה). This same structure is referred to in 11QT 31:6–7.⁵⁷ There the scroll describes the stair house (בית המסבה) which was built so that a gangway extended from it to the upper chamber of the Temple to allow access. This structure, however, will remain beyond the scope of the present study. *m. Mid.* 4:5 informs us that the upper chamber was used for entering the holy of holies from above for repairs.⁵⁸ But this in no way explains the height of the upper chamber. It is probably correct to reason, based on the discussion of the upper chamber in the Mishnah (*m. Mid.* 4:5), that it covered both the sanctuary and the holy of holies. Our passage gives us the basic information on this structure, essentially a second story of the Temple building.

It is of some interest that 1 Chron 28:11, which speaks of the Davidic plan for the Temple which he is said to have passed on to his son Solomon, mentions the “upper chambers” (plural) of the Temple. No upper story seems to be mentioned in Kings or Ezekiel. Needless to say, it is not applicable to the desert tent shrine, the Tabernacle. Yet Josephus, in describing the Solomonic Temple (*Ant.* VIII, iii, 1 [§ 64 and 66]) speaks of an upper story. In describing the Herodian Temple of his day (*War* V, v, 5 [§ 221]) he discusses an upper story of 40 additional cubits (over the 60 of the bottom floor). The same notion is presented in an out of place parenthetical statement in V, v, 4 (§ 211) which states that “as the sanctuary was now in two stories, it appeared lower from within than without.”⁵⁹

The measurement of 28 cubits square is difficult to identify. The twenty-eight cubits of the height of the gates of the inner and outer courts in the scroll cannot be relevant as we deal here with a square and they were rectangular. Further, the fact that the Tabernacle curtains were of this width (Exod 26:2) does not help unless we emend the text of the *Temple Scroll* to create an equivalent width.⁶⁰ This dimension

⁵⁷ Cf. Yadin I, 213–4; II, 21.

⁵⁸ Cf. *t. Kelim B. Qam.* 1:7; *Sifre Zuta* to Num. 5:3 (in *Sifre debe Rav*, ed. H.S. Horowitz [Jerusalem: Wahrman Books, 1966], 229).

⁵⁹ Trans. Thackeray, 265. Cf. his note d which deals with the placement of this statement, but which does not question its reliability and authenticity.

⁶⁰ Yadin II, 19.

could, however, be the outside measurement of the chamber over the holy of holies, assuming walls 4 cubits thick.

Line 7 (as restored according to 6:5) mentions the entablature which is part of the ceiling structure. Such an entablature is also mentioned in the Mishnah (*m. Mid.* 4:6) which provides a sense of the manner in which the architectural elements are positioned. There the building is said to be 40 cubits high, followed by the entablature of 1 cubit, then two cubits for the upper beams, 1 for the ceiling, one for the roof, 3 for the protective railing around the roof, and one for a device to keep birds away. From our point of view, what is important here is that this parallel can be taken to indicate that the entablature is effectively located at the bottom of the roof structure. The entablature is again mentioned in line 10. Josephus (*War* V, v, 6 [§ 224]) speaks of the spikes to keep birds away as well. While no other details appear, we can assume that the Herodian Temple would have had a roof construction similar to that mentioned in the Mishnah. The ceiling of the Solomonic Temple is discussed in *Ant.* VIII, iii, 2 (§ 67) but this passage does not present information on the details we are seeking.

The text prescribes that the upper chamber is to have four gates. These four gates are analogous to the four gates of the Inner Court. From our study of the courtyards of the Temple it is clear that the four gates of the Inner Court corresponded to the three priestly families, Gershon, Kohath and Merari, and to the Levites.⁶¹ Of these four gates, that facing to the north appears in the description of the stair house below in the scroll (31:6–7). This system of four entrances is to be contrasted with *m. Mid.* 4:5 which speaks of only one entrance facing south. Neither the Bible nor Josephus makes mention of gates for the upper story of Solomon's Temple, and Josephus also presents no such details in regard to the Herodian Temple.

The size of these gates is specified as 12 cubits wide and twenty-one high. This same dimension appeared above for the gate of the portico (4:11–12). It is possible that line 11 originally read, “[the same size as the] low[er gate].”⁶² “Lower” here may refer to inner doors, as described in *m. Mid.* 4:1 which speaks of two sets of double doors leading into the sanctuary. This element in the Mishnaic plan is clearly based on Ezek 41:24 which seems to speak of such double doors. The scroll

⁶¹ See Schiffman, “Architecture and Law,” 270–71.

⁶² Yadin II, 20.

also refers explicitly to the doors which were mounted in these gates (5:10=6:8).

The final statement of the text refers to the building materials to be used. Cedar wood was to be employed which was then to be overlaid with pure gold. In this respect the scroll's plan followed the accounts of Kings 6:20 and Chronicles (2 Chron 3:5, 8).

CONCLUSION

Two exceedingly important conclusions emerge from our study, besides the illumination of the manifold details we have discussed. Both of these conclusions, by the way, are quite surprising.

We have shown elsewhere that the entire Temple complex, with its three concentric courtyards, is built to imitate the Israelite encampment from the wilderness period.⁶³ The Temple occupies the place of the Tabernacle, and the courtyards represent the encampments of the Divine Presence, the Levites and the tribes of Israel. It is therefore surprising to find that of the various Temple plans which existed and which were known to the architect of the Temple plan which we have just studied, the one which appears to have had the least influence upon our text is that of the Tabernacle. The author/redactor of the *Temple Scroll* apparently felt no specific obligation to pattern the Temple building after the Tabernacle even though the basic layout of the Temple City (עיר המקדש) was taken from the encampment that surrounded the Tabernacle.

Perhaps more surprising is the second conclusion. The scroll's author/redactor apparently did not see any of the Temple plans available to him as prescriptive. That is to say, no plan in the Bible, not that of the Tabernacle, the Solomonic Temple, or Ezekiel's Temple, was considered to be obligatory. Rather, these plans were seen by him as descriptive.⁶⁴ In the case of the Tabernacle and the Solomonic Temple, the author/redactor of the *Temple Scroll* saw the biblical descriptions

⁶³ Schiffman, "Architecture and Law," 280–82.

⁶⁴ For this term, see B.A. Levine, "The Descriptive Tabernacle Texts of the Pentateuch," *JAOs* 85 (1965) 307–18 and "The Descriptive Ritual Texts from Ugarit: Some Formal and Functional Features of the Genre," *The Word of God Shall Go Forth: Essays in Honor of D.N. Freedman in Celebration of His Sixtieth Birthday*, ed. C.L. Meyers and M. O'Connor (Winona Lake, IN: Eisenbrauns, 1983), 467–75, especially p. 467.

as simply historical descriptions of the structure of the shrine, not as commandments regarding its construction.

Hence, he felt no qualms about incorporating the basic structures of the Solomonic Temple into a new plan of different dimensions and differing architectural character. While it is convenient to argue that this all resulted from the influence of the Hellenistic environment,⁶⁵ this is not a sufficient explanation. In many aspects, this scroll argues for the continuation of biblical tradition in an era in which it was fast being eclipsed by Hellenism on the one hand, and by the rise of what became the oral law on the other hand. Clearly, our architect believed that only a small part of the information in the biblical descriptions constituted obligatory details, whereas the largest part were simply the choices of the famous architects of the past—Bezalel, King Solomon and the author of the plan at the end of Ezekiel. In this respect he differed from the rabbinic tradition which would later assert that these architects had worked under divine inspiration.⁶⁶

We must therefore seriously question the notion that our scroll takes its cue from the mention of a Temple plan given by David to Solomon in 1 Chron. 28:11–12. Had that tradition truly motivated our architect, we would have expected him to follow much more closely the plan of the Solomonic Temple.⁶⁷ Rather, he must have believed that the Bible established the basic division of the Temple into portico, sanctuary and holy of holies, and that the Tabernacle provided the minimum size requirements. From that point on, guided by his own inclinations, he sought to mold the various biblical accounts and the architecture of his day into a plan that would adequately allow the Divine Presence to dwell in Israel. Only in such a Temple could God cause His presence to dwell, until the coming of the day of renewal, when God would create a new sanctuary, to be established for all times, according to His covenant with Israel.

⁶⁵ Cf. M. Broshi, "Visionary Architecture and Town Planning in the Dead Sea Scrolls," *Eretz Israel* 23 (1991/2) 286–91.

⁶⁶ Cf. Yadin I, 403–4.

⁶⁷ Contrast the view of Swanson, 224–6 who sees this verse as truly fulfilled in the *Temple Scroll* since in his view the scroll is more dependent on Chronicles than Kings. We cannot agree with his findings, however.

CHAPTER FIFTEEN

THE FURNISHINGS OF THE TEMPLE ACCORDING TO THE *TEMPLE SCROLL*

The *Temple Scroll* puts forward an ideal plan for a redesigned Temple to replace that which was in existence in Hasmonean times in Jerusalem.¹ The reconstruction of the Temple according to such a plan was expected to be accompanied by the observance of the festivals and sacrifices according to the scroll's approach² and by a reform of the institutions of government as well.³ This new Temple was not a messianic structure. Rather, the scroll states explicitly that this Temple is to serve in the present era until it is replaced in the End of Days by a heavenly Temple built by God Himself (11QT 29:7–10).

The *Temple Scroll*, in this respect following the book of Ezekiel, called for the addition of an extra courtyard, such that the Temple would be divided into three concentric areas of holiness, the Inner, Middle and Outer Courts (11QT 36, 39–42, 44–45). At the center of this holy place was the Temple itself, placed in the Inner Court. Within the Temple were to be the furnishings prescribed by the Torah. Each of these was to be constructed and placed in accord with the author's particular views and interpretations.⁴

¹ See L.H. Schiffman, "Architecture and Law: The Temple and its Courtyards in the Temple Scroll," *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding, Essays in Honor of Marvin Fox*, ed. J. Neusner, E.S. Frerichs, N.M. Sarna (Atlanta: Scholars Press, 1989), vol. I, 267–84 (pp. 215–232 in this volume).

² See L.H. Schiffman, "The Sacrificial System of the *Temple Scroll* and the Book of Jubilees," *SBL Seminar Papers*, ed. K.H. Richards (Atlanta: Scholars Press, 1985) 217–33 (pp. 99–122 in this volume).

³ See L.H. Schiffman, "The King, His Guard, and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987), 237–59 (pp. 487–504 in this volume).

⁴ Some of these explanations are shared with the Septuagint, perhaps because they were already in its Hebrew *Vorlage*. See G.J. Brooke, "The *Temple Scroll* and LXX Exodus 35–40," and A. Aejmelaeus, "Septuagintal Translation Techniques—a Solution to the Problem of the Tabernacle Account," both of which appeared in *Septuagint and Cognate Writings*, ed. G.J. Brooke and B. Lindars (SCS 33; Atlanta: Scholars Press, 1992). Contrast D.W. Gooding, *The Account of the Tabernacle, Translation and Textual Problems of the Greek Exodus* (Cambridge: Cambridge University Press, 1959) who sees the variations in the LXX as resulting from the processes of translating and editing.

This Temple plan constituted a literary unit within the scroll, into which were placed the regulations for the sacrifices to be offered within the sanctuary. The author may have taken over this unit from a previous source. This source was originally taken to include 11QT 2:1–13:8 and 30:3–47:18,⁵ but more recent proposals have suggested that parts of this material may not belong to this source.⁶ All these proposals will have to be reevaluated with the publication of the Expanded Torah Scrolls (4Q 364–367) which have direct parallels with the *Temple Scroll* and which some scholars take to be sources used by the redactor of the scroll.

From 11QT 3:9–10 we can gather that in addition to the furnishings to be discussed below, for which the scroll's prescriptions are partly preserved, there were also descriptions of the construction of the כפרת (ark cover) and incense altar. No command to build an ark is mentioned, yet it seems from 11QT 3:9 which refers to the “כפרת which is upon it” (that is, the ark) and from 7:12 which mentions that one was to be included,⁷ that accident of preservation only leaves it unmentioned. This paper will investigate the furnishings for which descriptions are preserved and their construction, at the same time explaining the sources in Scripture for the particular design and comparing the scrolls' approach with that of other Jewish systems of exegesis and law. To be discussed are the following: the cherubim, the golden curtain (פרוכת), the table for the bread of the presence, and the menorah.⁸

⁵ A. Wilson, L. Wills, “Literary Sources for the Temple Scroll,” *HTR* 75 (1982) 277–8.

⁶ M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Chicago: Oriental Institute, 1990), 61–4.

⁷ So D.D. Swanson, “The Temple Scroll and the Bible: The Methodology of 11QT” (Manchester: University of Manchester Doctoral Dissertation, 1990), 310 (the dissertation has now been published: D.D. Swanson, *The Temple Scroll and the Bible. The Methodology of 11QT* [STDJ 14; Leiden: Brill, 1994]).

⁸ Yadin did not go into depth regarding any of these structures (Y. Yadin, *The Temple Scroll*, 3 vols. [Jerusalem: Israel Exploration Society, 1983], I, 180–2). He also considered column X to refer to furnishings of the Temple, specifically to the vestibule entrance (Yadin I, 181). Yet the material is too fragmentary for any definite conclusion at this point. This is evident from the character of his notes (II, 41–43) in which virtually everything is tentative. For this reason we have omitted this material from consideration here.

1. THE CHERUBIM

The command to construct cherubim is found in 11QT 7:10–12:

And two cherubim [you shall make at both ends of the cover,⁹ the one cherub on this end, and at the othe]r end the second, spreading (their) wings [over the place of the ark, and shielding the cover with their wings] above the ark, with¹⁰ their faces on[e to the other¹¹ ...]

The text is based primarily on Exod 25:18–20.¹² Some influence can be discerned from 1 Kings 6 and 8 as well. Comparison of our text with its basis in Exodus indicates certain changes beyond the purely stylistic.

It seems from the restoration proposed by Yadin for line 10 that the words **זהב מקשה** Exod. 25:18, (separated in MT by an *‘atnahta’*) must have been omitted by the scroll. As we shall see, the author of the scroll did not believe that the cherubim were to be fashioned out of the same piece of beaten gold as the **כפרת**.¹³ For this reason, most probably, these words were omitted.¹⁴ The difficult **מנהכפרת תעשו את-הכרבים** (verse 19) was most probably replaced by **תעשה משני קצות הכפרת**. In this passage, not only was the biblical text seen by the scroll to be repetitive, but it was ambiguous as well. It seemed to indicate that the cherubim were to be made out of the cover. Indeed, the medieval Jewish

⁹ The term *kaporet* is often translated “mercy seat,” from the root **כפר** meaning to “atone” or “grant atonement.” Yet we prefer to derive this word from a homonymous root meaning “to cover.” (On the two roots **כפר** see B.A. Levine, “Kippurin,” *Eretz-Israel* 9 [1969] 88–95). An Aramaic targum from cave 4 (4Q156) translates **כפרת** in Lev 16:14 as **כסיא**, “cover.” (J.T. Milik, *Qumrân grotte IV/II* [DJD 6; Oxford: Clarendon Press, 1977] 86–87). See also the notes of M. Kasher in DJD 6, 92–93. Cf. Philo, *Questions and Answers on Exodus*, II. 60.

¹⁰ Lit. “and.”

¹¹ Restored with Exod 25:20.

¹² Yadin II, 27. Cf. Exod 37:7–9. See also N.M. Sarna, *The JPS Torah Commentary, Exodus* (Philadelphia, New York: Jewish Publication Society, 1991), 161–2. On the cherubim, see M. Haran, *Temples and Temple Service in Ancient Israel* (Winona Lake, Indiana: Eisenbrauns, 1985), 246–59.

¹³ The making of the **כפרת** is alluded to in 11QT 3:9 so it is certain that the scroll included a description of its construction which has not been preserved.

¹⁴ We cannot accept Yadin’s suggestion of the desire to harmonize the Exodus text with 1 Kings 6:23 **עצי שמן**, since in our view, the influence of 1 Kings on our passage is extremely minimal and there is no attempt to incorporate other details of that account. See also Swanson, p. 310 who suggests a restoration which retains these words.

commentators Rashi,¹⁵ Saadyah,¹⁶ Rashbam,¹⁷ and Ibn Ezra¹⁸ understood this passage to mean that the cherubim were made out of the same piece of gold as the כפרת. According to this view, the cherubim remained attached to the כפרת permanently. The same problem was felt by the Septuagint (or an exegetical tradition reflected there) which understands the words מן-הכפרת as referring to the previous clause (unlike the Massoretic accentuation), so that it means, “on the other side of the cover.” When taken into account along with the previous variant, the omission of the reference to beaten gold for the making of the cherubim, it is clear that the author of our scroll or his source intended to make clear that he did not see the cherubim as fashioned from the material of the cover. In this case, we need not necessarily be discussing an actual polemic, since the author may simply be seeking to remove an ambiguity in the biblical text before him, an ambiguity which the Septuagint handled in a similar manner.

According to the restoration the author added to the Exodus text the reference to על מקום הארון. This addition was to interpret the unclear למעלה in verse 20. Indeed, the verse as it stands could have been understood to mean that the wings were to be extended upwards, and this would have contradicted the continuation of the verse, “shielding the cover.” So the author made use of the language of 1 Kings 8:7 אל מקום הארון or 2 Chron 5:8 על מקום הארון.¹⁹

A similar exegesis is found below in a preserved portion of the text. After על הכפרת in verse 20, the scroll adds מלמעלה, a harmonization or exegesis derived from 1 Kings 8:7 or 2 Chron 5:8.²⁰ The author, of course, expected that there would be an ark in his ideal Temple, unlike the actual situation as known from Second Temple times in which there was no ark.²¹

¹⁵ To verses 18 and 19 (ed. A. Berliner [Frankfurt a. M.: Kaufmann, 1904/5], 168–9).

¹⁶ J. Kafah, *Perushe Rabbenu Sa'adyah Ga'on 'al Ha-Torah* (Jerusalem: Mossad Harav Kook, 1963), 71.

¹⁷ Ed. D. Rosin (Breslau: Schottlaender, 1881), 124.

¹⁸ Ed. A. Weiser (Jerusalem: Mossad Harav Kook, 1976), II, 173 (the Long Commentary). No reference is found in the Short Commentary (p. 315).

¹⁹ LXX here follows MT.

²⁰ Yadin II, 27.

²¹ 2 Macc 2:4–5, 2 Baruch 6:7–10, *m. Šeqal.* 6:1–2, *m. Yoma* 5:2, *t. Yoma* 2(3):14, *t. Sotah* 13:1, *b. Yoma* 21b (and see the parallels in *Yefeh Enayim*) and the sources cited in S. Lieberman, *Tosefta to Sotah* (New York: Jewish Theological Seminary, 1973), 229,

The normal method of the *Temple Scroll* is to gather together contradictory biblical prescriptions on one topic. These are then harmonized by a midrashic technique into a single whole in which the contradictions are removed. Those biblical texts alluded to in the scroll's formulation provide the key to the exegesis which lies behind the ruling in question. Here, however, there is no such harmonization of halakhic details. The author has made use of a few passages found elsewhere in Scripture in descriptions of the Solomonic Temple merely as sources for a few phrases which he employs to eliminate ambiguities in the description of the Tabernacle and its furnishings in Exodus.²²

Indeed, that such was the case can be ascertained definitely by looking at the details known from elsewhere which could have been used had such a harmonization been attempted, but which are not mentioned in our scroll. Two such details regarding the Solomonic Temple appear in 1 Kings 6:23. There it is stated that the cherubim are ten cubits high and ten cubits wide. Yet our scroll makes no attempt to make use of these dimensions. Further, the same verse indicates that the cherubim are to be made of olive wood (עצי שֶׁמֶן). Most probably they were to be overlaid with gold. This description is also totally ignored by the scroll.²³ In fact, there is no serious attempt to harmonize the Tabernacle description which serves as the basis of our text in the scroll with the description of the Solomonic Temple, which the author probably regarded as having been improperly built. To him the only valid Temple was one which re-created the Tabernacle and the desert camp. He used the 1 Kings material solely to derive certain details of phraseology which he required for his editorial activity.

Josephus,²⁴ when describing Solomon's Temple, gives dimensions for the cherubim of five cubits high and five cubits wide, a figure at variance

n. 14 in the source references (*Masoret Ha-Tosefta*) and Ch. Albeck, *Seder Mo'ed* (Jerusalem: Mossad Bialik, Tel Aviv: Dvir, 1954), 463.

²² For recent views on the history, origins and function of the Tabernacle, see F.M. Cross, "The Priestly Tabernacle," *The Biblical Archaeologist Reader*, ed. G.E. Wright, D.N. Freedman (Garden City: Anchor, 1961), 201–28; idem, "The Priestly Tabernacle in the Light of Recent Research," *Temples and High Places in Biblical Times*, ed. A. Biran (Jerusalem: Hebrew Union College-Jewish Institute of Religion, 1981), 169–78 and discussion, pp. 178–80; Haran, *Temples and Temple Service*, 149–204. See also B.A. Levine, "The Descriptive Tabernacle Texts of the Pentateuch," *JAOs* 85 (1965) 307–18.

²³ Contra the assumption of Yadin II, 27 (to line 10).

²⁴ *Ant.* VIII, iii, 3 (§ 72–73). Cf. the Tabernacle description in *Ant.* II, vi, 5 (§ 137).

with that of MT. According to *b. Yoma* 21a there were no cherubim in the Second Temple, a tradition confirmed by Josephus as well.²⁵

2. THE GOLDEN CURTAIN

11QT 7:13–14 is extremely fragmentary, but contains reference to a golden curtain or veil.²⁶

And you shall m[ake] a curtain of gold [... s]killfully work[ed...]²⁷

The requirement to erect a curtain (פרוכת) is spelled out in Exod 26:31–33.²⁸ The purpose of the curtain was to separate the holy of holies from the rest of the tent of meeting (verse 33).²⁹ The curtain was to be constructed of “blue, purple and crimson yarns, and fine twisted linen”³⁰ and be decorated with designs of the cherubim. Nowhere in the Bible do we hear of the use of gold in the preparation of this curtain or of any other curtain used in the Tabernacle or Temple.³¹

Yet the *Baraita’ De-Meleket Ha-Mishkan*, which must date to some time between the redaction of the Mishnah (c. 200 C.E.) and the close of

²⁵ *War* V, v, 5 (§ 219).

²⁶ The scroll here deviates from the order in which the commands are presented in Exodus. This is probably because the author wanted to present all matters pertaining to the holy of holies, then those pertaining to the Temple itself. Exodus had placed all the textile materials together after the other appurtenances.

²⁷ See E. Qimron, “New Readings in the Temple Scroll,” *IEJ* 28 (1978) 162.

²⁸ Cf. Exod 36:35. See Sarna, *JPS Exodus*, 70–1.

²⁹ This פרוכת is mentioned in the *Zadokite Fragments*, 4QD^a 6 ii 4–7 (B.Z. Wacholder, M.G. Abegg, *A Preliminary Edition of the Unpublished Dead Sea Scrolls. The Hebrew and Aramaic Texts from Cave Four*, Fascicle I [Washington: Biblical Archaeology Society, 1991] 10). There we find a law prohibiting one who had been captured by non-Jews from performing priestly service מבית לפרכת, “within the curtain.” This is a designation for the holy of holies (Exod 26/33, cf. Num 18:7 and the reference here must be to prohibiting such a priest from performing the rituals for the Day of Atonement which involved entering within the curtain (Lev 16:2, 12, 15). The notion that such a priest was disqualified was learned from exegesis of Lev 21:21–23 (see especially verse 23). The מום מזרע אהרן (literally, “blemish of the seed of Aaron”) of verse 21 must have been understood to refer to a blemish in the maintenance of priestly purity on the part of the lineage of Aaron. See also the parallel in 4QD^d 4 iii 8 (Wacholder-Abegg, 30) where only the first line is preserved.

³⁰ *New JPS* translation.

³¹ No gold was used according to the Tabernacle description in Josephus, *Ant.* III, vi, 4 (§ 125–126) and that of the Solomonic Temple in *Ant.* VIII, iii, 3 (§ 72). See also his description of the Herodian Temple in *War* V, v, 5 (§ 219) where the curtain is mentioned.

the Talmudic period,³² contains an ambiguous passage which can be interpreted to mean that there was gold in the curtain.³³ Another late Rabbinic passage from the *Yalqut Shim'on*³⁴ seems to indicate that there were gold threads in the curtain.

That such a view might have been held by the scroll is not impossible. In Exod 39:3 a detailed description is given of the technique for the spinning of the threads of **מעשה חשב**. There we are told that gold was beaten and then cut into strips which were spun together with the threads of the very same materials as those used in the weaving of the curtain: blue, purple and crimson yarns, and fine linen. The author of our scroll, and others such as those quoted in the late Rabbinic sources we have mentioned, may have thought that this verse indicated the general manner of executing the **מעשה חשב** and, therefore, understood the Torah to require in Exod 26: 31 that gold be part of the threads. If so, the curtain would have had a golden appearance and could be referred to as a golden curtain, as in our text. Other Rabbinic sources, however, report a tannaitic tradition that the words **מעשה חשב** in Exod 26:31 referred to the technique of weaving the pattern. This technique could be used with threads which did not contain gold and according to this view this was the case regarding the threads which made up the curtain.³⁵

A late aggadic text, *Massekhet Kelim* (not to be confused with the Mishnaic tractate *Kelim*) mentions a curtain of gold.³⁶ This passage in full reads as follows: "A curtain of gold--seven, in which [the text shifts here to the plural] are contained³⁷ twelve thousand talents (**כיכרים**) of gold." This passage, however, does not speak of the **פרוכת**, the one and only such curtain, but rather of some elaborate curtains which were used, according to this aggadah, elsewhere in the Temple building or its courts.³⁸

³² Y.D. Gilat, "Baraita De-Melekhet Ha-Mishkan," *Eṣ* 7 4, cols. 193-4.

³³ Ed. Friedman (Vienna, 1907/8), chap. 4, p. 27 and commentary, p. 30. Yet S. Lieberman, in a letter to Yadin (II, 27-8) understands this passage to indicate that there was no gold in the curtain. In light of the parallels we cannot accept this interpretation.

³⁴ Exodus, 422 (ed. Y. Shiloni [Jerusalem: Mossad Harav Kook, 1980], II, 792).

³⁵ *t. Šeqal.* 3:11, *p. Šeqal.* 8:2, *b. Yoma* 72b.

³⁶ A. Jellinek, *Bet Ha-Midrash* (Jerusalem: Wahrmann, 1967), II, 89, cf. Yadin II, 27.

³⁷ Literally: "into which there go."

³⁸ Note that 4Q405 15 ii-16, a fragment of the *Angelic Liturgy*, mentions both the singular **דביר המלך**, **פרוכת דביר המלך**, "the curtain of the *debir* of the king (God)" (line 3) and the

In line with the analysis presented here, we may suggest restoration of the passage in the *Temple Scroll* as follows:

And you shall make a curtain of gold, blue, purple, and crimson yarns and fine twisted linen; woven with figures of cherubim. And the curtain shall be... (continuing parallel to Exod 26:32).

Here also we see that the scroll took a view regarding the Tabernacle different from that of the rabbis. In our case, this view turns out to be reflected in some late rabbinic sources. The view of the scroll is based on the author's interpretation of the biblical text which differed from that of the tannaim at least as far as can be determined.

3. THE TABLE FOR THE BREAD OF THE PRESENCE

11QT 8:5–14 discusses the construction of the table for the bread of the presence and the procedure for the weekly offering of the loaves.³⁹ We will concern ourselves here only with lines 5–6 (nothing can be read in line 7) which describes the construction of the table itself:

[And you shall construct a table out of acacia wood, two cubits] its length, and a cubit [its width, and a cubit and a half its height. And you shall overlay it with pure gold.] And you shall make [for it a molding of gold all around.]

Line 7 must have continued with an adaptation of Exod 25:25. The other possibilities considered by Yadin⁴⁰ are impossible as he notes, since they do not fit the context, which continues with a description of the rituals pertaining to the bread of the presence. The scroll omitted entirely the commands of verses 26–28, which described an apparatus for carrying the table. This apparatus had a function in the desert Tabernacle but could serve no useful function in the description of a

plural פרכות דבירי הפלא, “the curtains of the wondrous *debirim*” (line 5). The context here is that of a mystical description of the heavenly Temple in which the *debirim* are to be understood as angelic hypostasization of the Temple structures. The use of the plural indicates that in the author's view, there were numerous פרכות in the Temple structure. On this text, see C. Newsom, *Songs of the Sabbath Sacrifice. A Critical Edition* (Atlanta: Scholars Press, 1985), 286–89.

³⁹ Cf. the description of the table in the Tabernacle in Josephus, *Ant.* III, vi, 6 (§ 139–143) and in the Solomonic Temple, *Ant.* VIII, iii, 7 (§ 89–90).

⁴⁰ Yadin II, 31.

fixed Temple building to be located in Jerusalem, the permanent center of holiness.

When we examine this passage as restored here, we see that it corresponds exactly to the biblical text in Exod 25:23–24.⁴¹ The only adaptation is the deletion of the commands to build equipment for transporting the table in the desert, for, as explained above, this was not relevant to the construction of the permanent Temple described in the scroll.⁴²

4. THE MENORAH

The construction of the menorah is taken up in 11QT 9:1–14:

[And you shall make a menorah of pure gold. Of hammered work you shall make the menorah; its base, its branches⁴³ and its cups,] its [calyxes] and [its] petals, [shall be of one piece. And six branches (shall) extend] from its two sides, [three branches of the menorah on one side, and three branches of the menorah on the other side. Three [cups shaped like almond blossoms (shall be) on the one branch, (each with) calyx] and petals. [And three cups shaped like almond blossoms (shall be) on the other branch, (each with) calyx and petals.⁴⁴ Thus shall it be for the six branches which extend from the menorah. And on the menorah (shall be) four cups shaped like almond blossoms, and a calyx under each two branches of one piece with it (the menorah), and a calyx under the (other) four(?) branches of one piece with it. And thus (shall it be) for the six branches which extend from it,] three [calyxes]. [...] the entire branch [...] three. [And you shall make (along with) the menorah: its seven lamps,] i[ts firepans,] and its tongs. And all of it (shall weigh) two talents [of pure gold. And its lamps (shall be) seven; and all its lamps [shall] give light [towards its front. And you shall place [the menorah before the *debir* opposite the tabl]e.⁴⁵ And the priests, the sons of [Aaron]⁴⁶ shall set out the lamps before Me (or before the Lord) alwa[ys, (as) etern[al] statutes, [throughout] their [generation]s.

⁴¹ Cf. Exod 35:10–11. See Sarna, *JPS Exodus*, 162–3.

⁴² Also absent here are apparatuses for holding the loaves and the frankincense such as are mentioned in rabbinic sources. Cf. Josephus, *Ant.* III, vi, 6 (§ 142) who mentions two cups of gold filled with incense in describing the Tabernacle.

⁴³ The restoration follows Yadin although MT to Exod 25:31 and 37:18 has singular קנה. Perhaps follow MT and translate, “its shaft” (*New JPS*).

⁴⁴ Yadin reads, “and a flower.”

⁴⁵ Of the bread of the presence.

⁴⁶ Restored at the beginning of line 14.

This text, as restored, is basically an adaptation and expansion of Exod 25:31–39,⁴⁷ the command to craft the menorah.⁴⁸ This passage is also influenced by Exod 37:17–24 which is the record of the fulfillment of the command.

Lines 1–3 parallel verse 31 almost exactly. In verse 32 the scroll adds מְשָׁנִי which is not present in MT or in MT to 37:18. Yet LXX to Exod. 38:14 (= MT 37:18) has ἐξ ἀμφοτέρων, “from (or on) its two sides.” It seems that this reading in both the LXX there and in the *Temple Scroll* here does not result from a common textual tradition since we would then expect it in both versions to be in the same place. Rather, we are dealing with a shared exegetical tendency toward adding glosses to clarify the text.

Two readings are possible in the scroll’s lines 3–4 corresponding to verse 32. Yadin read in accordance with MT (and 37:18) except that he suggested a changed word order since the last word of the sentence in the scroll was, in this view, שלושה. Qimron took the first two or three preserved letters on line 4 to be מזה.⁴⁹ Accordingly it is possible to restore as follows: [שלושה קני המנורה מזה ושלושה קני המנורה] מזה שלושה. While we are unable to make a decision from the photographs, it seems that the Yadin’s reading had the advantage of conforming with the general adherence of the passage to the Exodus text. It appears that lines 4–6 exactly corresponded to verse 33 (so also 37:19).

In line 7, corresponding to verse 34, the words כפתריה ופרחיה in MT, also found in 37:20, seem to have been omitted by the scroll if one can judge from the line lengths. Lines 7–8 approximate verse 38 (cf. 37:21) except that in some manner the verse was abbreviated. (Yadin’s restoration of “four” is to shorten the verse so that it will fit the space, but see below.) The words at the end of line 8 are almost certainly to be restored שלושה [כפתורים], “three calyxes.” This is a

⁴⁷ See Sarna, *JPS Exodus*, 164–6.

⁴⁸ On the menorah, see C.L. Meyers, *The Tabernacle Menorah: A Synthetic Study of a Symbol from the Biblical Cult* (Missoula, Montana: Scholars Press, 1976); E.R. Goodenough, “The Menorah among Jews of the Roman World,” *HUCA* 23 (1950–51) 449–92; D. Barag, “The Menorah in the Roman and Byzantine Periods: A Messianic Symbol,” *Bulletin of the Anglo-Israel Archaeological Society* (1985–86) 44–7; and the sources cited in J. Maier, *The Temple Scroll, An Introduction, Translation & Commentary* (Sheffield: JSOT Press, 1985), 68–70.

⁴⁹ E. Qimron, “Le-Nushah shel Megillat Ha-Miqdash,” *Leshonenu* 42 (1978) 137, followed by Maier, p. 69.

summary of the fact that in the foregoing adaptation of verse 36 a total of three calyxes are mentioned.⁵⁰ Lines 9–10 which cannot be restored with assurance must have followed verse 36 (cf. 37:22), perhaps at the beginning containing some part of verse 35.

Lines 11–12 are adaptations of verses 37–39. The scroll begins following verse 37 regarding the command to build the menorah and its seven lamps. It then takes the reference to the firepans (a type of shovel) and tongs from verse 39 and includes them in the command to construct the menorah. Here he was guided by his desire to harmonize with Exod 37:22. In other words, the author sees the construction of the menorah and its accouterments as one commandment.⁵¹ He then inserts a modified version of verse 39 in which he indicates that the total weight is two talents for the menorah and its accouterments. Here he diverges from the biblical text (cf. also 37:23–24) which indicated a weight of a talent for the menorah and no measure for the accouterments. Further, he omitted the duplicate command that the menorah and the accouterments should be pure gold, mentioned twice in Exodus, since his new order of the verses required only one such command. Here again he was following the text of Exod 37:23. He then included an adaptation of the end of verse 37 which indicates that all lamps must face forward, a view we will see is at variance with Talmudic tannaitic sources. We will return below to the halakhic implications of the differences in this adaptation. Since only here the author really changed the commands he found in the Torah before him, we can determine that it is here that he has his halakhic differences with the Temple as it stood in his days and the views espoused by others.

Verse 40 could not find a place in the scroll since the author intended to eliminate reference to the intermediacy of Moses⁵² and to transfer the Torah's commands from the desert Tabernacle to the Jerusalem Temple. Accordingly, he substituted the material in lines 13–14. The last word in line 12 no doubt begins the command to locate the menorah in its appropriate place. Yadin's restoration is based on the use of **ונתתה** (referring to the incense altar) in Exod 40:5 immediately after a

⁵⁰ Yadin II, 36.

⁵¹ For Maimonides and the later counters of the commandments, the building of the Temple and its furnishings constituted one commandment. See *Sefer Ha-Misvot* 20 (ed. Ch. Heller [Jerusalem, New York: Mossad Harav Kook, 1946], 41) and *Sefer Ha-Hinukh* 95 (ed. C. Chavel [Jerusalem: Mossad Harav Kook, 1981/2]), 154.

⁵² The scroll does so consistently except for the oblique reference to “the sons of Aaron your brother” in 11QT 44:5.

command regarding the menorah (40:4). The beginning of line 13 must be restored based on Exod 40:24 and probably with 1 Kings 7:49 as well. Here again, 1 Kings would serve only to supply the language of the scroll, but does not influence its halakhic rulings. The end of line 13 and 14 is primarily based on Lev 24:3 as can be shown from the word **ד[תמי]** which is only found there. Closely parallel is Exod 27:21.

Whereas Leviticus refers to the obligation of Aaron to set out the lamps, Exodus mentions Aaron and his sons (**אהרן ובניו**) (verse 21). This, indeed, is the reading of LXX and the Samaritan text to Lev 24:3. Since the scroll deals with a post-Aaronide Temple, it changed from **אהרן ובניו** to **אהרן בני אהרן**, “the priests, the sons (descendants) of Aaron.”⁵³

In line 14 it is most probable that **לפני**, “before Me,” was substituted for “before the Lord” found in both the Exodus and Leviticus passages. Indeed, such changes are regular in the scroll although there are exceptions.⁵⁴ The plural verb **וערכו** which is substituted for the singular in the biblical passages was a natural change in light of the substitution of the priests for Aaron and his sons. In the latter expression a singular could be used because of the preeminence of Aaron, as in the Exodus passage and the versions to Leviticus. Our scroll apparently deleted the reference to the **נר תמיד**, the eternal lamp, in order to remove the ambiguity which resulted from the use of this expression to refer to the menorah. Yet Lev 24:4 makes clear that the lamp is to be placed on the menorah,⁵⁵ a matter not directly addressed in Exodus.

The final word of line 14, **לדור[ן]תמה**, with the third person suffix, indicates dependence on Exod 27:21 where this form appears, as opposed to Lev 24:3 where there is a second person plural suffix. Yet we must always consider the possibility that the author had a reading with the second person in his Leviticus text.⁵⁶

Here again we note that the text is not influenced by the description of the Solomonic Temple. There we read of ten menorahs, to

⁵³ Yadin II, 38.

⁵⁴ Yadin I, 71–3.

⁵⁵ Cf. Yadin II, 39. This may be an example of inner biblical exegesis. The original text found in Exodus may have been supplemented in Leviticus to remove the very same ambiguity which the scroll still had to deal with because Exodus was in his Torah. The author went one step further than Leviticus and completely excised the offending expression.

⁵⁶ This passage falls in the lacuna between columns 2 and 3 of 11QpaleoLev (D.N. Freedman, K.A. Mathews, *The Paleo-Hebrew Leviticus Scroll* [Winona Lake, Indiana: American Schools of Oriental Research, 1985], 42–3).

be placed five on each side in front of the דביר (1 Kings 7:49).⁵⁷ Yet no attempt was made by our scroll to place these menorahs into the Temple plan.⁵⁸

As we mentioned above, the only real differences of significance between this material and that of the MT to Exodus refer to two matters: the weight of the gold from which the menorah is made and the orientation of the lamps in the menorah. These issues will now be considered in greater detail.

The biblical text as it stands in MT to Exod 25:38–39 is ambiguous on the question of whether one talent is the weight of the accouterments of the menorah alone (the firepans and tongs) or whether it refers to the menorah as well. The LXX understood the verse to mean that the equipment other than the menorah itself is to weigh one talent and that the weight of the menorah is not given in the Torah. The same ambiguity exists in Exod 37:23–24 which relates the construction of the menorah.⁵⁹

A *baraita*? in *b. Menahot* 88b records a disagreement on this very same matter. The anonymous tanna there takes the view that the menorah itself as well as its lamps are part of the talent of gold, but the firepans and tongs are not. Rabbi Nehemiah argues that only the menorah was included in the talent, not the lamps, firepans, or tongs. In any case, both views here say that the firepans and tongs are excluded from the talent. The disagreement is only regarding the lamps themselves. The anonymous view includes them in the talent and Rabbi Nehemiah excludes them.⁶⁰ In order to explain this apodictic *baraita*? the Talmud quotes a second version, this time midrashic.⁶¹ This second *baraita*?

⁵⁷ Cf. the parallel in 2 Chron 4:7, 20. See also 1 Chron 28:15, Jer 52:19, but contrast 2 Chron 13:11 which mentions only one menorah.

⁵⁸ Josephus, *Ant.* VIII, iii, 7 (§ 90) seems to be attempting to harmonize these descriptions. He refers to the fashioning of 10,000 menorahs for the Solomonic Temple, probably a reflection of the ten menorahs mentioned in 1 Kings 7:49. But he goes on to say that only one of these was positioned in the Temple. Probably the clause “in accordance with the commandment of Moses” is intended to refer to what follows, although the Greek text as we have it does not accord with this interpretation.

⁵⁹ Cf. Josephus, *Against Apion* I, § 198, quoting Hecataeus of Abdera (c. 300 B.C.E.). On Hecataeus, see M. Stern, *Greek and Latin Authors on Jews and Judaism*, I (Jerusalem: Israel Academy of Sciences and Humanities, 1976), 20–25.

⁶⁰ So Yadin II, 37 who ignores the *baraita*? we next cite and the passage from the *Baraita? De-Melekhet Ha-Mishkan*.

⁶¹ It is interesting that although neither of these *baraitot* has a parallel in either Tosefta or the halakhic midrashim, i.e. they are not part of the tannaitic collections made in the amoraic period, both versions in complementary format survive in the Babylonian Talmud.

begins by quoting the first half of Exod. 25:39. From the word **אוֹתָהּ**, “it” (feminine) the *baraita*’ determines that the menorah is to be made out of the talent of gold. The *baraita*’ then goes on to ask how we know that the lamps are to be included and answers by quoting the latter half of the verse, referring to “all these vessels,” in the plural. The text then identifies this view as that of Rabbi Nehemiah. After an amoraic intrusion in which the anonymous gemara tries to explain the fact that Rabbi Nehemiah in the midrashic *baraita*’ takes the view he opposed in the apodictic version, the *baraita*’ continues. Rabbi Joshua ben Karha states that the menorah is to be made out of the talent of gold, but not the lamps, firepans and tongs. He explains the latter half of the verse as emphasizing that all the vessels mentioned are to be made of gold.⁶² It turns out then that Rabbi Joshua takes the view here of Rabbi Nehemiah in the apodictic *baraita*’. For our purposes, it is enough to know that this argument sought to harmonize the singular and plural objects of the same verb in the former and latter halves of the verse. Yet in no case does anyone suggest that the firepans or the tongs are to be part of the talent of gold.

The very same controversy is carried over to the medieval Jewish commentators. Rashi⁶³ states that the weight of the menorah “with all its vessels” (**עִם כּוֹל כְּלֵיהָ**) is to be one talent. His view seems to be that not only were the lamps to be included in the talent of gold, but also the firepans and tongs. This view, which agrees with neither of the tannaitic opinions, is not accepted by the other medieval authorities. Maimonides⁶⁴ understands the talent to cover the menorah itself and the lamps, which he sees as a permanent fixture of the menorah, but to exclude the firepans and tongs. Nahmanides⁶⁵ admits that Rashi’s view represents the simple meaning of the biblical text, but disputes it based on the tannaitic discussion we have cited. Accordingly, he interprets the Bible, as does Maimonides, to mean that the menorah and the lamps only are included in the talent.⁶⁶

⁶² Cf. *Baraita’ De-Meleket Ha-Mishkan* 9 (ed. Friedman, 61; for commentary, see pp. 68–9).

⁶³ To Exod 25:39 (ed. Berliner, 172).

⁶⁴ *H. Bet Ha-Behirah* 3:6.

⁶⁵ To Exod 25:39 (ed. Chavel, I, 464).

⁶⁶ For attempts to harmonize Rashi’s words with this very same view see the note of Chavel, *ad loc.* See also David ben Samuel Ha-Levi, *Divre David-Ture Zahav*, ed. C.D. Chavel (Jerusalem: Mossad Harav Kook, 1978), 312–3 who presents a different reading of *b. Menah.* 88b and harmonizes Rashi with it.

The author of our scroll seems to agree with the tannaitic view that the firepans and tongs are to be excluded, and perhaps the lamps as well. But our scroll goes further. It specifically indicates that the weight of the additional vessels is to be one talent. The menorah itself (perhaps with its lamps) is also to be one talent. The scroll understood the verse as follows: "It shall be made of a talent of pure gold, so shall all these vessels."⁶⁷

The second controversial matter in this section refers to the direction which the lamps are to face. The tannaim took the view that the three lamps on each side were to face the middle lamp.⁶⁸ Indeed, the phrase *והאיר על עבר פניה* in Exod 25:37 is difficult. The words of Num 8:2, *אל מול פני המנורה יאירו*, seemed to indicate that the lamps were to shine toward the middle. Our author, perhaps referring directly to the Numbers passage as the use of the plural would indicate, adds the word *kol*, most probably intended to show that all the lamps are to face the same direction.⁶⁹ If so, he understood the words of Exodus as follows: "and it should shed light in the direction of its front." A similar interpretation can be given for Numbers also.⁷⁰ It seems most likely that our law in the *Temple Scroll* is a polemic against the view we know from tannaitic sources which must have in fact already been a Pharisaic tradition.

CONCLUSIONS

Detailed study of the instructions for the construction of the furnishings of the Temple in the *Temple Scroll* has indicated that the rulings of the scroll on these matters derive almost entirely from the prescriptions for the building of the Tabernacle in Exodus. The description of the actual construction and the description of the Solomonic Temple have

⁶⁷ Yadin II, 38.

⁶⁸ *Sifre Zuta* to Num. 8:2 (ed. Horowitz [Jerusalem: Wahrmann, 1966], 253), a *baraita* in *b. Menah.* 98b; cf. *B. Megillah* 21b, *Baraita De-Meleket Ha-Mishkan* 10 (ed. Friedman, 65, cf. pp. 69–70 for commentary).

⁶⁹ This is probably the view of Josephus, *Ant.* III, vi, 7 (§ 146) discussing the Tabernacle. Philo, however, *Life of Moses* II, § 103 probably agrees with the Rabbinic interpretation. Cf. also Philo's *Who is the Heir*, § 215–220, *Preliminary Studies*, § 8, and *Questions and Answers on Exodus*, II § 79.

⁷⁰ Cf. Yadin II, 38.

had only minor influence, and that only as regards linguistic usages. No influence of Ezekiel has been detected at all.⁷¹

These findings are in accord with our understanding of the nature of the Temple which the author of the scroll (or of the Temple source incorporated into the scroll) sought to construct. His intent was to replicate the desert camp with the Tabernacle in its center. This Tabernacle was for Israel in the desert the focal point from which sanctity and holiness radiated. Here was the indwelling of the divine Presence. For the author of the *Temple Scroll* the Temple building would serve these same purposes. Into it would be placed the very same furnishings which adorned the desert shrine. For each of these furnishings in some way represented that same sanctity of God's Presence.

In this Temple, the cherubim would symbolize the protection of Israel by God and the unique relation of God and Israel; the golden curtain would separate the holy of holies where God's Presence was most intense from the rest of the Temple; the bread of presence would be offered on its table, symbolizing the constant dependence of Israel on God for its daily sustenance; and the menorah would burn, showing the constancy and radiance of the Lord's Presence among His people.

⁷¹ Cf. Swanson, 312–13.

CHAPTER SIXTEEN

THE HOUSE OF THE LAVER IN THE *TEMPLE SCROLL*

Among the structures of the inner court of the Temple described in the *Temple Scroll* is the House of the Laver. This structure included space for the laver used for the priests' lustrations and was fitted out with niches which functioned as lockers for the garments of the priests. This paper will provide an analysis of the scriptural exegesis which led the author of the scroll, or his source, to propose the design of this structure. It will also compare this data to that which can be gleaned from the descriptions of the Temple and its rituals in rabbinic sources.

Before entering this discussion, however, a word is in order about what has come to be called the 'Temple Source', that section of the *Temple Scroll* in which the architect proposes the structure and plan of the Jerusalem complex.¹ This plan apparently was part of a written source available to the author of the *Temple Scroll*, who then imported the plan, with modifications, into his text. Included in this source were the structures of the inner court, including the House of the Laver, which we discuss here. This architectural plan probably dates to sometime between the third century B.C.E. and the Maccabean Revolt.

1. THE COMMANDMENT TO BUILD THE HOUSE OF THE LAVER

As with the other structures mentioned in the *Temple Scroll*, our text begins with an explicit commandment to build the House of the Laver and a specification of its dimensions (11QT 31:10–12):

(10) And you shall construct a building for the laver in the southeast,² on all its sides, twenty-one square cubits,³

¹ On this source see A. Wilson and L. Wills, "Literary Sources for the *Temple Scroll*," *HTR* 75 (1982) 275–288; M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, *Studies in Ancient Oriental Civilization* 49 (Chicago: Oriental Institute of the University of Chicago, 1990) 61–64, 98–99.

² At the southeast corner of the Temple.

³ Cf. 11QT 30:5, 9–10 and Yadin's comments in Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983) vol. II, 131, 133.

- (11) at a distance from the altar of fifty cubits. And the width of the [w]all (shall be) three cubits, and its⁴ height,
 (12) [t]wenty <cu>bits.⁵ And make [thre]e⁶ gates for it⁷ on the east, on the north,
 (13) and on the west. And⁸ the w<i>idth of the gates (shall be) four cubits, and their height seven.

This passage specifies the construction of a special building to house the laver.⁹ The laver was a large bronze wash basin used by the priests for washing their hands and feet. The structure, termed **בית הכיור**, ‘House of the Laver’, further on in the *Temple Scroll* (33:5, 8–11),¹⁰ is to be located in the inner courtyard of the Temple, in the southeast, that is, opposite the southern wall of the Temple at its eastern end, fifty cubits west of the altar. The thickness of the walls of the House of the Laver was to be three cubits; its overall height was to be twenty cubits.

Before discussing any of the detailed aspects of its location and construction, we note that the commandment to build a laver (not a building but the actual basin) as well as its base (**כַּל**)¹¹ is found in Exod 30:17–21, regarding the Tabernacle of the desert period. Exod 38:8 records that the laver and its base were indeed constructed. The preserved text from the *Temple Scroll* discusses only the building that was to house the laver; nowhere in the text do we find the mention of the laver itself. It is most probable that the laver itself is discussed in the lost top of column 32.¹² It is also remotely possible that the laver is discussed in

⁴ **וגבהו**; so reconstructs E. Qimron, *The Temple Scroll, A Critical Edition with Extensive Reconstructions* (Beer Sheva: Ben Gurion University of the Negev Press/Jerusalem: Israel Exploration Society, 1996) 46. Yadin, *Temple Scroll*, II, 136 read **וגבה** “and (the) height”.

⁵ Angle brackets denote supralinear letters.

⁶ So restores Qimron, *The Temple Scroll*, 46.

⁷ On the strange use of the feminine **לה**, see Yadin, *Temple Scroll*, II, 136, but his suggestion of an Aramaism (*leh*) is most unlikely. Qimron, *The Temple Scroll*, 46 suggests that this might be an alternate spelling for **לו**.

⁸ Qimron’s reading, *The Temple Scroll*, 46, omits the conjunction “and”, but he admits that Yadin’s reading, followed here, is equally possible.

⁹ For a plan of the building, see Yadin, *Temple Scroll*, I, 219.

¹⁰ Yadin, *Temple Scroll*, II, 139 also restores this reading in 32:13.

¹¹ Formed from the root **כנ**. This noun takes the stem *kan-* for forms with possessive suffixes, although the construct is *ken*. See F. Brown, S.R. Driver, C.A. Briggs, *A Hebrew and English Lexicon of the Old Testament* (Oxford: Clarendon Press, 1966) 487b.

¹² One of the possibilities mentioned in Yadin, *Temple Scroll*, II, 137.

a terribly broken passage in 11QT 3:16.¹³ It is also worth noting that no size is given for this installation in the Tabernacle texts.

The notion of a special building for the laver is original to our text. There is no parallel in other descriptions of the Temple. *m. Mid.* 3:6 mentions only the laver.

The location of the laver posed a particular problem for the author of the *Temple Scroll*.¹⁴ The ambiguous term **נגב מזרח** (line 10; literally “south-east”) must refer to the eastern end of the Temple’s southern wall.¹⁵ The Exodus passage (30:18, cf. 40:7, 30) required that the laver be placed between the Tent of Meeting (equivalent to the Temple building) and the altar. According to *m. Mid.* 3:6,¹⁶ it was positioned in front of the Tent, slightly to the south, so that it was actually opposite the ramp which led up to the altar of burnt offerings. But the description of the Solomonic Temple in Kings also provided evidence on this issue. Very little detail had been specified in Exodus, but the material in the Book of Kings goes into great detail. Whereas the Tabernacle had only one water installation, the basin in the Book of Kings seems to have been bifurcated into two different types of devices. The tank (**יָם**, literally “sea”) was a large basin, 10 cubits by 10 cubits, with a circumference said to be 30 cubits (it would actually have had to be 31.4).¹⁷ It was supported by 12 oxen (1 Kgs 7:23–6). Ten water stands of bronze, each measuring 4 cubits wide and 3 cubits high, are also described. These had wheels and appear to have been portable washing facilities (7:27–35).

These two kinds of items, the large tank and the smaller basins, were differentiated only in the later reworking in Chronicles, the author of which must have felt that the basins of Exodus had spawned two differing structures which had different purposes. So 2 Chr 4:6 indicates that the washing stands were for rinsing off the parts of the burnt offerings, whereas the tank was for the washing of the priests. If so, the tank was the functional equivalent of the basin of Exodus. The sectarians, reading the Book of Kings in light of Chronicles, would no doubt have reached this conclusion.

¹³ Cf. Yadin, *Temple Scroll*, II, 9, where he suggests restorations in accordance with this possibility. Qimron, *The Temple Scroll*, 12, restores this passage in another way.

¹⁴ On the location of the House of the Laver, see Yadin, *Temple Scroll*, I, 218; II, 136.

¹⁵ Yadin, *Temple Scroll*, I, 217–218, disproves other possible interpretations.

¹⁶ Cf. the *baraita* in *b. Ṣebah.* 58b–69a and *b. Yoma* 16a–b; Rashi to Exod 30:18.

¹⁷ LXX to 3 Kgs 7:10 (= MT 1 Kgs 7:23) has 33 (Yadin, *Temple Scroll*, I, 219).

The location of the tank according to the account in Kings and Chronicles must have therefore been of importance here. 1 Kgs 7:39 tells us that the tank was placed ‘at the right side of the House, at the southeast [corner].’¹⁸ The view of *m. Mid.* 3:6 is clearly an attempt to bridge the gap of the two passages in Exodus and Kings and to arrive at a compromise. Like Exodus, it takes the laver as positioned between the Temple and the altar, and like Kings, it places the laver to the south. Yet the author of our passage in the *Temple Scroll* has in fact chosen a completely different path. He has chosen to follow the Kings passage in placing the laver to the south of the Temple, at its east end;¹⁹ in doing so, he has rejected the view of Exodus setting the laver between the Tent of Meeting and the altar, which would have meant placing it beyond the end of the Temple building, that is, further east.²⁰

It is not possible to suggest any way of harmonizing the Exodus passage with the ruling of the *Temple Scroll*. They do not locate the laver in the same place. In this regard, we can suggest that the author of the *Temple Scroll* felt that the Kings account, followed as it was by Chronicles, had superseded the requirements of the desert Tabernacle. The author of the *Temple Scroll* here followed the approach of Solomon’s Temple, rejecting that of the Tabernacle.

The very same problem was faced by the author of the *Baraita’ De-Melekhet Ha-Mishkan*, who compared the very same sources.²¹ He did harmonize all the sources, as follows: Moses had made one basin, the **כִּיּוֹר**. Solomon made ten additional basins, placing five on each side of the original basin required in Exodus. Solomon added by building the tank. So a total of twelve water installations would have stood in his Temple.²² This interpretation differs from that of the *Temple Scroll*,

¹⁸ So, too, NJPS.

¹⁹ See Fig. 5 in Yadin, *Temple Scroll*, I, 206.

²⁰ Contra the conclusion of Yadin, *Temple Scroll*, I, 218, who sees the scroll as representing a harmonization of both views.

²¹ M. Ish Shalom, ed., **ברייתא דמלאכת המשכן** (Vienna, 1907/8) 75–76 (correct the mistaken reference in Yadin, *Temple Scroll*, I, 220, to *Pesiqta’ Rabbati* to refer to this work); R. Kirschner, *Baraita’ de-Melekhet ha-Mishkan, A Critical Edition with Introduction and Commentary* (Cincinnati: Hebrew Union College Press, 1992) 205. After a detailed discussion (pp. 67–74), Kirschner reaches the conclusion that this text is a tannaitic work originating in the third or fourth century. As he notes, it is also possible that this work was redacted in the early medieval period out of tannaitic statements, as proposed by B.Z. Wacholder, *Eupolemus, A Study of Judaeo-Greek Literature* (Cincinnati: Hebrew Union College Press, 1974) 199; cf. Kirschner, *Baraita’*, 71.

²² Cf. the translation of Kirschner, *Baraita’*, 239–240.

which ignores the ten smaller lavers built by Solomon and which sees the tank of Solomon as identical with the laver of Exodus.

The House of the Laver was to be 21 square cubits. Since the thickness of the wall was three cubits on each side, this yields a building with inside dimensions of 15 square cubits.²³ It is best to understand that the dimensions of the House of the Laver were intended to provide space for a laver of the size mentioned in the Solomonic description, that is, 10 cubits across, as well as ample room for the necessary purification rituals and for access. In addition, we will see below that space was needed to access the lockers built into the walls of the House of the Laver.

The *Temple Scroll* requires that the House of the Laver be located 50 cubits from the altar. This refers to the altar for burnt offerings,²⁴ which would have been located fifty cubits to the east of the House of the Laver. In between was located the House of the Utensils, seven cubits from the House of the Laver (11Q^T 33:8–9).²⁵ From the House of Utensils to the altar, therefore, must have been 22 cubits, since the size of the House of Utensils was 21 square cubits. *m. Mid.* 3:6 gave the distance between the vestibule (אֹרֶלֶת), at the front of the Temple building, and the altar as 22 cubits. So, clearly, our text envisages a much greater distance, since it located the altar 50 cubits from the House of the Laver, which was itself even with the corner of the Temple building. Further, this number of 22 cubits turns out, according to the *Temple Scroll's* calculations, to be equivalent to the distance between the altar and the House of Utensils.²⁶

The House of the Laver is to be equipped with three entrances. Located on the east, west and north sides, these would allow the priests easy access to the laver.

There was no need for a gate from the south, since no sacrificial activity took place to the south of the House of the Laver. The New Jerusalem texts speak of houses 21 cubits long (the same size as the House of the Laver), which had gates of the exact same dimensions: 4

²³ The attempt to relate here the mention of a כִּיּוֹר, which was a platform of 5 × 5 cubits described in 2 Chr 6:13 (Yadin, *Temple Scroll*, I, 219–220) does not really contribute anything.

²⁴ The construction of this altar is commanded in 11Q^T 12:8–9. Yadin, *Temple Scroll*, I, 239–240, has collected all references.

²⁵ Cf. Yadin, *Temple Scroll*, I, 225.

²⁶ Yadin, *Temple Scroll*, I, 217.

cubits wide and 7 high.²⁷ Such parallels should not be seen as indicating a specific, direct relationship between these texts. Rather, they result from the influence of Hellenistic architecture which affected both texts in terms of design and proportion.²⁸

II. THE LAVER AND ITS PURPOSE

The next section is badly preserved, but apparently it discussed the laver itself and its purpose (32:1–8):

1. [...] three cubits²⁹ [...]
2. [...]
3. [...] three [...] ³⁰
4. [...] their³¹ [...]
5. [...] ³² to the altar tw[enty³³ (?)...]
6. [...] their guilt offering,³⁴ to make atonement on behalf of the people.³⁵
And when [they] sacrifice,³⁶
7. [...] for their [meal] offerings³⁷ and to burn on the altar
8. of the burnt [offering...]³⁸

Because we cannot believe that the laver itself would not be mentioned in the *Temple Scroll*, we take the unpreserved top of the column, up

²⁷ Yadin, *Temple Scroll*, I, 220; II, 136, quoting M. Baillet, J.T. Milik, R. de Vaux, *Les Petites Grottes de Qumrân*, DJD 3 (Oxford: Clarendon Press, 1962) 190.

²⁸ Cf. M. Broshi, "Visionary Architecture and Town Planning in the Dead Sea Scrolls," *Time to Prepare the Way in the Wilderness, Papers on the Qumran Scrolls by Fellows of the Institute for Advanced Studies of the Hebrew University, Jerusalem*, 1980–90, ed. D. Dimant and L.H. Schiffman (Leiden: E.J. Brill, 1985) 9–22.

²⁹ The text is probably still referring to the wall of the building which housed the laver. See 31:11.

³⁰ Following Qimron, *The Temple Scroll*, 47. Yadin, *Temple Scroll*, II, 137, was able to read no text at all in lines 2–4 and very little in line 5.

³¹ This possessive suffix originally was attached to a plural noun which is no longer preserved.

³² The letters מ[may be the end of another possessive plural ending on a singular or plural noun.

³³ Qimron, *The Temple Scroll*, read]עש, and we restore conjecturally עש]רים.

³⁴ Yadin, *Temple Scroll*, I, 138, read אשמתם. Qimron, *The Temple Scroll*, 47, reads אשמים, "their guilt offering".

³⁵ This line must have specified the use of the laver in connection with the sacrificial rites.

³⁶ Qimron, *The Temple Scroll*, 47, restores ובעלות הכוהנים at the start of line 7. This would necessitate the translation: "And when the priests sacrifice".

³⁷ Following Qimron, *The Temple Scroll*, 47. Yadin, *Temple Scroll*, II, 138 restored "for the p[riest]s".

³⁸ The words preserved after the lacuna are treated below.

through line 4 or 5, as referring to the dimensions and structure of the laver itself. Other possible subjects for this passage are an upper chamber of the laver, or further details regarding the House of the Laver.³⁹

Although our text says nothing about the laver itself, we can compare some data known from other sources in an effort to gain some sense of what approaches the author of our text might have taken. Since we see the author as basing himself on the laver built by Solomon—the tank—we can look at its details to reconstruct the laver of our text.

1 Kgs 7:23–26 tells us that the tank was round and made of cast metal, 10 cubits wide, and 5 high. Below the rim, all around were gourd-like decorations, ten for each cubit. These gourds were in two rows, cast as part of the tank.⁴⁰ The base of the tank (probably equivalent to the *בן* of Exodus) was made up of twelve oxen, three facing in each direction. The thickness of the wall of the tank was one hand-breath (about 3.6 inches). The brim was like that of a cup, shaped like lily petals, and it held 2000 bath (2 Chr 4:5 has 3000 bath). Such a laver would have fit well in the large structure built for it according to the *Temple Scroll*. Rabbinic sources suggest that the bottom of the tank was square and the top round,⁴¹ but this design is proposed to solve textual problems in the Bible; it does not reflect a tradition or architectural considerations.

Some details available from rabbinic sources may accurately preserve information about the laver in the Second Temple period. Originally, we are told, the laver only had two valves for drawing water, until a high priest named Ben Qatin made twelve valves (*m. Yoma* 3:10, *b. Yoma* 37a), so that all twelve priests who (according to rabbinic sources) offered the daily offering could be purified at the same time.⁴² This same Ben Qatin is said to have made a mechanical device for the laver: a pulley system, which allowed the lowering of the entire laver into the well below it each night, so that the water would not become disqualified as a result of remaining overnight in the basin.⁴³

In the fragmentary passage in lines 5 (or 6)–8, the *Temple Scroll* next addresses the purpose of the laver. Before looking at this difficult text,

³⁹ Yadin, *Temple Scroll*, II, 137.

⁴⁰ 2 Chr 4:3 has “oxen” here, but the version in the Book of Kings is to be preferred. Contrast *בריייתא דמלאכת המשכן*, ch. 12 (Ish Shalom edn, 76; Kirschner edn, 208, 240) that prefers the version found in Chronicles.

⁴¹ See *בריייתא דמלאכת המשכן*, ch. 12.

⁴² Rashi to *b. Yoma* 37a; Maimonides, *h. Bi'at Ha-Miqdash* 5:14.

⁴³ Cf. S. Shefer, *בית המקדש* (Jerusalem: Yefeh Nof, 1970/1) 34.

we should determine what we know about the use of the laver from other sources. Exod 30:19–21 states that the laver should be used for the priests to wash their hands and feet (cf. Exod 40:11, 30) when entering the Tent of Meeting or approaching the altar to offer a burnt offering (להקטיר אשה). It warns that an improper attempt at purification might result in their deaths. Rabbinic tradition understood this to mean that one who entered the sancta without the process of purification, termed קידוש ידיים ורגלים (“purification of the hands and feet”), would be liable to the death penalty.⁴⁴ The Book of Kings provides no data regarding the use of the tank or the other washing stations, but 2 Chr 4:6 reports that the smaller washing equipment was for cleansing the parts of the offerings. The tank was for the washing of the priests.

The Mishnah tractate *Tamid*, which outlines the procedure for the daily offerings as practiced in the Second Temple, makes specific reference to the use of the laver. We read in *m. Tamid* 1:4 that the one who removes the ashes from the altar in the morning must wash his hands and feet at the laver. From *m. Yoma* 4:5 we know that the high priest washed at the laver daily. Water from the laver was also used for various rituals in the Temple (*m. Suk.* 4:10, *Soṭah* 2:2).

With this background we can now return to the *Temple Scroll*. The priests are commanded to lave their hands and feet before all the various sacrifices, according to these fragmentary lines, including (along with other items not preserved), guilt offerings,⁴⁵ burnt offerings, and incense. For all these offerings it was required that priests wash their hands and feet, since these sacrifices were all part of the formal divine service.

III. THE CLOTHING LOCKERS

The text then details the lockers or cubbies which were to be built into the laver in order to allow the priests to leave their clothes there when they donned the priestly vestments (11QT 32:8–12):

⁴⁴ *t. Yoma* 1:18; *t. San.* 14:16; *t. Menah.* 1:12; *t. Zebah.* 12:17; *t. Ker.* 1:5. Cf. Rashi to Exod 30:20–21.

⁴⁵ Following Qimron, *The Temple Scroll*, 47; Yadin's reading, *Temple Scroll*, II, 138, would refer to various offerings for transgression.

And [you] shall construct⁴⁶ in the wall⁴⁷ of this (9) building ni[ches on the in]side, and inside them [lockers (?)]⁴⁸ [a] cubit wide;⁴⁹ and their height (10) from the ground (shall be) four cubit[s], and they (shall be) overlaid with gold; on whi[ch]⁵⁰ they shall place (11) their clothes⁵¹ whi[ch] go into them, above, at the top of the House of the Lave[r],⁵² (12) when they enter to perform the holy service.⁵³

Here we are told that in the walls of the House of the Laver were to be built indentations (בתיים) with individual lockers (as we have restored) in them. These would be overlaid with gold. Each locker would be one cubit square. The entire installation was to be positioned four cubits up from the ground at eye level. It has been suggested that each of the indentations would have housed four of these small cubbies.⁵⁴

Similar structures are mentioned in tannaitic sources, and they can be instructive.⁵⁵ Lockers are mentioned in the description of the sacrificial procedures in *m. Tam.* 5:3. These were used for storing the various priestly vestments, which were sorted into four types, each with its own compartment.⁵⁶ Each priestly course had its own set of lockers, according to *t. Suk.* 4:27. The exact location of these, however, is not specified. Such compartments were used in the bathhouses of Palestine in that period, and also in ritual baths.⁵⁷ From the continuation of our passage it is clear that these lockers were used in the same way. When the priests arrived to do the service, they had to change into their vestments, and they left their daily garments in the same lockers in the House of the Laver. They would presumably wash their hands and

⁴⁶ Reading with Yadin, *Temple Scroll*, II, 138. Qimron notes, "Some of the letters are quite clear, but I was not able to determine a suitable reading." Where Yadin read ה[ת]שי[ת]ה, Qimron saw the first letter as ת.

⁴⁷ Cf. 11QT 33:11.

⁴⁸ Yadin suggests הלונות taken as feminine, while noting the use of masculine הלונים in 11QT 33:11 (Yadin, *Temple Scroll*, II, 138).

⁴⁹ Qimron's reading of line 9, *The Temple Scroll*, 47, is enigmatic. His reading may imply that there were lockers of one square cubit.

⁵⁰ Qimron, *The Temple Scroll*, 47, does not read ם[ש] in line 10 as does Yadin, *Temple Scroll*, II, 138.

⁵¹ Cf. Ezek 42:14–15; *m. Tamid* 5:3.

⁵² Following Qimron, *The Temple Scroll*, 47. See Yadin, *Temple Scroll*, II, 139 for possible restoration of המ[וקד] (cf. also *ibid.*, I, 222).

⁵³ Cf. Exod 28:43.

⁵⁴ See Fig. 9 in Yadin, *Temple Scroll*, I, 221.

⁵⁵ For what follows, cf. *ibid.*, I, 221–222.

⁵⁶ Cf. Maimonides, *h. Kele Ha-Miqdash* 8:9; *id.*, Commentary to *m. Tamid* 5:3.

⁵⁷ E. Netzer, *Masada III, The Yigael Yadin Excavations 1963–65, Final Reports* (Jerusalem: Israel Exploration Society, 1991) 512–13 (Ill. 799, Room 1192).

feet after removing the daily garments before putting on the priestly vestments. Then, after completing their service, they would return to the House of the Laver to change into their regular clothes, and leave the Temple precincts (see below, 33:6–7). From the passage it is clear that washing also took place after the sacrifices.

III. THE SEWAGE CONDUIT

In the next section, the text takes up the need to construct a sewage conduit for the House of the Laver (11QT 32:12–15):

[And] you shall construct a conduit⁵⁸ around the laver, next to its building. And the condui[t]⁵⁹ (13) shall lead under⁶⁰ the laver to a pit⁶¹ which [fl]ows down into the ground, so that (14) the water will be flowing into it and be lost⁶² in the ground. And no (15) one shall touch it⁶³ for some of the blood of the burnt offering is mixed in it.⁶⁴

A conduit was to be constructed to remove the sewage from the House of the Laver. The conduit was to be located inside the House of the Laver near the wall, running around the laver itself.⁶⁵ This sewage consisted of the water from the washing of the priests after sacrifices mixed in with sacrificial blood. This mixture of blood and water from the basin was to be led down through the pipe into the earth, where it would be absorbed. It had become sanctified and it was forbidden to touch it.⁶⁶

Such a conduit is not discussed in any other source. It may be that the scroll is influenced here by Ezek 47:1,⁶⁷ but that passage makes no reference to the laver. A similar sewage system existed, according to the Mishnah, to dispose of water and blood from the altar in the Second

⁵⁸ Cf. 1 Kgs 18:32.

⁵⁹ Where Yadin, *Temple Scroll*, II, 139 reads **ביתו** [והתעל] [ה], Qimron, *The Temple Scroll*, 47, reads **מזבח העולה**, “the altar of the burnt offering”.

⁶⁰ Reading **ל[ת]חת**, with Qimron, *The Temple Scroll*, 47. Yadin, *Temple Scroll*, II, 139, had restored **[מבית]**.

⁶¹ A dry well. Qimron, *The Temple Scroll*, 47 reads **ומחלה**. On the usage of this term, see Yadin, *Temple Scroll*, I, 223–4.

⁶² Cf. *m. 'Abot* 2:8.

⁶³ The water. This sentence explains the purpose of the drainage system.

⁶⁴ As a result of the priests washing there after performing sacrifices.

⁶⁵ Yadin, *Temple Scroll*, II, 139.

⁶⁶ The term **נגע** is used to indicate contact with an object which conveys impurity. Cf. Yadin, *Temple Scroll*, II, 139–140.

⁶⁷ Yadin, *Temple Scroll*, I, 223.

Temple (*m. Mid.* 3:2), but in that case, the liquids ran out into Nahal Qidron, whereas here, they are to be absorbed by the earth.

In our case, the blood of sacrifices, even when diluted in the water with which the priests washed before removing the priestly garments, is considered sanctified and to be similar in sanctity to that which was poured on the altar. This blood must therefore be taken away so that it cannot be used. Tannaitic tradition allowed the use of the mixture of sacrificial blood that flowed into the Qidron, but the *Temple Scroll*, no doubt, would have prohibited that as well. Hence, it is not enough for it to flow into a brook; it must be contained in dry wells in the earth.⁶⁸

IV. THE HOLY VESTMENTS

Finally, after a lacuna at the top of the column, the text returns to the subject of the vestments and their role (11QT 33:1–7):

1. [...] coming [...]⁶⁹
2. [...] And at the time when [...]
3. [...] and [...]
4. [...] which are upon them, and [they] (shall) pla[ce...]
5. [...] the build[ing] of the laver and [...] to the lave[r...]
6. [and those who ente]r them and those who go out of them to [...]⁷⁰
7. communicate holiness to My people with the holy garments [in] which [they serve].⁷¹

This passage must have outlined the way in which the priests were to enter and exit the Temple and the rules for the washing of hands and feet and the depositing and changing of garments.⁷² This topic is also treated earlier in our passage (11QT 32:10–11).

Our regulation is clearly based on Ezek 42:14, which required that the priests shed their holy vestments after offering the sacrifices, before leaving to the Outer Court. Other garments had to be put on before coming in contact with the people. The requirement that they

⁶⁸ Cf. *ibid.*, I, 224.

⁶⁹ Lines 1–5 must have discussed procedures for the changing of garments and the washing process.

⁷⁰ Probably restore, “the middle court”.

⁷¹ Following Qimron, *The Temple Scroll*, 48, except that we accept Yadin’s reading עמי (*The Temple Scroll*, II, 141), rather than Qimron’s השער. See Ezek 44:19 which is the basis for this passage.

⁷² Yadin, *Temple Scroll*, II, 140–141.

put on their special garments upon entering and then remove them upon leaving is also discussed in Ezek 44:17–19. In that passage it is required that the sanctified garments be left בלשכת הקדש, “in the holy chambers”, when they are not in use. Clearly our author saw these chambers as located in the House of the Laver. The requirement that the priests must wash before donning their priestly vestments is derived from Lev 16:4.⁷³

This text from the *Temple Scroll* actually alludes to certain specific aspects of this procedure. Line 1 discusses the entry of the priests, and line 4 has them placing their clothes in the lockers. According to line 6, when they go out, they are not to wear their vestments as it would bring the people into contact with these vestments which is considered improper.

CONCLUSION

In studying various laws in the *Temple Scroll* we have often noted that material from the Book of Kings regarding the Solomonic Temple was actually ignored by the *Temple Scroll*. Yet the case at hand is one in which the immense size of the laver and its location derive from that text. The author of the *Temple Scroll*, or his source, created a laver to embody both the basin of Exodus and the tank of the Solomonic Temple. In this respect, he was also influenced by the sacrificial legislation of the end of the book of Ezekiel. He housed the laver in a beautiful structure, created by him to allow the priests to change their clothes and to store their vestments, again, in accord with Ezekiel. In this way he sought to insure the highest levels of purity and sanctity for the priests who were to minister in the Temple which he had planned.

⁷³ Ibid., II, 139, 141.

CHAPTER SEVENTEEN

SACRED SPACE: THE LAND OF ISRAEL IN THE *TEMPLE SCROLL**

The *Temple Scroll*, compiled from a number of sources in the second half of the second century B.C.E., presents an ideal vision of Israel as it should build its Temple, worship its God, maintain ritual purity to the utmost degree, be governed by its king, and observe the laws of the Torah.¹ This ideal plan, according to the explicit statement of the scroll (11QT 29:2–10), was intended for the present age, not for the eschatological future. It was the intention of the author/redactor to put forward his scroll as an alternative to the “constitution” of Israel, religious and political, which was in place in the Hasmonean period. The author, like the compilers of the “halakhic letter,” *4QMiqṣat Ma’ase ha-Torah*, carried on a sustained polemic against both the Hasmoneans and the Pharisees.² Against the Hasmoneans, in the section termed by scholars the Law of the King, he argued for a new system of government and for separation of the kingship and priesthood. Against the Pharisees he argued regarding numerous legal matters and interpretations of Scripture, sometimes espousing views we know to be Sadducean.³ Yet his polemic went even further. He called for a new Temple building and for new settlement patterns as well. This polemic had a unique style. Instead of condemning his opponents and castigating them, the

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¹ Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983).

² See L.H. Schiffman, “The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect,” *BA53* (June 1990) 64–73.

³ L.H. Schiffman, “The *Temple Scroll* and the Systems of Jewish Law of the Second Temple Period,” *Temple Scroll Studies* (ed. G.J. Brooke; Sheffield: JSOT Press, 1989), 239–55.

author/redactor set forth his ideas in the form of an imitation Torah, itself a reworking of the canonical Torah in order to present the author's views as the word of God, revealed directly to Israel at Sinai.

In the area of Temple building, settlement patterns, and his approach to the Land of Israel, the author took a distinctly utopian view. Indeed, this view overarched the entire scroll, even, as we will see, extending to sections attributed by scholars to disparate sources. In what follows we will examine his concept of the Land of Israel, beginning with the Temple complex, and extending out from this center of holiness to the tribal allotments, the cities of Israel, and the houses in which the people dwelled.⁴ Throughout, the author is informed by a notion of concentric spheres of holiness,⁵ as well as by distinct concern for the sanctity of the entire land as sacred space.⁶

1. THE CONCEPT OF THE LAND

The preserved portion of the *Temple Scroll* begins with the assertion of God's covenant with Israel regarding the Land of Israel (column 2).⁷ This section, adapted from Exod 34:10–16 and Deut 7:5, 25 relates that God will expel the Canaanite nations from the Land of Israel. The Israelites, in turn, are commanded to destroy pagan cult objects and to avoid any covenants with the Canaanite nations since such alliances would lead to idolatry and intermarriage.⁸ The laws of war in

⁴ Cf. H. Stegemann, "'Das Land' in der Tempelrolle und in anderen Texten aus den Qumranfunden," *Das Land Israel in biblischer Zeit* (ed. G. Strecker; Göttingen: Vandenhoeck & Ruprecht, 1983), 154–71.

⁵ W.O. McCready, "Temple and *Temple Scroll*: A Sectarian Alternative," *Proceedings of the Tenth World Congress of Jewish Studies*, Division A, *The Bible and its World* (Jerusalem: World Union of Jewish Studies, 1990), 203.

⁶ One aspect of method must be touched upon here. Most of the scroll is formulated as an adaptation of biblical material. Yet the author/redactor and his sources have made a selection of material to rework. Hence, the biblical origin of a motif does not mean that it does not represent the view of the *Temple Scroll*, or that we ought not to attempt to understand why it is included and what its significance is in the scroll. On the other hand, concepts or legal rulings which are added to the biblical substratum by the redactor or his source must be understood to express most emphatically the views of the scroll.

⁷ The expression ארץ ישראל, "Land of Israel," appears in 11QT 58:6.

⁸ Cf. also the restored 11QT 61:01–02 which quotes the prohibition on pagan magical practices from Deut 18:14.

the scroll (60:9–16) concern the destruction of the pagan inhabitants of the land as well.⁹

The notion that Israel is given the land conditionally also appears in the scroll. Bribery and corruption in judgment must be avoided, “in order that you live, and come and take (or retain) possession of the land which I am giving you as a possession for ever” (51:15–16).¹⁰ In other words, the observance of the prohibition of judicial corruption is a condition of Jewish life in the Land of Israel. Transgression will result in the destruction of the land and exile (59:2–9). Only after repentance (line 11) will Israel return to its land.

2. THE TEMPLE CITY

For the *Temple Scroll*, the central point of the Land of Israel was the Temple and the surrounding complex (see Fig. 1).¹¹ Here the scroll provides for a Temple plan of very different proportions from that which existed in First or Second Temple times.¹² This new Temple

⁹ The scroll again states that Israelites are to enter the Land of Israel in the introduction to the Law of the King (56:12–13, based on Deut 17:14), and in the introduction to the prohibition of certain pagan magical practices (60:16, based on Deut 18:9: כִּי אֲתָהּ בָּא).

¹⁰ Cf. L.H. Schiffman, “The Deuteronomic Paraphrase of the *Temple Scroll*,” *RevQ* 15 (1992), 543–67 (pp. 443–469 in this volume).

¹¹ See Yadin I, pp. 177–276; L.H. Schiffman, “Architecture and Law: The Temple and its Courtyards in the *Temple Scroll*,” *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding, Essays in Honor of Marvin Fox* (eds. J. Neusner, E.S. Frerichs, N.M. Sarna; Atlanta: Scholars Press, 1989), I, 267–84 (pp. 215–232 in this volume); J. Maier, “The Architectural History of the Temple in Jerusalem in the Light of the *Temple Scroll*,” *Temple Scroll Studies* (ed. G.J. Brooke; Sheffield: JSOT Press, 1989), 23–62; “The *Temple Scroll* and Tendencies in the Cultic Architecture of the Second Commonwealth,” *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin* (ed. L.H. Schiffman; JSPSup 8; JSOT/ASOR monographs 2; Sheffield: JSOT Press, 1990), 53–82, and his *The Temple Scroll, An Introduction, Translation & Commentary* (Sheffield: JSOT Press, 1985), passim; H. Stegemann, “The Institutions of Israel in the *Temple Scroll*,” *The Dead Sea Scrolls: Forty Years of Research* (eds. D. Dimant, U. Rappaport; Leiden: Brill, 1992), 156–85.

¹² On the Temple source, see A. Wilson, L. Wills, “Literary Sources for the *Temple Scroll*,” *HTR* 75 (1982) 277f.; M.O. Wise, “The *Temple Scroll*: Its Composition, Date, Purpose and Provenance” (Chicago: University of Chicago Doctoral Dissertation, 1988), 92–7.

plan would be characterized by the enclosure of the Temple building itself by three concentric courtyards.¹³

The Inner Court (11QT 36:3–7) was to measure some 280 cubits square, with an outside dimension of 294 cubits. The gates of the Inner Court were to be located on each of its four sides. By comparison with the apportionment of chambers on the inside wall of the Outer Court, it can be determined that these gates represented the four groups of the tribe of Levi: The Aaronide priests on the east, the Levites of Kohath on the south, Gershon on the west, and Merari on the north. This arrangement corresponds exactly to that of the desert camp as described in Num 3:14–39.

The Middle Court (38:12–15) was to be concentric with the Inner Court, 100 meters further out. The entirety was to be 480 cubits square, with three gates on each side. The gates (39:11–13) were to be distributed among the twelve tribes of Israel, each having its own gate.¹⁴

The Outer Court (40:5–11) was also concentric, with sides measuring some 1600 cubits. This wall would also have twelve gates (40:13–41:11) which are distributed such that they correspond exactly to those of the Middle Court.¹⁵ But equally important are the chambers in the outer wall which face inward (41:17–42:6). These areas, in which there were *stoas*, rooms, and inner chambers (proceeding from the inside out) had three stories, with places for Sukkot on the top (42:7–12). These chambers were to be apportioned (44:3–45:2) to the various tribes as well as to the priestly and Levitical groups we mentioned above. Because the chambers are between the gates, the appropriate number of 16 locations is achieved for the 12 tribes and 4 Levitical groups, and, predictably, therefore, Aaron is assigned two groups of chambers in deference to a kind of ritual status of firstborn which entitles him to a double portion.

¹³ Cf. J. Maier, "Die Hofanlagen im Tempelentwurf des Ezechiel im Lichte der Tempelrolle von Qumran," *Prophecy, Essays Presented to Georg Fohrer on his Sixty-fifth Birthday* (ed. J.A. Emerton; BZAW 150; Berlin: De Gruyter, 1980), 55–67.

¹⁴ The apportionment of gates to the twelve tribes is found in regard to the city of Jerusalem in Ezek 48:31–34 and Rev 21:12–14. The same notion is found in an unpublished Hebrew manuscript from cave IV according to J. Starcky, "Jerusalem et les manuscrits de la Mer Morte," *Le Monde de la Bible* 1 (1977) 38–40.

¹⁵ We are unconvinced by M. Barker, "The Temple Measurements and the Solar Calendar," *Temple Scroll Studies* (ed. G.J. Brooke; Sheffield: JSOT Press, 1989), 63–66 who sees the gates of the Outer Court as symbolizing the calendar and serving as a device for its calculation.

The pattern of distribution of the chambers corresponds to that of the gates. The twelve sons each receive the chambers closest to their gates in the Outer and Middle Courts, and the four Levitical clans receive the chambers between those assigned to the brothers, opposite to the Levitical gates in the Inner Court.

This unique Temple plan, not really based on the biblical sanctuaries—the Tabernacle, the Solomonic Temple, and the descriptions at the end of Ezekiel—nor matching either the pre-Herodian or Herodian Second Temple structures,¹⁶ must be explained as representing the layout of the Tabernacle and the desert camp combined. The architect of this Temple plan sought to place the camp of Israel within the expanded *temenos*. Hence, he called for a Temple structure that made access to the tribes and even symbolic dwelling places for them a basic principle of design. Each tribe was assumed to enter the *temenos* through its prescribed gate and to proceed initially to its chambers. From there all members of the tribe or Levitical clan could circulate in the Outer Court. Those not disqualified from entry into the Middle Court¹⁷ could then proceed into that court, again through their respective gates. Only priests and Levites could proceed to the Inner Court through their gates wherein the Temple and its furnishings were located.

Behind this entire plan lies the assumption that the Temple is the center of sanctity which can be reached by entering further and further into the concentric spheres of holiness of the *temenos*. The scroll makes clear repeatedly that it is the indwelling of the Divine Presence in the Temple which imparts to it this level of sanctity. God is to dwell in the Temple, among the Children of Israel forever, according to many passages throughout the *Temple Scroll*.¹⁸ This motif cuts across all possible sources for the scroll and is among its most dominant themes. We

¹⁶ Maier, "Architectural History," 33–52. Cf. M. Delcor, "Is the *Temple Scroll* a Source of the Herodian Temple?" *Temple Scroll Studies* (ed. G.J. Brooke; Sheffield: JSOT Press), 67–89. We find unsupported his thesis that the Essenes (whom he regards as the authors of the *Temple Scroll*) took part in the building of the Herodian Temple and that the scroll served as an influence on its plan.

¹⁷ See L.H. Schiffman, "Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*," *HAR* 9 (1985) 303–6 (pp. 381–401 in this volume).

¹⁸ This theme appears in the conclusion of the Festival Calendar of the scroll (29:3–4, 7–8), the purity laws (45:12, 13–14, 46:11–12, 47:10–11), the commands for the construction of the Temple (46:4 [partly restored]), the laws of forbidden food (51:7–8), the prohibition of non-sacral slaughter (52:19–20, 53:1 [restored]), the ban on the skins of such animals in the Temple City (47:18), the laws of oaths and vows (53:9–10), and the authority of priests, Levites and judges (56:5).

should note that the term for this dwelling is the verb שָׁכַן, which while taken over from biblical usage, appears here in a sense very close to the rabbinic substantive *shekhinah* designating the Divine Presence.

3. INSTALLATIONS OUTSIDE THE TEMPLE CITY

Beyond the *temenos* just described were a few installations designed to insure the sanctity of the holy place (see Fig. 2). Among them was the place for the latrines (ט), which were to be constructed as “roofed houses with pits within them.”¹⁹ These structures are to be located northwest of “the city,” i.e. the Temple City, at a distance of three thousand cubits (46:13–16).²⁰ It is probable that this figure is derived from Num 35:4–5 which was understood to describe an area surrounding the Levitical cities of three thousand cubits.²¹

Further, the scroll requires (46:16–47:1) that outside the Temple City, specific locations be assigned to the east of the cities for three groups that are impure: those with the skin disease צַרְעַת, gonorrhoeas, and those who had a seminal emission. It is possible to understand these prescriptions as based on the assumption that the Temple City includes the residence area and that those within it who contracted these impurities would have to leave the city to dwell in these areas while impure.²² Yet in our view, the intention of the scroll is to locate the entire residence area outside of the Temple City, and to expand the *temenos* to include the entirety of what was Jerusalem in the author’s time.²³ In this view, there would be no residents of the Temple City to require such facilities outside it. In our opinion, those who came to the Temple for the seven day purification rites were not allowed to enter it until the rites

¹⁹ Trans. Yadin II, 199.

²⁰ See Yadin I, 294–304 and his earlier article, “The Gate of the Essenes and the Temple Scroll,” *Jerusalem Revealed, Archaeology in the Holy City 1968–1974* (ed. Y. Yadin; Jerusalem: Israel Exploration Society, 1975), 90f. Cf. L.H. Schiffman, *The Halakhah at Qumran* (Leiden: E.J. Brill, 1975), 93f. where 2000 (in relation to the 11QT) must be corrected to 3000.

²¹ This interpretation and the resultant ruling are in conflict with both the *Zadokite Fragments* (CDC 10:21, 11:5–7) and the *War Scroll* (1QM 7:6–7). See Schiffman, *Halakhah at Qumran*, 91–98, 111–13.

²² So Yadin I, 277–94.

²³ Schiffman, “Exclusion,” 317; M. Broshi, “The Gigantic Dimensions of the Visionary Temple in the Temple Scroll,” *BAR* 13, no. 6 (1987) 36–7. McCready, “Temple and Temple Scroll,” 203 suggests that this was essentially a protest against the nature of Second Temple period Jerusalem as a commercial and governmental center.

were completed. They stayed in these areas during the rituals and then entered the Temple to offer their sacrifices in a state of purity.

4. THE TRIBAL ALLOTMENTS

Beyond the Temple City, which symbolized for the scroll the desert camp, was located the hinterland of Israel. Ezek 48:1–10 had adopted an ideal view of the land, seeing the tribal allotments as a series of east-west strips of land to be occupied by each tribe. Our scroll, also, took an ideal view. But for our author it is most likely that the tribes were to dwell outside their respective gates. Indeed, it was through these gates that the tribal territory was to be tied to the sanctity of the central shrine and the Divine Presence which dwelled there. The territory of each tribe, in the view of the scroll, was to be located directly opposite its gate.

We cannot be certain of the exact manner in which the tribal allotments would have been shaped in this view. They may have been perceived by the scroll as radiating from the epicenter, so that the tribes essentially dwelled in a circle around the Temple. Such a view has some parallel in traditions reflected in Dura Europos²⁴ and in Jewish mystical texts.²⁵ It seems to us most probable that the scroll treated the Land of Israel as a square with the tribes distributed in similar positions, each occupying square or rectangular areas. Only this model would provide all the tribes with equal access to the Temple through their respective gates and at the same time accord with the scroll's predilection to square structures. In any case, the conceptual basis is the same. Each tribe was apportioned territory such that it would have direct access to the Temple from which holiness emanated to the entire land.

It is also possible that the scroll looked forward to tribal allotments similar to those of Ezekiel 48. In this case, north and south of the Temple precincts there would have been east-west strips of land assigned to the various tribes. Yet such a plan would be at variance with the theological notions of the scroll which clearly place the Temple at the center of the land and the tribes around it. We must conclude that

²⁴ Panel WB I, in C.H. Kraeling, *The Synagogue, The Excavations at Dura-Europos, Final Report VIII, Part I* (New York: Ktav, 1979), Plate LIX, and pp. 118–25. For the aggadic basis of the painting, see *t. Suk.* 3:10–13, and S. Lieberman, *Tosefta Kifshutah IV* (New York: Jewish Theological Seminary, 1962), 876–8.

²⁵ See Schiffman, "Architecture and Law," 283–4 and notes 76–9.

our author, far from being dependent on Ezekiel, saw his plan for the Temple and the Land of Israel as an alternative to that of the book of Ezekiel.²⁶

The author expected all the tribes of Israel to dwell in the land as ideally constituted. This assumption implies a notion that the lost tribes would return, although this is nowhere stated directly.²⁷ The twelve tribes as a group play a consistent role throughout the scroll in numerous cultic and other contexts,²⁸ to which their role in the architecture of the Temple and the apportionment of the land correspond fully. In this respect, the Temple is understood by the scroll to be a microcosm of the Land of Israel. Each tribe, therefore, had to have its appointed place in the sanctuary.

5. RITUAL BOUNDARIES

The *Temple Scroll* mentions two boundaries within the land which indicate proximity to the Temple in specific legal contexts (see Fig. 4). The scroll requires that within three days' journey of the Temple City all slaughtering be done as *shelamim* offerings in the Temple (52:13–16). This distance is based on the scroll's interpretation of the words "when the Lord your God will expand your borders . . . when the place is far from you" (Deut 12:20–21). Three days' journey would have been approximately 60–75 Roman miles.²⁹ Only outside this limit is it permissible to slaughter in non-sacral manner.³⁰

The very same three-day limit serves to explain similar phraseology in Deut. 14:24 regarding the exchanging of tithe produce for money, the bringing of the money to the Temple, and the purchase of substitute produce to be eaten there (43:12–15). In this case also, the scroll rules

²⁶ Maier, "Architectural History," 33–5. A detailed comparison by Y. Yadin appears in *Ensiqlopedyah 'Olam Ha-Tanakh, Yehezqel* (ed. G. Brin [Ramat Gan]: Revivim, 1984), 251–4. See also Yadin I, 190–2.

²⁷ 11QT 59:11–12 describes the return but does not mention the tribes.

²⁸ See 11QT 18:16 (First Fruits—*Shavu'ot*); 19:14–16, 21:2–3 (Wine Festival); 21:15, 22:12–13 (Oil Festival); 23:7, 9–10, 24:10–25:01 (Wood Offering); 57:5–6 (royal guard); 57:11–12 (King's council). The presence of the twelve tribes is assumed, then, in the "Festival Calendar," the "Temple source," and the Law of the King, as well as by the author/redactor who placed these sources into the complete scroll.

²⁹ O.R. Sellers, "Weights and Measures," *IDB* 4, 838. A Roman mile is 5000 feet.

³⁰ Yadin I, 308–14, 318–20.

that this procedure is only valid for those living more than three days' journey from the Temple.

This distance is derived from Exod 8:23–24 where Moses asks to journey for three days and Pharaoh replies, “but do not go too far” (הרחק לא תרחיקו). Hence, for both these laws, the scroll ruled that the distance defined by the Torah as “far” (רחוק) is three days' journey. This derivation is important from another point of view, as it shows that the circle of three days' journey which the scroll draws around the Temple is in no way connected with spheres of holiness. The area of the Land of Israel within and without this circle is of the same sanctity as is all Israel beyond the Temple City. The scroll's ruling is intended only to fix the distance from the Temple beyond which it was permitted to engage in non-sacral slaughter and to exchange tithes. As usual, the scroll used the midrashic method and based itself on another passage in the Torah to determine the ruling.

There is yet another legal boundary in the scroll. For the author of the scroll, a blemished animal constituted an exception to the ban on non-sacral slaughter within three days' journey of the Temple. Since it may not be offered as a *shelamim* sacrifice, it may be slaughtered within the three-day limit (52:16–19). Here the scroll derives its ruling from that for blemished firstlings in Deut 15:21–23. Yet the problem is to determine what is meant by “in your gates,” the area in which blemished firstling, and hence all blemished animals, may be eaten after non-sacral slaughter. The scroll defines this distance as an area more than thirty *ris* outside the Temple City.³¹ The *ris* is the Latin *stadium*,³² and thirty are equal to about four Roman miles.³³ This distance, is not very far, yet it was considered enough to be a reasonable distance outside the Temple City.

Again, we deal here not with a notion of sanctity, but only with one of the definition of distance. This prescription intends to insure that the blemished animal will not be slaughtered in the Temple City.³⁴

³¹ See Yadin, I, 314f., 317f.

³² Two hundred yards or four hundred cubits (Sellers, “Weights and Measures,” 838).

³³ This same measure of length is used in the *New Jerusalem* texts. See J.T. Milik, in M. Baillet, J.T. Milik, R. de Vaux, *Les 'petites grottes' de Qumrân*, DJD 3 (Oxford: Clarendon Press, 1962), 177–8 and Yadin, I, 317–18.

³⁴ *m. B. Qam.* 7:7 also uses the distance of thirty *ris* to define what is “far” (רחוק) from the settled area.

6. THE CITIES OF ISRAEL

Throughout the *Temple Scroll*, and in all its constituent sources, there is a persistent notion that the people of Israel will dwell in cities. From the discovery of the *Zadokite Fragments* in the late nineteenth century on, and again after the publication of the *Temple Scroll*, there has been discussion about the meaning of the term עיר המקדש, literally, “city of the sanctuary.” While some have taken this phrase as a reference to the city of Jerusalem as a whole, including the residence areas,³⁵ we take it as referring only to the Temple precincts.³⁶ Accordingly, the restrictions on entry into the Temple City of those with various disqualifications and impurities refer essentially to the *temenos*, the Temple precincts.³⁷ It was the intention of the author of the scroll to expand the size of this *temenos* to cover almost the entirety of what was Jerusalem in his day. But he envisaged the people as living in the cities of Israel which were to be scattered about the central sanctuary, each tribe opposite its respective gate. This pattern was to include also the priests and Levites.³⁸

Opposite the Temple City were “their cities” (47:8) or “your cities” (47:14, 17) in which, if three days’ journey from the Temple, non-sacral slaughter was permitted. These cities are to be distinguished from God’s city, referred to as “My city” or the Temple City. Yet even these cities had to observe certain purity regulations. Areas were set aside for those with impurities also outside these cities: for those with various skin diseases (cf. 49:4), gonorrhoeas, menstruants or parturients. These locations were to be designated for each city (48:14–17).

Burial in the cities was forbidden (48:11). Burial places were to be set aside one for each four cities (48:11–13). We can assume that these cemeteries were to be located equidistantly between the four cities (see Fig. 5). The graves, like those in the Qumran cemeteries, were probably also located in rows. The limitation of burial to specified places was designed to avoid rendering the land impure (48:10).³⁹ Despite these arrangements, the same section of the scroll considers the possibility that one may come into contact with a stray grave (50:8, cf. line 11).

³⁵ Yadin I, 277–85.

³⁶ B.A. Levine, “The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character,” *BASOR* 232 (1978) 14f.; Schiffman, “Exclusion,” 301–20.

³⁷ See the complete list in Schiffman, “Exclusion,” 314f.

³⁸ Cf. 11QT 60:12–15 which follows Deut 18:6–8.

³⁹ The law of the impurity of the dead begins by mentioning “your cities” (49:5).

Two other terms for cities occur. “Your gates” (שעריכה) refers to the cities in a number of laws taken over from Pentateuchal usage. These passages all occur in the Deuteronomic Paraphrase at the end of the scroll.⁴⁰ A second term, dwelling places (מושבות),⁴¹ is used in the laws pertaining to the series of First Fruits festivals where it is taken over from Lev 23:17.⁴²

As opposed to rabbinic literature which speaks of cities, towns and villages, in this text we hear only of the city, or its opposite, the field. The field is alluded to only when it is mentioned in the biblical passage,⁴³ whereas the city is often added by the scroll in sections of original composition. Along with the field there is one mention of a vineyard in connection with the prohibition of the king’s acquiring the property of his subjects by force of his office (57:20–21).

The cities of Israel have officers (57:5) and these cities are apportioned by tribes. That is, each tribal area is expected to have cities in which the people (presumably of that tribe) dwell. Not a single passage in the scroll describes anyone as living anywhere but in these cities. The Law of the King expects (58:3–11) that the conscription of troops for defensive warfare will take place from these cities and that the cities as well as the borders will have to be protected against enemy attack. The mention of elders of the cities (63:1, 4, 64:4, 65:13) is only in contexts in which the Bible is being copied by the scroll in the Deuteronomic Paraphrase.⁴⁴ The שרים are expected to control the affairs of the cities by the author of the Law of the King (57:4, 58:4). Indeed, such שרים, patterned on the officers of Israel in the biblical period, appear several times in the scroll.⁴⁵

⁴⁰ 11Q^T 51:11 (Deut 16:18), 52:10 (Deut 15:22), 52:14 (exegesis of Deut 12:15), 52:17 (adapted from Deut 15:22), 53:4 (based on Deut 12:15), 55:15 (Deut 17:2), and 60:12 (Deut 18:6).

⁴¹ Cf. Num 31:10.

⁴² 11Q^T 17:4, 18:9, 13, 21:9, 14, 23:01, and 25:8, 27:9, all in the First Fruits festivals. See also the very tentative reading in 39:9.

⁴³ 11Q^T 50:5 (Num 19:16), 57:21 (cf. 1 Sam 8:14, Mic 2:2) and 66:5, 7 (Deut 22:25, 27).

⁴⁴ On the character of this section of the scroll see L.H. Schiffman, “The Deuteronomic Paraphrase,” 543–67.

⁴⁵ 11Q^T 21:06, 22:2 (both in the first fruits festivals), 42:15 (the festival of Sukkot), 62:4–5 (laws of war in the Deuteronomic Paraphrase). Cf. also L.H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls* (SBL Monograph Series 38; Atlanta: Scholars Press, 1989), 32–34.

Within the cities the residents were all expected to live in stone houses. This is clear from the detailed discussion of the purification of the house in which a dead body had rested (49:5–50:16). The term for house is consistently **בית**, which is substituted for the biblical “tent.”⁴⁶ The parts of the house are described (49:12–13) as including floor, walls, doors, locks, doorposts, thresholds and lintels. Among the equipment expected to be in this house (50:14–16) are hand mills for grinding grain, mortars for grinding spices and other smaller foods, wooden, iron and brass vessels, clothing, sacks, and leather goods. Another list (50:16–18), also connected with the impurity of the dead, includes items made of goat’s hair and earthen vessels. In accordance with Deuteronomic law (Deut 22:8), the house was to have a railing around its roof (65:5–6).

While we have absolutely no information from the *Temple Scroll* regarding the manner in which these houses are to be laid out in the cities, it is worth comparing some data from the town plan provided in the *New Jerusalem* texts found at Qumran.⁴⁷ It has been shown that in some ways the concepts of architecture of the *Temple Scroll* and the *New Jerusalem* texts have certain common elements.⁴⁸ The fantastic proportions of the city described in the *New Jerusalem* texts are way beyond anything imagined in the *Temple Scroll*, and, therefore, the dimensions are of no help. Yet from the square character of the Temple plan of the scroll, and from the parallels that have been noted, it would seem most logical that like *New Jerusalem*, the *Temple Scroll* expected some form of *hippodamic* city plan.⁴⁹ In such cities, common in the Hellenistic period even in the Near East, the streets would be arranged in a grid with allocations for wider streets in certain places. Houses were located

⁴⁶ See L.H. Schiffman, “The Impurity of the Dead in the *Temple Scroll*,” *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin* (ed. L.H. Schiffman; Sheffield: JSOT Press, 1990), 138–140, 133 (pp. 403–423 in this volume). The appearance of **אֹהֶל** (“tent”) in 17:9 is a reflex of Deut 16:7.

⁴⁷ See F. García Martínez, “La ‘Nueva Jerusalén’ y el Templo Futuro de los MSS. de Qumrán,” *Salvación en la Palabra, Targum—Derash—Berith, En memoria del profesor Alejandro Díez Macho* (ed. D.M. León; Madrid: Ediciones Cristiandad, 1986), 563–90.

⁴⁸ Wise, 97–131, M. Broshi, “Visionary Architecture and Town Planning in the Dead Sea Scrolls,” *Time to Prepare the Way in the Wilderness: Papers on the Qumran Scrolls* (eds. D. Dimant—L.H. Schiffman; Leiden: Brill, 1995), 9–22.

⁴⁹ See J. Licht, “An Ideal Town Plan from Qumran—The Description of the New Jerusalem,” *IEJ* 29 (1979) 45–59. Note also that the size of the houses in this document was realistic, measuring 21 × 14 cubits.

in *insula* which occupied the spaces between the streets.⁵⁰ The scroll must have expected such a layout. Further, the gates of the cities of the scroll would probably have been placed on four sides. Such a plan would yield a group of four cities with a cemetery which would also have roughly square proportions.

For the author/redactor of the scroll, was there a biblical basis for his notion of the land and its settlement patterns? Numbers 35 details the nature of the Levitical cities and the role of some of them as cities of refuge. We have already noted that the distance of the latrines was determined by this chapter. Further, this chapter, as read by the author of the scroll, would have indicated that the populace was to dwell in cities and that the cities were to be square.⁵¹ The total number of cities described in Numbers is forty-eight, and it is tempting to say that the scroll envisaged four cities per tribe, with one cemetery to serve them.⁵² Yet this biblical passage indicates only that there are to be forty-eight Levitical cities, whereas the scroll is here concerned with the entirety of the nation. It seems, then, that this passage would have led the author to expect a much greater number of cities, but any further conclusions would be mere speculation.

7. CONCLUSION

Compiling his scroll in the Hasmonean period, the author/redactor of the *Temple Scroll* enunciated his ideals regarding the ideal Temple, the sanctity of the Land of Israel, and the settlement of the twelve tribes in their allotments in the present, pre-messianic era. These aspirations are also reflected throughout other sections of the scroll, most probably preexistent sources, such as the Festival Calendar and the Law of the King, as well as in the Deuteronomic Paraphrase which the author/redactor composed himself to complete his Torah scroll. Indeed, this overall plan was for the compiler of the *Temple Scroll* a basic premise in his quest for the complete reform of the polity and worship of the Jewish people in the Hasmonean period.

⁵⁰ Cf. the plan of Dura-Europos in W. Hoepfner, E.-L. Schwander, *Haus und Stadt im klassischen Griechenland* (Munich: Deutscher Kunstverlag, 1986), 205–40.

⁵¹ Cf. M. Greenberg, "Idealism and Practicality in Numbers 35:4–5 and Ezekiel 48," *Essays in Memory of E.A. Speiser* (ed. W.W. Hallo; American Oriental Series 53; New Haven: American Oriental Society, 1968), 59–63.

⁵² Yadin I, 322f.

The scroll may be seen to a large extent as a polemic against the policies of the Hasmoneans, on the one hand, and the rulings of the Pharisees, on the other hand. A similar polemic underlies *4QMiqsat Ma'ase ha-Torah* (MMT) which confirms that Pharisaic rulings were being followed in the Temple in the early Hasmonean period.⁵³ At that time, the *Temple Scroll* called for a total reconstruction of the Temple and redistribution of the land around it, so as to grant to all the tribes of Israel direct access to the presence of God, and an outflow of holiness to the entire land. Only in this way, the author believed, would the future of Israel upon its land be guaranteed.

The scroll's plan, as we have examined it here, bears little relationship to the teachings of the Qumran sect as they are known from the sectarian texts.⁵⁴ Further, there is no attempt in the architecture of the Qumran structures to follow any ideal blueprint. In this respect, the preceding study supports our general conclusion that some of the sources of the *Temple Scroll* are pre-Qumranian and that the author/redactor, regardless of his own affiliation, does not reflect the ideas of the Qumran sect in his scroll.

Our author did not follow the vision of Ezekiel closely, yet he and the prophet shared the desire to see the Jewish people, all twelve tribes, restored to their ancient glory in the sacred Land of Israel, and to see the Temple and its service conducted at an even greater level of sanctity than that required by the Torah. Both would have looked forward to the fulfillment of the vision of the *Temple Scroll* for Israel in the immediate, pre-messianic period (59:11–13):

I will save them from the hands of their enemies and deliver them from the hand of those who hate them, and bring them to the land of their fathers, where I will deliver them and multiply them. Then I will take delight in them, and I shall be their God, and they shall be My people.

⁵³ See above, n. 2.

⁵⁴ Stegemann, "The Institutions of Israel," 162–6.

PART FOUR
SACRIFICES

CHAPTER EIGHTEEN

SACRAL AND NON-SACRAL SLAUGHTER ACCORDING TO THE *TEMPLE SCROLL*

In columns 52–53 of the *Temple Scroll* (11QT), among other things, the text deals with a number of laws which relate to the slaughter of animals, either in regard to sacrifices (קדשים) or in regard to non-sacral slaughter (שחיטת חולין):

1. The prohibition on sacrificing a blemished animal (11QT 52:3–5);
2. The prohibition of slaughtering a pregnant animal (11QT 52:5–7);
3. The law of the first born of a pure (kosher) animal, including the prohibition of sacrificing a blemished first-born animal (11QT 52:5–12);
4. The prohibition of non-sacral slaughter within a boundary of three days' journey from the Temple (11QT 52:14–16);
5. The obligation to slaughter blemished animals only at a distance of 30 *ris* from the Temple (11QT 52:16–19);
6. The prohibition on eating animals slaughtered outside of the Temple in the City of the Sanctuary (11QT 52:19–21);
7. The law of non-sacral slaughter (11QT 53:07–8).

In general, these laws deal with two things: sacral and non-sacral slaughter on the one hand, and blemished and disqualified animals on the other hand. In this paper we will deal with the first matter. Some of the other issues have already been dealt with by us elsewhere.¹

THE *TEMPLE SCROLL*: THE LITERARY FRAMEWORK

Before entering the subject of slaughter itself, it is necessary to make some introductory remarks regarding the *Temple Scroll* in general and the specific passages to be treated here. The scroll in its entirety is a reworking

¹ See L.H. Schiffman, "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992) 543–567 (pp. 443–469 in this volume).

of biblical material with a number of additions, most of which are short.² The most prominent and longest of these additions, as is well known, is the Law of the King which is found in cols. 56–59.³

Besides these additions, the scroll is built on the reworking which we mentioned. Some of these modifications constitute only minor variations or changes in the order of the prescriptions, and some of them represent an attempt to harmonize one passage in the Torah with another and to derive legal rulings from them. There are only a small number of quotations with no tendentious (intentional) adaptations or such harmonizations. The more we study the scroll in detail, the fewer such examples of unmodified quotation seem to exist.

Scholars have already pointed out that this scroll is not a unity. Rather, if we may borrow an expression from the rabbis, מגילות מגילות ניתנה, “it was given in a series of scrolls.”⁴ The scroll was originally composed as separate documents which have been put together to constitute the whole. We may recognize a number of sources which were available to the author/redactor who apparently made use of them when he composed his scroll.⁵

One of these sources was the Festival Calendar (cols. 13–29); a second was perhaps the series of laws on matters of ritual purity and impurity (cols. 55–57); and a third was definitely the Law of the King. Nonetheless, the relationships between these sections, as well as the process of harmonization and reworking, testify to an author who controlled all the material and left his own stamp firmly on it.

When did he do his work? Based on numerous studies which I have done of aspects of this scroll, I have come to agree fully with Professor Yadin who fixed the date of the text in the days of John Hyrcanus

² See Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) vol. I, 71–88. On the genuine textual variants in the scroll's rendering of the biblical text, see E. Tov, “מגילת המקדש וביקורת נוסח המקרא,” *ErIs* 15 (1981/2) 100–111.

³ L.H. Schiffman, “The King, His Guard and the Royal Council in the *Temple Scroll*,” *PAAJR* 54 (1987) 237–259 (pp. 497–504 in this volume).

⁴ *b. Git* 60a.

⁵ A.M. Wilson and L. Wills, “Literary Sources in the *Temple Scroll*,” *HTR* 75 (1982) 275–288; H. Stegemann, “The Literary Composition of the *Temple Scroll* and its Status at Qumran,” *Temple Scroll Studies*, ed. G.J. Brooke (Sheffield: JSOT Press, 1989) 123–145, although we cannot accept his conclusions; M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, Studies in Ancient Oriental Civilization 49 (Chicago: The Oriental Institute of the University of Chicago, 1990); F. García Martínez, “Sources et rédaction du Rouleau du Temple,” *Hen* 13 (1991) 219–232.

(135/4–104 B.C.E.) or Alexander Jannaeus (103–76 B.C.E.).⁶ There is no doubt, in my view, that in this period the scroll was composed and redacted from its component sources. Today, however, the date of the sources of the *Temple Scroll* has become an important question.

This importance stems from the significance of the exceedingly important text 4QMMT, *מקצת מעשי התורה*, known also as the “Halakhic Letter”.⁷ The parallels between this text and the *Temple Scroll*⁸ lead to the unquestionable conclusion that the *Temple Scroll* was influenced by Sadducean law and exegesis, and, in fact, even by written Sadducean sources.⁹ Such sources would explain the parallels between the new text (MMT) and the *Temple Scroll*.

When the author/redactor of the scroll came to arrange the sources which were available to him, and after he had dealt with the major issues, i.e. his polemic against the present order of affairs in the Jerusalem Temple and the architecture of the Temple itself, as well as against the Hasmonean political order, he saw that his “Torah” remained incomplete. Therefore, the author/redactor of the scroll took upon himself the task of composing the last section, the paraphrase of large parts of the legal section of the book of Deuteronomy.¹⁰ For this reason he dealt with numerous issues in Deuteronomy. Nevertheless, even without the desire to present his text as a complete Torah, he would have included in his scroll the material to be discussed here dealing with sacral and non-sacral slaughter.

⁶ Yadin, *Temple Scroll*, I, 386–390; M. Hengel, J.H. Charlesworth, D. Mendels, “The Polemical Character of ‘On Kingship’ in the *Temple Scroll*: An Attempt at Dating 11QTemple,” *JJS* 37 (1986) 28–38.

⁷ See E. Qimron and J. Strugnell, “An Unpublished Halakhic Letter from Qumran,” *Biblical Archaeology Today*, ed. J. Amitai (Jerusalem: Israel Exploration Society, 1985) 400–407; another article by the same title, *Israel Museum Journal* 4 (1985) 9–12 and plate I; and L.H. Schiffman, “The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect,” *BA* 55 (1990) 64–73. A full bibliography is available in Z.J. Kapera, *Qumran Cave Four, Special Report* (Krakow: Enigma Press, 1991) 75–80.

⁸ L.H. Schiffman, “*Miqsat Ma’ase Ha-Torah* and the *Temple Scroll*,” *RevQ* 14 (1990) 435–457 (pp. 123–147 in this volume).

⁹ M. Lehmann, “The *Temple Scroll* as a Source of Sectarian Halakha,” *RevQ* 9 (1978) 579–587, esp. 579; J.M. Baumgarten, “The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts,” *JJS* 31 (1980) 157–170; L.H. Schiffman, “The *Temple Scroll* and the Systems of Jewish Law of the Second Temple Period,” *Temple Scroll Studies*, 239–255; and the important article of Y. Sussmann, “חקר תולדות ההלכה ומגילות ‘מקצת מעשי התורה’” *Tarbiz* 59 (1989/90) 11–76.

¹⁰ See above, n. 1.

Before turning to the subject of this paper, we should remember that this scroll, as it came from the hands of the author/redactor, does not intend to reflect any actual Temple, sacrificial order, or political regime. On the contrary, the scroll in its entirety is the fruit of the dreams and aspirations of the author and his sources for a life of sanctity, purity and uprightness, in accordance with his interpretation of the canonical Torah. In the view of the author, his entire Torah, the material taken from the canonical Torah as well as his new Torah, was itself the result of God's revelation to the Jewish people, without the intermediacy of Moses, at Mt. Sinai.¹¹ Only in this literary and historical framework is it possible to understand the legal materials which he included in his work.

The study that follows will present first the laws from the *Temple Scroll*. Then the biblical material which lies behind these prescriptions will be examined. We will then explain how these laws relate to their biblical sources. Finally, general conclusions regarding the nature of the scroll will be drawn.

THE LAWS OF SLAUGHTER

In 11QT 52:13–16 there is a law relating to non-sacral slaughter in the vicinity of the Temple:

לוא תזבח שור ושה ועז טהרים בכל שעריכה, קרוב למקדשי דרך שלושה ימים. כי אם בתוך מקדשי תזבחנו לעשות אותו עולה או זבח שלמים. ואכלתה ושמחתה לפני במקום אשר אבחר לשום שמי עליו.

You may not slaughter an ox, sheep or goat which are pure (i.e. kosher) animals in any of your gates, within three days' proximity of My Temple. Rather, you must slaughter it (such an animal) in My Temple so as to make it a burnt offering or a whole-offering sacrifice. Then you shall eat and rejoice before Me in the place upon which I shall choose to place My name.¹²

¹¹ Yadin, *Temple Scroll*, I, 71–73, cf. 406–407; B.A. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 17–21. Cf. B.Z. Wacholder, *The Dawn of Qumran* (Cincinnati: Hebrew Union College, 1983) 13–17; L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, CA: 1983) 14–17.

¹² All translations in this article are mine.

According to this passage, it is forbidden to slaughter a pure, kosher animal within a boundary of three days' journey of the Temple. Within this area, only sacral slaughter is permitted.

This passage appears in the scroll immediately after sections almost directly quoted from Deut 25:4 and 22:10 (11QT 52:12–13). The common element uniting all the matters dealt with on col. 52 (after line 3) is the connection to the slaughter of animals. With our law, the scroll turns to Deut 12 which it then follows all along until verse 26. There is no doubt, therefore, that our passage is based on Deut 12:5–7 with reference to Lev 17.¹³

The second law regarding this matter is that which forbids eating in the City of the Sanctuary any meat from an animal which was slaughtered outside of the Temple. Thus 11QT 52:19–21 provides:

לוא תואכל בשר שור ושה ועז בתוך עירי אשר אנוכי מקדש לשום שמי בתוכה אשר לוא יבוא לתוך מקדשי וזבחו שמה, וזרקו את דמו על יסוד מזבח העולה, ואת חלבו יקטירו.

You may not eat the meat of an ox, sheep or goat within My city, which I sanctify in order to place My name there, which does not come into My Temple (so that) they slaughtered (it) there, and sprinkled its blood on the base of the altar of burnt offering(s) and offered its fat(s).

Here, it is forbidden to eat in the City of the Sanctuary of meat which was slaughtered outside the Temple, and the blood of which and fats of which were not properly offered there. What emerges from this passage is that in order to be permitted to eat of an animal in the City of the Sanctuary, the animal must be slaughtered as a שלמים (whole-offering).

An additional law which deals with this topic is 11QT 53:07–8 which permits non-sacral slaughter at a distance from the Temple:

[כי ארחיב את גבולכה כאשר דברתי לכה וכי ירח]ק [ממכה המקום אשר בחרתי לשום שמי שמה, ואמרתה אוכלה בשר כי א]ותה נפשכה לאכול [שר. בכול אות נפשכה] תואכל בשר. [וז]ב[חת]ה מצואנכה ומבקריכה כברכתי אשר אתן לכה ואכלתה בשעריכה, והטהור והטמא בכה יחדיו כצבי וכאיל. רק חזק לבלתי אכול הדם; על הארץ תשופכנו כמים וכסיתו בעפר. כי הדם הוא הנפש ולוא תואכל את הנפש עם הבשר. למען ייטב לכה ולבניכה אחריכה עד עולם, ועשיתה הישר והטוב לפני אני ה' אלוהיכה.

¹³ Yadin, *Temple Scroll*, II, 231–232.

[When I enlarge your territory as I promised you, and if the place which I have chosen there to place My name is too far]r [from you, and you say, "I should (like to) eat meat," for you] desire to eat m[eat, you may] eat as much m[eat as you desire. You may] s[laughter] any of your sheep and goats or cattle, according to My blessing which I will give to you. You shall (or: must) eat it in your gates, (it may be eaten by both) the pure and impure among you together (or: alike), as though it were a gazelle or a hart. Only be certain (lit. strong) that you not eat the blood. You must spill it on the ground like water and you must cover (it) with dirt. For the blood is the life-essence, and you may not eat the life-essence with the meat. (All this you must do) in order that it should be good for you and for your children after you forever. For you shall do what is right and good before Me; I am the Lord your God.¹⁴

In this passage there are a number of prescriptions. First, based on a midrashic exegesis which we will discuss below, the scroll rules that non-sacral slaughter is permitted at a distance from the Temple, i.e. in the cities of Israel beyond the boundary of three days' journey. Second, the scroll prescribes that it is permissible to eat the meat of non-sacral slaughter even if one is ritually impure. Third, the eating of blood is forbidden, and, therefore, there is an obligation to cover the blood.

THE BIBLICAL BACKGROUND

The problem with which these texts deal is the contradiction which emerges from the legislation of the Torah regarding the slaughter of animals.¹⁵ In Lev 17:1–9 the Torah forbids all slaughter, whether **במחנה** ("in the camp") or **מחוץ למחנה** ("outside of the camp") which is not connected with the bringing of a **שלמים** sacrifice. The punishment for this transgression is excision (**כרת**). There the Torah says that this ruling is intended to force the bringing of the sacrifice, its slaughter, the sprinkling of the blood, and the offering of the fats before the Tent

¹⁴ For detailed commentary, see *ibid.*, II, 237–238. This passage has been studied in E. Tov, "Deut. 12 and 11QTemple LII–LIII, A Contrastive Analysis," *RevQ* 15 (Mémorial Jean Starcky I; 1991) 169–173.

¹⁵ Cf. B.A. Levine, *Leviticus* (Philadelphia and New York: Jewish Publication Society, 1989) 112–114; M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Oxford University Press, 1972) 213–4; M. Haran, "ריכוז הפולחן בתפיסת המקור הכוהני," *Beer Sheva* 1 (1972/3) 114–21; Y. Aloni, "מקום הפולחן ומקום השחיטה לפי ויקרא יז ג-ט," *Shnaton* 7–8 (1983) 21–49; A. Rofé, *מבוא לספר דברים* (Jerusalem: Akademon, 1988) 14–18.

of Meeting, in order to prevent idolatrous worship, i.e. sacrifice to the satyrs (שעירים). It is important to emphasize that in verse 7 this law is said to stand for eternity.

Leviticus continues with prescription regarding the spilling of the blood in verse 10–13. Although it appears that this section repeats the general prohibition of eating blood, actually the positioning of this passage raises the possibility that the text here supplies a second reason for the prohibition of slaughter outside the sanctuary. These verses say that if an animal is slaughtered not in accordance with the procedures for a שלמים sacrifice, and if its blood is not sprinkled on the altar as required, eating that meat itself constitutes the eating of blood which is prohibited by the Torah.

In verses 13–14 Leviticus deals with the slaughter of wild beasts and fowl. Since these animals are not suitable for offering as שלמים, the Torah rules that it is permissible to “hunt” them. The requirement of covering the blood of such animals makes clear that according to Leviticus, the killing of these animals was intended to be by slaughter which enabled the blood to flow out. Here the Torah provides us with the reason for covering the blood. The blood which requires covering is the blood of the life-essence (דם הנפש), the blood which flows as a result of the slaughtering during the time in which the animal passes from life to death. It is this blood which one may not eat, and, therefore, it must be covered.

When we look at the chapter in its entirety, it is clear that the slaughter of beasts and fowl requires the covering of the blood, while the same blood in the slaughter of domesticated animals is that which is sprinkled on the altar in the sacrifice of שלמים. In other words, the covering of the blood of beasts and fowl is a substitute for the sprinkling of the blood of שלמים. This fact strengthens the view of most scholars that non-sacral slaughter, of cattle, sheep or goats, was totally forbidden according to Lev 17.

Deut 12 also deals with the subject of slaughter. The chapter begins with a general commandment regarding the centralization of the sacrificial worship of the Lord (verses 1–5). In verses 6–7 it appears that there is a general commandment to bring all sacrifices to this central shrine, and there to eat and drink in the presence of the Lord. Verse 7 emphasizes the novelty of these arrangements by comparison with the old order which the author wishes to uproot. But immediately thereafter, in verses 10–14, there is a sort of repetition, a doublet, which

goes back over all those matters already dealt with at the beginning of the chapter. All this material, which is reviewed twice, deals on the surface with the slaughter of sacrifices in the Temple.

Beginning with verse 15, there occurs what appears to be a description of non-sacral slaughter which requires the spilling of the blood upon the earth (and not its covering), unless this passage refers to what came before and we wish to interpret it as permitting the offering of as many שלמים as is desired. However, from the apposition of this command with that requiring the bringing of voluntary offerings for which vows were made and other sacral gifts in verse 17, it appears that indeed verses 15–16 are a shorter version of the law of non-sacral slaughter.

In verses 20–28 we find an explicit law which establishes the legitimacy of non-sacral slaughter. But in this formulation there is a condition. According to verses 20 and 21, non-sacral slaughter outside of the sanctuary is permitted only at a distance from the Temple. This passage permits non-sacral slaughter for cattle and animals of the flock, and prescribes that it is permitted to slaughter these animals exactly as beasts are slaughtered (the gazelle and hart—verse 22). Further, since the subject is non-sacral animals, not sacrifices, our passage rules that it is permitted even for those who are impure to eat of these animals after slaughter. Deuteronomy emphasizes here the prohibition of eating the blood of the life-essence and requires that it be spilled upon the earth. To avoid any misunderstanding, the text reminds us in verses 26–27 that even at a distance it is forbidden to slaughter sacrificial animals outside of the Temple.¹⁶

THE INTERPRETATION OF THE LAWS IN THE *TEMPLE SCROLL*

The author/redactor of the *Temple Scroll* entered this maze of difficulties and repetitions in order to bring about order, according to his method and the method of his sources, by weaving together everything into one

¹⁶ Tov, “Deut. 12 and 11QTemple LII–LIII,” 170 sees these disparities and duplications as resulting from the internal history of Deuteronomy 12. He sees the *Temple Scroll* as attempting to solve the literary problems posed in this chapter and, therefore, eliminating the same duplications and difficulties modern scholars have noted. Yet it must be remembered that the author of our scroll sought to establish the law in his new “Torah.” For that reason, as we will see below, his rewriting of the canonical Torah was intended to clarify the law and harmonize what appeared on the surface to be conflicting passages.

unified and new whole. We will attempt here to see how he interpreted these biblical passages. The only approach which will enable us to make a determination in this regard is the detailed analysis of each text in comparison with the biblical material which we have just surveyed.

11QT 52:13–16

This passage is not a direct quotation from the Torah but rather a free reworking based on Deut 12:5–7, in relation to other texts, including Lev 17.¹⁷ The words **לוא תזבח שור ושה ועז**, “you may not slaughter an ox, sheep or goat,” are based on Deut 17:1, **לא תזבח... שור ושה**, except that the scroll removed the divine name (instead of replacing the third person with the first as is usual) and added the goat, according to **שור או כשב או עז** in Lev 17:3. Even this small word **ועז** in the text of the scroll hints at a halakhic midrash according to which the author (or his source) determined that Deut 12:5–7 deals with the prohibition of Lev 17, that of non-sacral slaughter. We will see below how the author/redactor of the scroll softened, nonetheless, this prohibition in Leviticus by means of an analogy between these passages.

The word **הטהורים** was added by the author/redactor of the scroll himself to stress that this law refers actually to every pure (kosher) domesticated animal even if its name is not mentioned here. **בכול שעריכה** in the scroll comes from Deut 12:17 which the scroll took to be a repetition of the prohibition of non-sacral slaughter.

קרוב למקדשי כי אם שלושת ימים is an invention of the author, according to whom this is the definition of the distance mentioned in Deuteronomy. Since he interpreted Deut 12:20–28 as permitting non-sacral slaughter but only at a distance from the central sanctuary, he had to determine the boundary. That boundary served for him also for the law of tithes. 11QT 43:12–17 permits the redemption of tithes for those who live **במרחק מן המקדש** (lines 12–13).¹⁸

In the case of tithes also we are dealing with the exegesis of the words **וכי ירבה ממך הדרך... כי ירבה ממך המקום** (Deut 14:24). But how did the author know that three days’ journey constitute a “far

¹⁷ Yadin, *Temple Scroll*, I, 315–317, II, 231–232.

¹⁸ See *ibid.*, II, 183–184; J.M. Baumgarten, “The First and Second Tithes in the *Temple Scroll*,” *Biblical and Related Studies Presented to Samuel Iwry* (Winona Lake, IN: Eisenbrauns, 1985) 5–15.

distance”)? This he learned from Exod 8:23–24 where Moses asked: דרך שלושת ימים נלך, “Let us go three days’ journey,” and Pharaoh answered: רק הרחק לא תרחיקו ללכת, “Just do not go too far,” i.e. do not go further than the distance of three days’ journey. From this the author/redactor of the scroll learned by a sort of גזירה שוה that a far distance is more than three days’ journey.

The words of the scroll, כי אם בתוך מקדשי תזבחנו לעשות אותו עולה או זבח שלמים, are based on Deut 12:5–6 and Lev 17:9. כי אם בתוך מקדשי is an abbreviated form of the entire Deut 12:5. Instead of והבאתם שמה in verse 6, which is not sufficiently unambiguous and which fits the context in Deuteronomy which discusses also gifts which are not slaughtered but simply presented, the scroll uses תזבחנו לעשות אותו since there the subject is sacrifices which are prepared (עשה) by slaughtering. עלתכים וזבחיכם, עולה או זבח שלמים comes from the words of verse 6, עלתכים וזבחיכם. The author of the scroll added the word שלמים which already in his time had replaced the more general and less exact term זבח. Furthermore, in Lev 17:5 the expression זבחי שלמים appears. The author of the scroll added the word שלמים from there, again basing himself on Lev 17 in accord with his view that the text in Leviticus deals with the prohibition of non-sacral slaughter not everywhere, but only in close proximity to the Temple. It is possible also that the use of תזבחנו in the scroll has been conditioned by זבחו in Lev 17:5.

The scroll concludes this section with a pronouncement: ואכלתה ואכלתה ושמתה לפני במקום אשר אבחר לשום שמי עליו. Here the author has adapted parts of Deut 12:7 and then 5. The words ואכלתה ושמתה are based upon ואכלתם... ושמתם in verse 7. From there the author returned to verse 5 and drew from it כי אם אל המקום אשר יבחר ה' אלהיך, which he adapted into לפני במקום אשר אבחר by switching from the third to first person and making other changes as well. He skipped מכל שבטיכם, and in place of לשום את שמו שם wrote לשום את שמי עליו, with the usual change in person from third to first. It should be noted that he interpreted the biblical שם as עליו. This may be an attempt to avoid anthropomorphism which would result from the notion that God could be located in any place.

From the examination of this passage it emerges that the scroll interpreted Deut 12:5–7 as forbidding non-sacral slaughter within three days’ journey of the Temple, and as requiring that all slaughter within this boundary must be in the form of שלמים sacrifices. But at the same time, by means of midrashic exegesis, the scroll reached

the conclusion that the prohibition in Lev 17:1–9 refers to the same question. Therefore, the author greatly softened this prohibition in Leviticus, transforming it from a general prohibition of all non-sacral slaughter into a prohibition of such slaughter only within three days' journey of the Temple.

Even though from the point of view of style the main text here is Deut 12:5–7, it is possible to maintain, correctly I think, that the law before us uses these verses in Deuteronomy to interpret and to mitigate the law of Lev 17. From a logical point of view, it appears that the author of the scroll began with the problem raised by the prohibition of Lev 17 and from it arrived at the solution based on his exegesis (or eisegesis) of Deut 12. In any case, for him, Lev 17:1–9 dealt only with non-sacral slaughter within the three-day limit, and Deut 12:5–7 dealt with the same issue.

11QT 52:19–21

Despite the fact that within the three-day limit it was considered by the scroll to be obligatory to offer all domesticated animals as שלמים sacrifices, we do not hear of any prohibition on eating the meat slaughtered beyond this boundary. But regarding the City of the Sanctuary itself, the *Temple Scroll* in 52:19–21 prohibited eating any meat that was not slaughtered there, the blood of which had not been sprinkled on the altar and the fat of which had not been burned there. In other words, the scroll forbade eating any meat except sacrifices in the City of the Sanctuary.¹⁹

How did the author of the scroll know to forbid the meat of non-sacral slaughter in the City of the Sanctuary? This law certainly results from interpretation of Deut 12:26–29. As we have already established, this passage appears to be a repetition of matters already covered in Deut 12. But there, in verse 27, it is said: ועשית עלתיך הבשר והדם על מזבח ה' אלהיך ושפך על מזבח ה' אלהיך ומהבשר תאכל. According to this verse, he established that it was forbidden to eat meat במקום אשר יבחר ה' (verse 26), that is, in the City of the Sanctuary, which had not been sacrificed according to the law on the altar of the Lord as שלמים.

¹⁹ Yadin, *Temple Scroll*, I, 318–320.

The author/redactor formulated this verse according to the style of his larger work and changed it from a positive commandment (from which in his view one could learn a negative commandment) into an absolute negative commandment. In this way he ruled **לוא תואכל בשר**, based on Deut 12:27 **והבשר תאכל** with the change from positive to negative.

The phrase **שור ושה ועז** brings the text back to Deut 17:1 and Lev 17:3. But more importantly, it returns explicitly to line 13 in the scroll which is related, as we have already seen, to the same subject. As a replacement for **המקום אשר יבחר ה'** in verse 26, the scroll puts in **עירי אשר אנוכי מקדש לשום שמי בתוכה**, and with this formulation there is a second transition back to Deut 12:5 and to the words of the scroll, above in line 16. The words of the scroll **אשר לוא יבוא הבשר והדם, לתוך מקדשי וזבחו שמה** are intended to explain verse 27, **על מזבח ה' אלהיך וזרקו את דמו על יסוד מזבח העולה**. The scroll's **על מזבח ה' אלהיך ודם זבחיך ישפך** is an exegesis of **על מזבח ה' אלהיך ודם זבחיך ישפך** in Deuteronomy.

One more detail still must be explained, namely the scroll's command, **ואת חלבן יקטירו**. Even though the continuation of this sentence is in the lacuna at the top of col. 53 of the scroll, it is possible to locate the source of this detail. It is derived from Lev 17:6 where it appears along with the obligation that the blood be sprinkled by a priest for **שלמים** sacrifices intended to be eaten. Even though the scroll understood this passage in Leviticus as referring to the law for areas within three days' journey of Jerusalem, the author/redactor learned from here that for all sacrifice of **שלמים** in the sanctuary it is an obligation to burn the fats, even when the purpose of the sacrifice is only to secure meat for human consumption. That such an obligation exists in general for **שלמים** sacrifices is known from Lev 7:30, a passage to which the scroll does not relate in this context. But it appears that this obligation did exist in the view of the author of our scroll. It is also possible that in the lacuna the scroll set aside an emolument for the priest who offered the **שלמים** but it is impossible to know for certain.

The author of the scroll interpreted Deut 12:26–28 as requiring that no meat which was not sacrificed as a **שלמים** offering could be eaten in the City of the Sanctuary. This passage from the book of Deuteronomy, which appears at first glance to be extra, served for the *Temple Scroll* as the source of this law.

11QT 53:07–8

The last law regarding this subject is 11QT 53:07–8. From a distance this law appears to be an almost verbatim quotation from the Torah, but we will see that the matter is much more complex.

The author apparently changed from the third to the first person in the restored section in lines 07–1. It is most probable that the scroll combined... **כי ירחיב** and... **כי ירחק** (Deut 12:20–21) into one introductory sentence.²⁰ The author included in this sentence all the material from these two verses, thus creating out of it one unit.

Here the scroll created a midrashic harmonization between verses 21 and 15. From verse 21 the author drew the command to slaughter cattle and sheep and goats (with a change in the order **ומבקר ומהאונה ומבקר**). Then he turned to verse 15 from which he took **אתן אשר אתן**, **כברכת ה' אלהיך אשר**, **אליכה** which is an adaptation of Deut 12:15, **אשר אתן לך** with a change to the first person as is usual. The transition from verse 21 to 15 was aided by the words **אשר נתן לך** which appear in both these verses. This common element served to provide a bridge back to verse 21 from which the scroll drew the words **בשעריכה ואכלתה**. Then the author wove together the end of verse 22 and verse 15 into one text. First, he dealt with the matter of the pure and impure (with a reversal of the order in both verses). In accord with the LXX and the Samaritan, his text reads **בכה** in verse 22. From verse 22 he took **יחדיו**. The occurrence of **יאכלנו** in both verses (although it does not appear here in the scroll) serves as a transition to verse 15 from which the author drew **כעבי וכאיל**.

The creation of this text led the author to omit a number of unnecessary phrases in the book of Deuteronomy which was before him. Otherwise, the text would have come out unreadable. Then the scroll continued with verse 23, from which it took **רק חזק לבלתי** **הדם אכול** except that it immediately switched to verse 24 and wrote **על הארץ תשופכנו כמים**.

Here the scroll adds the words **וכסיתו בעפר** following Lev 17:13, **וכסהו בעפר**. This addition is entirely for the purpose of clarifying the law. According to Lev 17:13 the obligation of covering the blood would appear to apply only to beasts and fowl. Nevertheless, the author/

²⁰ Contrast Tov, "Deut. 12 and 11QT Temple LII–LIII, 172–173 who is of the view that the scroll presented only the first introductory formula.

redactor of the scroll understood this law to refer also to domesticated animals.

The author then explains to us that the reason for the requirement of covering the blood, according to Deut 12:23, is **כִּי הַדָּם הוּא הַנֶּפֶשׁ** וְלֹא תֹאכַל אֶת הַנֶּפֶשׁ עִם הַבֶּשֶׂר, “for the blood is the life-essence, and you may not eat the life-essence with the meat.” The change in the order (in Deuteronomy the spilling of the blood appears in verse 24 and the warning against eating blood appears before it in verse 23) is intended to create a harmonization with verse 16 in which the order is the same as that in the *Temple Scroll*. This law in the scroll comes to a conclusion with a blessing which is derived from verse 28, with small changes and the switch from third person to first as is common throughout the scroll.

We have already said that this law reflects a midrashic harmonization of material from Deut 12:20–25, the main text at this point in the scroll, with commands from Deut 12:15–16. But we must explain why the author of the scroll (or his source) had to invest so much effort to create this new text.

As we saw above, Deut 12:15–16 appears to duplicate 12:20–25. The tannaim understood 12:15 as ruling that it is permissible to redeem sacrificial animals which are unfit.²¹ However, according to our author, these two texts deal with the same issue, non-sacral slaughter at a distance from the Temple. Our scroll wanted to remove any possibility of another understanding and, therefore, wove the entirety into a unified whole which provides for the permissibility of non-sacral slaughter at a distance of three days’ travel from Jerusalem.

We can summarize now the relationship of this law to the biblical material we have surveyed. The author understood Deut 12:20–28 to refer to non-sacral slaughter at a distance of three days’ journey from the Temple. Deut 12:15–16 was understood by him to deal with the same subject. Therefore, by effecting a midrashic harmonization and reediting the material, the scroll effectively deleted this unit, so to speak, from the Torah. Lev 17:13, dealing with covering of the blood, was understood by the scroll to fix the law not only for beasts and fowl, but for all non-sacral slaughter at a distance, an interpretation which it is very difficult to square with the verse itself.

²¹ ספרי דברים, 71, ed. L. Finkelstein (New York: Jewish Theological Seminary, 1969) 134.

In examining this law in the *Temple Scroll* we have seen how much the author went out of his way to derive from the material in Deut 12 and Leviticus 17 a unified, unambiguous series of laws. This subject was clearly of great importance to the author/redactor of the scroll. In 11QT 47:7–18 there appear specific laws regarding the bringing of skins into the City of the Sanctuary.²² It is clear that these laws in connection with the skins are based on the laws of slaughter we have discussed here, although discussion of this matter must remain beyond the scope of this study. Furthermore, in 4QMMT, there was a similar set of laws on this topic to those in the *Temple Scroll*, and one of the laws reads as follows: **והם שוחטים] מחוץ למחנה שור [וכשב ועז**, “[and they slaughter] outside of the camp cattle, sh[ee]p and goats” (as restored by Qimron and Strugnell). The camp here is a reference to “the camp of Israel,” identical with the City of the Sanctuary (the Temple precincts) in the view of the author(s).²³ This law certainly deals with non-sacral slaughter within the three day boundary. Like the author of our scroll, the authors of the “Halakhic Letter,” apparently of Sadducean origin, opposed non-sacral slaughter in this area, and required that slaughter be accomplished only through the offering of **שלמים** sacrifices. The presence of laws pertaining to the skins of animals in 4QMMT points to the importance of this issue to the founders of the Dead Sea sect.

It appears that the Pharisees and those who followed them, including the Hasmoneans in this period, did perform non-sacral slaughter in this area, and it was against this practice that the authors of both the “Halakhic Letter” and the *Temple Scroll* polemicized. The polemic against such slaughter, and against the bringing of the skins of animals slaughtered in this way into the Temple, or the bringing of animals slaughtered at a distance of more than three days’ journey, was a central issue for the *Temple Scroll*.

Against this background it is possible to understand why the author of the scroll emphasized that Deut 12:20–28 and 15–16 dealt with the same thing. Twice in 20–25 Deuteronomy says that the permission to slaughter non-sacrally is dependent on being at a distance from the

²² See L.H. Schiffman, “*Miqsat Ma’ase Ha-Torah* and the *Temple Scroll*,” *RevQ* 14 (1990) 442–448 (pp. 123–147 in this volume); idem, “The Prohibition of the Skins of Animals in the *Temple Scroll* and *Miqsat Ma’ase Ha-Torah*,” *Proceedings of the Tenth World Congress of Jewish Studies*, Division A, The Bible and its World (Jerusalem: World Union of Jewish Studies, 1990) 191–198.

²³ Cf. L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985) 307–308, 315 (pp. 381–401 in this volume).

central shrine. But in 15–16 the context is entirely different. In verses 13–14 the subject is the slaughter of sacrificial offerings and the obligation to perform it only in the Temple precincts. Immediately thereafter we find 15–16, which present no limitation regarding distance. It was theoretically possible to conclude from these passages that non-sacral slaughter was indeed permissible anywhere, and that the requirement of distance applied only to that discussed in 20–25. Therefore, it would have been possible to conceive of three areas as follows: (1) Jerusalem, where only the slaughter of sacrifices was permitted; (2) locations in close proximity, within three days' journey, where it would be permissible to perform either sacral or non-sacral slaughter; and (3) areas distant from Jerusalem where only non-sacral slaughter was possible from a practical point of view.

The author/redactor of the *Temple Scroll* wanted to ensure that there would not remain the slightest hint or possibility of non-sacral slaughter within the three-day limit from the Temple. Therefore, he had to understand these verses (15–16) as duplicating 20–25, and for this reason he executed the harmonization we have described.

SUMMARY AND CONCLUSIONS

It is worthwhile to summarize the approach of the author of the *Temple Scroll* to the biblical material in Lev 17 and Deut 12. Lev 17:1–9 was understood by the scroll as forbidding non-sacral slaughter within the distance of three days' journey of the Temple. Deut 12:5–7 was understood in the same way. The remainder of the material in Lev 17, especially verses 13–14, was interpreted as requiring the covering of the blood in all cases of non-sacral slaughter (at a distance of more than three days' journey from the Temple), including even that of domesticated animals cattle, sheep and goats. Deut 12:15–16 was understood as an unnecessary repetition of the law of non-sacral slaughter which, in the author's view, was also the subject of Deut 12:20–26. Verse 27 was taken as prohibiting the eating of the meat of non-sacral slaughter in the City of the Sanctuary.

These interpretations led the author/redactor of the *Temple Scroll* to a three-fold division regarding matters of slaughter. He recognized three areas, each with its own regulations. In the City of the Sanctuary it was forbidden to eat any meat which had been slaughtered outside. Within the boundary of three days' journey from the Temple it was

forbidden to slaughter animals except in the context of שלמים sacrifices in the Temple. Beyond this boundary it was permitted to perform non-sacral slaughter, which included the covering of the blood even for domesticated animals.

Whose laws were these? From our studies of the מקצת מעשי התורה it is clear that this text expresses the Sadducean approach, while the opponents of the founders of the sect, apparently the Pharisees and the Hasmoneans in this period, followed an approach similar to that known to us from rabbinic literature as Pharisaic. If so, since we have found support for and parallels to the views of the *Temple Scroll* on matters of slaughter in this “Halakhic Letter”, it appears that here, as in many other areas as well, we may hope that finally, we are able to recover Sadducean material from the Second Temple period. If, indeed, the author of the *Temple Scroll* transmitted to us the exegetical basis on which this three-fold division we have described was based, it may be possible to conclude that everything we have studied here is the result of the exegetical method of the Sadducees. But in these matters, as in so many questions relating to the study of the Dead Sea Scrolls, we are only at the beginning of the journey.

CHAPTER NINETEEN

THE MILLUIM CEREMONY IN THE *TEMPLE SCROLL*¹

Central to the conduct of a system of sacrificial worship is a defined and organized priesthood. In the case of the religion of Israel, this priesthood was defined early on as being limited to descendants of Aaron, Moses's brother. While biblical texts do testify to competing groups who sought priestly prerogatives, and to non-Aaronide local priesthoods, the reforms of First Temple times which took place under the Judean kings Hezekiah and Josiah left the priesthood entirely in the hands of the Aaronides. Tendencies toward further limitation to the Zadokites alone are found in Ezekiel, and it is fair to state that these tendencies are reflected in the Zadokite high priesthood of much of the Second Temple period, and in the ideology of various groups including the Dead Sea sect.

The limitation of the priesthood to some specific family is accompanied in many cultures with initiation rites for priestly accession.² The Torah described such an investiture in connection with the Aaronide priests in the desert period. While ordination of the high priests who would come after Aaron is expected in the Torah's legislation (Exod 29:29–30, Lev 16:32), biblical literature knows of no continued priestly appointment rituals for the members of the ordinary clergy.

Such a lack was clearly felt by the author of the sacrificial calendar source which is preserved in the *Temple Scroll*³ and, certainly, by the author/redactor who included it. The sacrificial calendar source used

¹ This article was completed during my tenure as a fellow at the Annenberg Research Institute as part of a Dead Sea Scrolls Research group. I wish to thank the institute and its staff for their generous support and assistance.

² A detailed study of one such installation festival is available in D.E. Fleming, *The Installation of Baal's High Priestess at Emar*, HSS 42 (Atlanta: Scholars Press, 1992) 61–198.

³ On this source see A.M. Wilson and L. Wills, "Literary Sources of the *Temple Scroll*," *HTR* 75 (1982) 275–288; L.H. Schiffman, "The Sacrificial System of the *Temple Scroll* and the Book of Jubilees," *Society of Biblical Literature 1985 Seminar Papers*, ed. K.H. Richards (Atlanta: Scholars Press, 1985) 217–224, esp. 217–219, 223–224 (pp. 99–102 in this volume); M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Chicago: Oriental Institute, 1990) 129–133.

the Pentateuchal material relating to the ordination ceremony (מלואים).⁴ This rite is described twice in the Torah. Exod 29 sets forth the ritual in prescriptive manner, indicating how it is to be performed. Lev 8 is a report of the performance of these rituals in connection with the erection of the Tabernacle.⁵ The text of the *Temple Scroll* draws on these texts to set forth an ordination ceremony which results from its method of harmonizing the two passages from the Torah and which fits well with its particular approach to the sanctity of the priesthood and the sacrificial system. The most striking characteristic of this ceremony is its annual nature. It is to the detailed investigation of this exegesis and the resulting ceremony that this study is dedicated.⁶

I. THE RAMS AND BASKETS

The first part of the scroll's legislation for the ordination rites sets forth the basic offerings in 11QT 15:3–4:

And for the (priestly) ordination: one ram for each [and every day], <[and] baskets of bread for all the ra[ms of ordination, one basket for each]>⁷ individual [ram.] And they shall divide a[ll] the rams and the baskets for the seve[n days of the ordination (ceremony), for each and every] day, according to [their] divisions.

This initial command appears in the sacrificial calendar directly after the prescriptions for the spring new year, Nisan 1, described in 11QT

⁴ On priestly ordination in the Bible, cf. M. Haran, "מלואים," *Encyclopedia Miqra'it* IV, cols. 1049–1050.

⁵ Cf. also Lev 21:10. Note the similar ceremony in Ezek 43:18–27 in which the purification of the Temple seems to be the object. B.A. Levine, "The Descriptive Tabernacle Texts of the Pentateuch," *JNES* 85 (1965) 310–314 argues that Lev 8–9 derives from a tradition independent of the Exodus material which parallels it. See also B. Levine, *Leviticus*, The JPS Torah Commentary (Philadelphia, New York, Jerusalem: Jewish Publication Society, 1989) 48–55 and J. Milgrom, *Leviticus 1–16* (New York: Doubleday, 1991) 493–569. Milgrom (545–549) takes these two passages as directly related. He explicitly discusses our text on pp. 558–66.

⁶ A summary and discussion is provided in Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) I, 91–99. Cf. also J. Maier, *The Temple Scroll, An Introduction, Translation & Commentary*, JSOTSup 34 (Sheffield: JSOT Press, 1985) 77–78. We will refer below repeatedly to Yadin's commentary in II, 60–73. All translations in this article are the author's. Those in Yadin's English edition, prepared by his wife Carmella, were consulted throughout. For the readings of 11QT^b see B.Z. Wacholder with M. Abegg, "The Fragmentary Remains of 11QT^aTorah (*Temple Scroll*)," *HUCA* 62 (1991) 9–12.

⁷ The material in angle brackets is an interlinear addition.

14:9–15:3. The placement of the law of ordination makes it most likely that the ordination rites were to be performed on the first seven days of Nisan.⁸ The term מְלוּאִים for these rites, and specifically for the sacrifices connected with them, appears in Exod 29 and Lev 8. Exod 29:35 and Lev 8:33–34, which specifically mention the seven-day duration of the ordination period, are not really parallel as they do not serve to introduce these laws, but only indicate the duration.⁹ (The scroll repeats the seven-day duration in 15:14.) In fact, the author of the scroll's sacrificial calendar composed this introduction to the law himself because the Bible could not provide him with such an introduction. In the biblical text, in both the Exodus and Leviticus passages, the ordination rites were set within the Tabernacle context in which the initial ordination was expected to occur in connection with the erection of the Tabernacle. Our text sought to legislate the annual ordination, a matter not discussed in the Bible extensively. Since our author made it an annual observance with a fixed date, he placed it in the context of the festival calendar. It therefore needed a heading which would fit the new context. Since these rites were effectively part of the description of the Nisan new year, on which day they began, the author formulated our passage to provide the needed transition and to summarize the basic sacrifices of the ordination procedure.

The first prescription here is that one ram should be offered on each day of the seven-day ceremony, along with one basket of bread. In the accounts of the ordination ceremony in the Torah, a bull and two rams are mentioned in each account (Exod 29:1, Lev 8:2). We will see below that for our scroll, the bull was understood as the offering to ordain the high priest (and expanded to two), whereas the two rams are seen as the sacrifices for ordaining the ordinary priests. In Exod 29:15–18 the first ram is offered as a burnt offering to God. The second ram is taken up in v. 19 and it serves as the ordination offering, its blood being placed on the priests (vv. 20–21). Its parts are then offered on the altar in v. 22. The breast of the ordination ram was to go to Moses as a sacrificial portion. In Lev 8:18 the first ram is offered, as a burnt offering. From v. 22 on we hear of the second ram, that of the ordination, which is

⁸ Yadin, *Temple Scroll*, I, 93–95. It is unlikely that the Sabbath was skipped, so that the seventh day was on Nisan 8, as suggested by *ibid.*, I, 94.

⁹ Contra *ibid.*, II, 62 who sees the scroll as based on these scriptural passages.

placed on the hands of the priest. The parts of the animal are disposed of in the same manner as in Exodus (vv. 28–32).

We are accordingly presented with two alternatives. It may be that our author has totally eliminated from his rites the first ram, believing it to be associated with the rites only when the Tabernacle was dedicated, or perhaps when Aaron himself partook in the rites. Alternatively, it can be that the phrase **אֵיל אֵיל** (line 3) here actually has the very unusual meaning “both rams.” But this is very unlikely in light of similar usages in biblical Hebrew.¹⁰

These rams are to be accompanied by baskets. The interlinear addition (line 3a) makes clear that for each ram there is to be a basket of loaves. The very same passage is either absent or was interlinear in 11QT^b (PAM 43.976).¹¹ Nonetheless, from the continuation in line 4 it is most probable that this line was part of the original text, not an explanatory gloss. The division of the rams and baskets over the seven-day period means that one ram and one basket were to be offered each day.

The biblical commands regarding the baskets and their relationship to the rams are considerably more ambiguous.¹² At the start of the chapter, Exod 29:2–3 mentions the need for a basket of breads to include “unleavened bread, unleavened cakes with oil mixed in, and unleavened wafers spread with oil,”¹³ all made of fine wheat flour. In v. 3 we learn that these are to be offered with the bull and two rams. In v. 23, immediately after the commands regarding the second ram, the “ram of ordination,” we learn that one of each of the three types of bread is to be removed from the basket and offered with the parts of the ram of ordination as a **תנופה**. Lev 8:2, in listing the offerings, along with the bull and rams, mentions “the basket of unleavened bread” with no further specification.¹⁴ Here also, after the offering of the second ram, the ram of ordination, there comes the requirement in vv. 26–27 to take the same three breads and offer them with the parts of the ram as a **תנופה**. In both accounts, in Exod 29:32 and in Lev 8:31, Aaron and his sons are to eat of the ram of ordination and the

¹⁰ Cf. Gesenius § 123 c–e.

¹¹ Yadin, *Temple Scroll*, II, 60–61. See vol. III, Supplementary Plates, plate 35*.

¹² Cf. *ibid.*, II, 62.

¹³ So NJPS.

¹⁴ The passage clearly assumes the reader’s familiarity with Exod 29 and its prescriptions in this regard.

bread at the entrance to the tent of meeting. In the Exodus version, the reference is to “the bread which is in the basket”. The Leviticus passage is more explicit, mentioning “the bread which is in the basket of ordination.”

The author of this section of the *Temple Scroll* somehow decided that the rite he was describing would require only the offering of the ram of ordination, not the first ram. He understood the breads required by the Torah’s legislation to be part of this offering. This he learned from the passages requiring them to be offered and eaten together with the ram of ordination. Accordingly, our scroll required the breads as well. That they had to be brought in baskets was clear from the biblical text. Once he had determined that the ordination sacrifices were to be offered for seven days, he required also the baskets since he saw the breads as being complements to the rams of ordination. Hence he required seven baskets. Finally, he saw the biblical descriptions as referring to the rites for each day of the ceremonies, and he therefore provided a summary statement that a ram and a basket were to be offered on each of the seven days of ordination.

The text mentions seven groups of priests, termed **מחלקות**. Each has its own ram and basket. Although this is not stated explicitly, each group is ordained on a specific day. No such notion, we should note, appears anywhere in the biblical commands for this rite. One would have thought that there is a seven-day process in which all priests are sanctified, analogous to a seven day purification period. Our text makes clear that each group of priests is ordained on a separate day.

II. THE PARTS OF THE RAM OF ORDINATION

The biblical text in both the Exodus and Leviticus passages discusses the offering of the parts of the ram of ordination. Accordingly, 11QT 15:5–9 provides:

And¹⁵ they shall sacrifice to the Lord the right thigh (as) a burnt offering from the ram, and [the fat which covers the entrails, and] the two kidneys, and [the] fat which is on th[em, and the fat which is on] the loins, and the [entire] fat tai[1] near its spine,¹⁶ and the appendage of the liver, and its meal offering and libation according to the reg[ulation].

¹⁵ Reading **יהוי** where Yadin reads **יהי**.

¹⁶ The tailbone.

Exod 29:22 and Lev 8:25 list the parts of the ram of ordination to be offered on the altar. The two biblical lists are identical to one another. The following are to be offered: the fat, the fat tail, the fat which covers the entrails, the appendage of the liver, the two kidneys and the fat which is upon them, and the right thigh. Comparison of the lists in the Bible and the *Temple Scroll* shows that besides the order, there is only one major difference. Whereas the Bible mentioned only “fat,” the scroll has specified that fat to be “the fat which is on the loins.”

The scroll was apparently of the opinion that the unspecified חלב was to be taken as that upon the loins. Indeed, reference to fats which are on the loins (בסלים) only occurs in Leviticus. In Lev 3:4, 10 and 15 it refers to שלמים sacrifices. In 4:9 it appears in connection with the offering of the priest who inadvertently transgresses. Finally, it appears in connection with the guilt offering in 7:4. In all these cases the fat which is upon the loins is to be burned as part of the offering. While the guilt offering is an unlikely passage to have influenced the scroll’s view of the ordination rites, the other two cases might plausibly have led our author to interpret the unspecified “fat” of the ram of ordination as he did.

It may be that it is possible to determine which of these passages was the basis of the author’s exegesis. Another added detail appearing in this list is the qualification of the fat tail as [תמימה] לעומת עציהה “entire...near its spine.” This expression is based on Lev 3:9 (חלבו האליה תמימה לעמת העצה).¹⁷ The entire passage there deals with the שלמים offerings, and so it seems that in the two details, that of the fat tail which is specified as running all the way up to the lower part of the spine and that of the definition of the unspecified fats, our text is influenced by the whole-offerings of Lev 3.

Yet we must qualify our assertion of influence here. It does not appear that the details of the ritual of Lev 3 influenced the ordination rites. Rather it is simply a matter of the scroll’s use of the parallel lists in Lev 3 to supply data for the exegesis of the ambiguous lists of sacrificial parts in Exod 29 and Lev 8. At the same time we should note that Jewish exegesis saw the ordination sacrifice as a type of שלמים sacrifice.¹⁸

The scroll has changed the order so that the right thigh comes at the beginning of the list of portions. It had appeared last in both bib-

¹⁷ Yadin, *Temple Scroll*, II, 63. Cf. also 11QT 20:7.

¹⁸ Rashi to Exod 29:22; Lev 8:28.

lical lists. Apparently the scroll thought that this portion, usually not offered on the altar, had to be emphasized. An additional detail added in the scroll is the description of the sacrificial portions as a burnt offering (עולה). This is a general approach of this text which sought to emphasize that these are to be burnt on the altar. The scroll sees the burnt portions of whole-offerings as “burnt offerings” and accordingly added this word here.

In using the words “and they shall sacrifice” (יהיו מקריבים) to designate the offering of these portions, the scroll has summarized two separate verbs used in both biblical passages. Both texts speak first of “taking” (לקח) of the portions (Exod 29:22 and Lev 8:25) and then of burning (קטר) of the parts (Exod 29:14 and Lev 8:28). These separate actions are here subsumed under the general verb “sacrifice” (קרב).

III. WAVING AND BURNING THE OFFERINGS

The scroll now turns to the disposition of the offerings in 11QT 15:9–15:

Then they shall take one loaf of unleavened bread from the] basket, and one loaf of bread (made) with oil, and [one] wafer, and they shall put all (of the loaves) on the fats] with the right thigh offering. Those who offer the sacrifice shall wave] the rams and the baskets of bread (as) a w[ave offering be]fore the Lord. It is a burnt offering, an offering by fire of pleasant odor before the Lord.¹⁹ [Then they shall burn everything on the altar, along with] the burnt offering, to complete their own ordination (as priests),²⁰ (for) the seven days of the [ordination (ceremony).²¹

The ritual described here involves two stages, each of which will be treated separately. The first is the wave offering and the second is the actual burning.

The wave offering (תנופה)²² includes one of each of the three types of bread from the basket which are placed on top of the fats together with the right thigh. These are waved together by those offering the

¹⁹ Cf. the reading of E. Qimron, “לנוסחה של מגילת המקדש,” *Leshonenu* 42 (1978) 138, which seems to us to require no change in the translation.

²⁰ Cf. J. Milgrom, “Further Studies in the *Temple Scroll*,” *JQR* 71 (1980–81) on the expression למלא על נפשותמה.

²¹ Cf. E. Qimron, “New Readings in the *Temple Scroll*,” *IEJ* 28 (1978) 162.

²² J. Milgrom, “The Alleged Wave-Offering in Israel and in the Ancient Near East,” *IEJ* 22 (1972) 33–38 would require the translation “elevation rite.”

sacrifice.²³ Clearly, when the text refers to the offering of the rams (line 12) reference is to the sacrificial portions.²⁴ The use there of the plural, mentioning rams and baskets, alludes to the repeated character of the sacrifices, since a ram and the breads contained in a basket were offered each day.

The very same rites are described in the Pentateuchal passages. Exod 29:23–24 and Lev 8:26–27 expect that these portions and the loaves will be placed in the hands of Aaron and his sons and that they will do the waving ritual. In the scroll, there is no mention of the placing of these portions in the hands of the priests, yet it is most likely that this was done and that they performed the waving. Although in this immediate context Exod 29:22 and Lev 8:26 refer to the “right thigh” (שוק הימין), the scroll here uses “right thigh offering” (שוק התרומה אשר לימין). This phrase is certainly dependent on the use in Exod 29:27 of שוק התרומה.²⁵

Whereas the thigh is given in Exod 29:27 (with a breast) to the priests, Lev 8:25–27 understands it as being offered on the altar. Following Leviticus, our scroll assigns it to the burnt offering. Hence, to avoid confusion he combines this phrase with שוק הימין to make the point that they are one and the same and that he has assigned these to the altar. Therefore, he again repeats in the scroll that this “is a burnt offering” (line 12). This phrase was borrowed from the first ram which itself was a burnt offering, as it is used in Exod 29:18 and Lev 8:21.²⁶ We should note that the biblical passages underlying this section have been substantially rephrased.

After the wave offering, the actual burning of the offerings was to take place. This procedure is described in Exod 29:25 and Lev 8:28. The biblical passages mention taking these offerings from the hands of Aaron and the priests, a matter not referred to in our text. While it is most likely that the author envisaged performing such details as are mentioned in the biblical accounts, it is possible that their exclusion is meant to indicate that the scroll did not require them in its ordination rites. The concluding formula is equivalent to the somewhat similar

²³ Cf. J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978) 509–510.

²⁴ Yadin, *Temple Scroll*, II, 64.

²⁵ Cf. Lev 7:32, 34 in connection with שלמים.

²⁶ Yadin, *Temple Scroll*, II, 64.

passage in Lev 8:33 with which that account of the first ordination ritual concludes.²⁷

IV. ORDINATION OF A NEW HIGH PRIEST

The text now deals with the rites for ordination of a newly appointed high priest.²⁸ This section is introduced in 11QT 15:15–17:

But if a (new) high priest is about (to begin) [to serve before the Lord, who] has been ordained to w[ea]r the vestments as a replacement for his father, he shall sacrific[ce one] bull [fo]r the entire peo[ple] and one for the priests.

The author of our text clearly takes the view that two separate bulls are to be sacrificed. According to the biblical account, one bull is offered (Exod 29:1, 10–14; Lev 8:2, 14–17) as a sin offering. Only from Exod 29:36 could the author have derived the idea that a second bull was to be offered.²⁹ That verse actually means that the bull to be offered at the ordination rites is to be offered each day in addition to the rams. But the author of our scroll apparently understood it as follows: You shall offer each day a (second) bull in addition to the Atonement (rams). Accordingly, our scroll describes the offering of two bulls.

But our text goes even further. Apparently, the author thought that the bull (or bulls in his view) described in his interpretation of the biblical ordination rites were intended to induct the high priest, whereas the rams were to sanctify the ordinary priests. For this reason the *Temple Scroll* ordained the offering of the bulls only when a new high priest was appointed. The two bulls were to be apportioned, one for the entire people and one for the priests. This passage is clearly influenced by the Day of Atonement ritual. There the high priest, as part of the day's rituals, offers sacrifices designed to expiate impurities which have been

²⁷ Cf. Yadin, *Temple Scroll*, II, 64–65 for parallels to this clause.

²⁸ The title הכהן הגדול, “high priest,” is to be contrasted with the titles used in the sectarian eschatological texts, such as the *War Scroll*, כוהן הראש, “chief priest,” or הכוהן המשווח הכוהן, “the anointed priest.” While Yadin (II.65) seeks to distinguish between the use of this term for a contemporary priest and the other terms for an eschatological priest, it seems that our usage is conditioned by the biblical phraseology in Lev 21:10, which describes the high priest as הכהן הגדול מאחיו, “the priest who is greater than his brothers.” In referring to the requirement that he keep away from the impurity of the dead, even if his own parents should pass away, that text specifically refers to him as having been through the rite of ordination.

²⁹ Yadin, *Temple Scroll*, I, 95–6; II, 66.

brought into the holy precincts. He does so on behalf of the priests and the people of the congregation. Clearly, this means that he offers sacrifices on their behalf, in order that they be granted atonement for their trespasses of the sanctity of the sanctuary. In the same way, our scroll must intend that the offerings of ordination which the new high priest makes will attain expiation for the priests and people for similar transgressions. After all, the bull offering is described by the Bible as a sin offering, as is the Day of Atonement offering (Exod 29:14, Lev 8:2, 14–15 [ordination]; 16:5 [Day of Atonement]).

The opening line describing the new priest is itself a pastiche of biblical material. The author has combined Lev 21:10 (which refers to the high priest as having been through the rite of ordination), 16:32 (the Day of Atonement ritual), and Deut 17:12 (referring to the judicial role of the priesthood).³⁰ In doing so, the author omitted reference to anointment from the two Leviticus passages. It has been suggested that he did not expect anointment except in the End of Days.³¹ Such a view would support the notion that the *Temple Scroll* is not an eschatological text. The author expected its rituals to be practiced in the immediate pre-eschatological period.

V. THE BULL OF THE PRIESTS

The first offering, that on behalf of the priests, is described in 11QT 15:17–16:03:

And he shall offer that which is [for the prie]sts first. And the elders of the priest[s] shall lay [their hands upon] its [hea]d, and after them, the high [pr]iest and all the (other) priests. Then they shall slaughter] the bull [before the Lord.] Then the elders of the priests shall take some of the blood of the bull and [put] some of the bloo[d] on the altar, and the (rest of the) blood,] they shall pour around on the f[o]ur corners of the ledge of the [altar.] [...]³²

The biblical description of the offering of the ordination sacrifices could not furnish information on which of the two bulls was to be offered

³⁰ Cf. *ibid.*, II, 65, who gives undue weight to Exod 29:29 and does not notice Deut 17:12.

³¹ *Ibid.*, II, 65.

³² There is a lacuna here of about two lines before the text takes up the offering of the second bull in line 2. Yadin sees the command for the offering of the second ram as falling in this section.

first. This is of course because only one bull is actually mentioned in the biblical texts. Hence, the scroll had to use other texts to determine the order. It has been suggested that he was guided in this respect by Lev 4:3, 13 and 16:11, 15 in which cases offerings are made for the priests and then the nation.³³ While these verses themselves do not seem decisive, the importance of the priests in this scroll would certainly argue for such an order.

The Bible describes the offering of the bull in Exod 29:10–12 and Lev 8:14–15. These passages specify that the bull should be brought near³⁴ the tent of meeting, and that Aaron and his sons should lay their hands on the bull. After slaughter, the blood is to be placed on the four corners of the altar and then spilled on the base of the altar. In the biblical description it is Moses who is to perform the blood rites. It is in this area that our scroll deviates from the biblical passages, in that it seeks to legislate for the post-Mosaic period.

In our passage the “elders of the priests” perform two roles in these rites which they do not perform in the Bible. While the language of this section of the scroll (15:18–01) is derived from Lev 4:15 (the bull for expiating a transgression of the community),³⁵ the passage is an adaptation of the ordination material which expected that Aaron and his sons would do the laying on of hands. The author must have regarded their participation in the ordination as a one-time procedure necessary since all priests were being ordained at once.³⁶ For future generations, the author believed that previously ordained priests (veterans who had been ordained years before) were to play this role in future years. The elders of the priests again appear when they perform the rite of expiation of the altar, a task assigned in the Bible to Moses.³⁷

The blood is placed, according to Exodus, on the horns of the altar and then the remainder is spilled at the base of the altar. The Leviticus passage indicates the purpose of this rite, at least in its biblical context. There the blood is placed on the corners of the altar by Moses, “cleansing (אָטַח in the *pi'el*) the altar; then he poured out the blood at the base of the altar. Thus he consecrated it and purged it.”³⁸ This

³³ Yadin, *Temple Scroll*, II, 66.

³⁴ Exod 29:10, קָרַב in the *hif'il*; Lev 8:14, נָגַשׁ in the *hif'il*.

³⁵ Yadin, *Temple Scroll*, II, 66.

³⁶ Cf. the explanation of Milgrom, “Further Studies,” 5–6.

³⁷ Yadin, *Temple Scroll*, II, 68.

³⁸ NJPS.

description indicates that there was a fine line between the consecration of the priests and that of the altar in the original ordination rites. It is most likely that in interpreting this passage from Leviticus our author understood the blood rites we have described as part of the consecration of the new high priest. Accordingly, he would have understood the last words of Lev 8:15 as follows: “he performed the blood rites on the altar. . . . Thus he consecrated him (Aaron—for the scroll the new high priest) and purified him.”

The only other detail which requires comment in this section is the terminology for the base of the altar. In both the Exodus and Leviticus passages the blood is to be poured on the “base of the altar.” Our text apparently found that statement too vague and so explained it by referring to “the four corners of the ledge (עזרה) of the altar.” While it is true that the author used the language of Ezek 43:20,³⁹ it was not to follow the actual rulings of Ezekiel in this matter but rather in order to clarify the otherwise ambiguous text and to require that the blood be spilled on all four sides of the ledge. Indeed, the “ledge” of the scroll is simply a designation for the biblical “base.”⁴⁰

VI. THE BLOOD RITES OF THE RAM FOR ORDAINING THE NEW HIGH PRIEST

After a brief lacuna, the scroll treats the process whereby the blood of the ram of ordination (the second ram in the biblical version) is utilized to ordain the priest in 11QT 16:2–5.

[Then they shall take some of its blood and p]ut some of the blood [on the lobe of his right ear; and on the thumb of his right hand and (on the big toe of) his] right [foot]. Then they shall sprinkle [some of the blood which was on the altar on him and on his vestments]. He shall b[e holy all his days. [And he may not come near any dead bodies. Even for his father and his mother he may not] defile himself, for [he is] hol[y to the Lord his God.

³⁹ Yadin, *Temple Scroll*, II, 68; E. Qimron, “למילונה של מגילת המקדש,” *Shnaton* 4 (1980) 249.

⁴⁰ On the altar for burnt offerings according to the plan of the scroll, see Yadin, *Temple Scroll*, I, 239–241; 11QT 12:8–13, which must have preserved the instructions regarding this altar; 11QT 23:13–14 and Yadin, *Temple Scroll*, II, 106.

This passage has two parts. In the first, the consecration of the new high priest takes place. In the second, there is a statement that after these rites the high priest must observe the regulations against contact with impurity of the dead.

The blood rites are taken up in Exod 29:20–22 and in Lev 8:23–24, 30. The biblical description, of course, deals with both Aaron and his sons, the high priest and the ordinary priests. Yet the text of our scroll deals only with the ordination of a high priest. We must assume, however, that similar blood rites would have been practiced for ordaining all priests. Further, whereas in the biblical account the slaughter of the ram of ordination and the sprinkling of its blood are performed by Moses who acts as a sort of priest *pro tempore*, this role is here filled again by the elders of the priests, no doubt intended by the vague subject of **ולקחו**. As in the Bible, the rites are intended to sanctify not only the priest but his vestments as well.

The second matter, the regulations affecting the high priest, is taken up in the scroll in summary manner. We are told only that his sanctified status means that he may not come into contact with the impurity of the dead, not even in the case of the death of his parents. Here the scroll simply echoes the legislation and the phrasing of Lev 21:8–11.⁴¹ The scroll did not bother to include the marriage regulation of Lev 21:7.⁴²

VII. THE OFFERING OF THE BULL OF THE PRIESTS

The text details the offering of the bull of the priests in 11QT 16:6–14:

[Then he shall sacrifice on the al]tar and burn the fat of the first bull... all] the fat⁴³ that is on the entrails and th[e appendage of the liver and the two] kid]neys and the fat that is on the[m] and th[e fat that is on] the loins, and its meal offering and [its] liba[tion according to their regulation]. And he shall bur[n them on the altar.] It is a [burnt] offering, an offering by fire, a pleasant odor be[fore the Lord].⁴⁴ But the meat of the [bull] and its hide, together with its dung, they shall burn outside the [city

⁴¹ Ibid., II, 69.

⁴² Cf. Milgrom, "Studies," 510–511.

⁴³ Qimron, "לנוסחה של מנילת המקדש," 139 reads: **ואת החלב**, so that the word "all," restored by Yadin, would be omitted from the text.

⁴⁴ Here there is a *vacat* to indicate a paragraph division.

of the sanctuary on the wood on the fire (?).⁴⁵ In the place set aside for expiation offerings, there [they] shall burn it, along with its head and its legs,] with all its entrails. And they shall burn all of it there,⁴⁶ except for its fat. It is an expiation [offering].

This passage may also be dealt with in two parts. In the first, the text prescribes the offering of those portions of the bull of the priests which are to be offered in the Temple on the altar. In the second, the scroll deals with the offering of the rest of the bull in the special place outside the Temple precincts for burning of expiation offerings.

The offering of the portions on the altar is described in Exod 29:13 and Lev 8:16. Whereas there Moses performed the rites, in the *Temple Scroll* the newly ordained high priest plays this role. It seems that to the scroll, the placing of the blood of the ram of ordination on the hands and feet of the high priest represents his transition to office. Hence, he can now officiate at the remaining ordination rites. The list of portions to be offered includes the fat on the loins, however, which is not mentioned in the biblical text. We have already encountered this addition above as part of the author's harmonizing tendency.

The second section of this passage discusses the burning of the bull itself. The meat, hide and dung are to be burned in the designated place outside of the Temple precincts, the only exception being the fats which have already been offered. Exod 29:14 and Lev 8:17 specify this aspect of the ritual. It is clear that the scroll has gone to some lengths to emphasize this point, resulting in a longer text in the scroll than that in the Bible. This text is derived in part from the parallel in Lev 4:11–12 which discusses a bull offered as a sin offering to which type this bull offering belongs. Further, the author had to refer specifically to the place for burning the offerings which existed in his conception outside the Temple precincts.⁴⁷ The Bible had only said that the sin offerings were to be burned outside the camp. Our author took this to refer to the camp of Israel, the outermost of the sections of the desert camp and for him equivalent to the outer courtyard of the Temple.⁴⁸ Accordingly he expected the burning to take place in a special loca-

⁴⁵ Following the conjectural restoration of Yadin, *Temple Scroll*, II,70.

⁴⁶ The burning is done by "an un-named third party," according to Milgrom, "Further Studies," 6.

⁴⁷ Cf. Milgrom, "Studies," 511–512.

⁴⁸ See L.H. Schiffman, "Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*," *HAR* 9 (1985) 308–309 (pp. 381–401 in this volume).

tion outside the entire temenos. Such a location is mentioned in *t. Yoma* 3:16–17 as well.⁴⁹

VIII. THE BULL OF THE PEOPLE

In 11QT 16:14–17 we read of the offering of the bull on behalf of the people:

Then he shall take the second bull, which is for the people, and make atonement with it [for all the people of] the congregation, with its blood and with its fat. Just as he did with the fir[st]⁵⁰ bull, [so shall he do] with the bull of the congregation: He shall put some of its blood with his finger on the corners of the [altar, and all (the rest of)] its blood he shall spill o[n the fo]ur corners of the ledge of the altar. And [its fat,] its meal offering, and its li[bation] he shall (then) bu[r]n on the altar. This is the expiation offering of the congregation.

This section is stated in summary fashion, since it assumes the availability of further details in the instructions for offering the first bull above (11QT 16:6–14).

It should be remembered that this second bull has no real basis in Scripture. For this reason, the procedures for offering it are identical to those of the previous bull. The requirement that this second bull be sacrificed appears to derive from Ezek 45:18–19 which ordains that a bull be sacrificed each year on the first of the first month (Nisan) to purge the Temple of impurity. This bull was added to that of the priests to ensure the purification of the altar.⁵¹

This bull is offered entirely by the newly appointed high priest. The language here is influenced by both Lev 4:20 (the sin offering for a transgression of the entire people) and Lev 16:33 (the Day of Atonement ritual).⁵² Indeed, the ordination of a new high priest seems to have presented, in the view of the author, a special opportunity to gain forgiveness for the people for trespasses on the sanctity of the Temple. In this way, the bull functioned truly as an expiation offering for the entire people.

⁴⁹ Yadin, *Temple Scroll*, II, 70.

⁵⁰ Cf. Qimron, “לנוסחה של מגילת המקדש,” 139.

⁵¹ Milgrom, *Leviticus 1–16*, 562–563.

⁵² Yadin, *Temple Scroll*, II, 71.

IX. CELEBRATION OF THE EIGHTH DAY

11QT 17:1–5 preserves fragmentary evidence for a festival on the eighth day:

[...the] priests, and they shall put wre[aths...] and they shall rejoice, for atonement was made on their behalf [...]. [...A holy convocation shall] this day be for them, [as eternal statutes throughout their generations] in all their dwelling places. And they shall rejoice and [...]

The text expects the eighth day, after the completion of the ordination of any new priest and occasionally that of a high priest as well, to be a day of rejoicing. It is possible that this was to be a day of abstention from forbidden labor as well, if the restoration of **מקרא קודש** (line 3) is correct.

This eighth day of rejoicing would be parallel to the eighth day after the ordination rites which is mentioned in Leviticus only (9:1–24). While chapter 9 described it as a day of rejoicing, it quickly turned into a day of tragedy with the death of Aaron's two sons Nadab and Abihu (Lev 10:1–7). What is most interesting is that here it is found as a holiday with no reflection (at least in the preserved sections) of its tragic side. Further, there is no connection here with the erection of the Tabernacle as appears in rabbinic tradition. The eighth day is celebrated as the culmination of the ordination rituals. Lev 9:7 and 24 have influenced the language of this passage, but it must be seen as parallel to the similar commands in 11QT 18:9, 21:8–9, 25:8 which command rejoicing in connection with the first fruits festivals.⁵³

CONCLUSION

The author of this section of the *Temple Scroll* has radically reshaped the ordination rites of Exod 29 and Lev 8. Starting with biblical texts very similar to those of MT, he has adapted the ordination rites into a permanent annual practice, replacing Moses with the elders of the priests and then with the high priest himself. He has distinguished between the rams and what for him are two bulls, one for the priests and one for the people. He requires the rams only in the case of the ordination of ordinary priests, and the bulls only in the case of the

⁵³ Ibid., II, 73.

appointment of a new high priest. For him, this occasion offered a unique opportunity to purify the Temple and gain expiation for trespasses on its purity and sanctity. He further adapts these ceremonies to the Temple plan he is requiring and to the fact that Second Temple period priests were not anointed.

The thoroughgoing revision of the biblical materials made it possible for the scroll to fix a regular annual ordination ceremony in the sacrificial calendar. This ordination ceremony would maintain a succession of priests and high priests imbued with the sanctity and purity the author demanded for his ideal Temple.

CHAPTER TWENTY

THE CASE OF THE DAY OF ATONEMENT RITUAL

That the *Temple Scroll* is fundamentally a work of biblical exegesis is not as widely recognized as it should be. Ever since its initial publication, most of those who have dealt with the scroll have treated it only as a sort of re-redaction of the parts of the Torah which discuss the subjects of the scroll—Temple, purity, sacrifices and the political order. Yet in actuality, as the detailed comments of Yigael Yadin¹ and our own work² have clearly shown, besides being the result of redactional and editorial activity, the scroll emerges from a tradition of biblical interpretation which has a clear prehistory. This is not to minimize the extent to which textual variations in the biblical substratum—the author's *Vorlage*—have contributed to the creation of the *Temple Scroll*.³ But reliance occasionally on divergent texts cannot explain the nature of this scroll. Indeed, it is certain that throughout, the author/redactor or the authors of the various sources which make up the scroll had recourse to what was already a fixed canonical Torah.⁴ It was this “preexistent” Torah which was being interpreted. Only a thorough analysis of the interpretive techniques of the *Temple Scroll* can lay bare its true character.

While such interpretations have been analyzed in many papers presented by us over the years, it is time to begin to place greater emphasis on the specific nature of the interpretations. In order to do so, we shall select the laws pertaining to the Day of Atonement (Yom Kippur) as a model for our discussion. Yet our purpose is to develop a model which can be applied to many Torah passages.

¹ Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983).

² See the listings in F. García Martínez, “Classified Bibliography,” in E. Qimron, *The Temple Scroll, A Critical Edition with Extensive Reconstructions* (Beersheva-Jerusalem: Ben Gurion University of the Negev and Israel Exploration Society, 1996) 95–121 and F. García Martínez and D.W. Parry, *A Bibliography of the Finds in the Desert of Judah, 1970–95* (Leiden: E.J. Brill, 1996) 386–395.

³ See E. Tov, “The ‘Temple Scroll’ and Old Testament Textual Criticism,” *ErIs* 16 (1981–82) 100–11 (Hebrew).

⁴ Contrast H. Stegemann, “The Origins of the *Temple Scroll*,” *VTSup* 40 (1988) 235–256.

We need not start this project from scratch. Considerable attention has already been given to the role of the Bible in the *Temple Scroll*, especially by Yigael Yadin and Gershon Brin.⁵ Further, the work of Dwight Swanson⁶ has directly addressed the issue of the exegetical system of the scroll. At the outset it will be worthwhile to review his conclusions. Yet we must note that these conclusions remain primarily literary and not exegetical.

In Swanson's view, all passages dependent on the Bible are constructed on a base text, which must be Pentateuchal. Secondary texts are then woven in and serve to influence the base text, and these may also come from the Prophets. Supplementary texts are often introduced because of key words or other points of contact, and they function to bring the base text into conformity with the views of the author of the scroll (or its source). The manner in which these secondary texts are employed reveals the interpretations of the author. This process is not true harmonization,⁷ because the primary texts do not influence the secondary text, only the other way around. Only the base text is affected and so Swanson correctly denies that this constitutes homogenization. While he sees the non-biblical insertions as most important for understanding the view of the author, he concludes that the use of primary and secondary texts renders the *Temple Scroll* essentially a commentary on Scripture of a type to be compared to rabbinic midrash and the use and exegesis of the Hebrew Bible in the New Testament. He describes the "use by the Scroll of scripture to comment on scripture, so that even the commentary comes from the words of scripture, and not the exegete himself."⁸

While these observations are essentially correct, they do not really address the question of exegetical methods and assumptions. They rarely penetrate beyond the level of how the conclusions of the exegete are represented in the scroll, and do not go beyond what Yadin had

⁵ G. Brin, "The Bible as Reflected in the *Temple Scroll*," *Shaton* 4 (1979–80) 182–225 (in Hebrew).

⁶ D.D. Swanson, *The Temple Scroll and the Bible, The Methodology of 11QT* (Leiden: E.J. Brill, 1995) 228–232.

⁷ Contrast J. Milgrom, "The Scriptural Foundations and Deviations in the Laws of Purity of the *Temple Scroll*," *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman (Sheffield: JSOT Press, 1990) 89–96.

⁸ Swanson, *Temple Scroll and the Bible*, 235.

termed “the composition and editing of the scroll.”⁹ The same is the case with our study of the Deuteronomic Paraphrase which deals with the manner in which the scroll uses the Deuteronomic material.¹⁰ But in the study that follows, and in our larger project on the *Temple Scroll*, we seek to understand the interpretive process, for which, so far, no consistent descriptive terminology or conceptual understanding has been developed.

As a test case, we will take some examples from the laws pertaining to the Day of Atonement (Yom Kippur) in 11QT 25:10–27:10. We will not be able in the present paper to present even the majority of exegetical issues regarding this ritual, but a few examples will suffice to indicate the need to examine the exegesis of the scroll in this manner.

1. THE LAW OF SELF AFFLICTION (11QT 25:10–12)

The very first law of this section, dealing with the command to “afflict” oneself, already provides us with an example of exegesis.

And on the tenth in this month it is a Day of Atonement and you shall afflict yourselves on it. For any person who does not afflict him (or her)self on it on this very day shall be cut off from his (or her) people.¹¹

The text of the Festival Calendar of the *Temple Scroll* (11QT 13–29) is for the most part based on Num. 28–29 in terms of its general structure. Yet here, the scroll begins by following Lev. 23:27. The initial adaptation of the biblical text, עשרה for biblical עשור and the omission of השביעי (as in LXX to Num 29:7), are literary adaptations, designed to make the transition smooth from the previous material in the scroll.¹² After omitting, “you shall have a holy convocation,” in Lev 23, the passage follows the key word, the root ענה, and switches to dependence on Lev 16:29, where the Torah has תענו את נפשותיכם. Now the text of the scroll returns to Lev 23:29, which it utilizes in its entirety.

Everything we have seen so far is a literary process in which the various the texts of Lev 23 and 16 have been melded together. Beyond

⁹ Yadin, *Temple Scroll*, I, 71.

¹⁰ L.H. Schiffman, “The Deuteronomic Paraphrase of the *Temple Scroll*,” *RevQ* 15 (1992) 543–568 (pp. 443–469 in this volume).

¹¹ All translations are mine. For the text, see Yadin, *Temple Scroll*, II, 111; Qimron, *Temple Scroll*, 39.

¹² Note the omission by the scroll of the definite article from MT הכפרים.

the obvious fact that these texts refer to the same Day of Atonement, there is no exegesis here. It is interesting to note the omission of the prohibition of labor, but this may be either an error on the part of the author or, more likely, a result of the concern of the text here with the sacrificial elements of the holiday only.

But there is one minor variation from MT here which can be considered exegetical, the shift from the biblical תענה (*pu'al*) to תתענה (*hitpa'el*). The *pi'el/pu'al* of this root has, throughout the Bible, the general sense of “to afflict/to be afflicted.” No specific information is indicated by these forms as to the nature of the affliction. By Second Temple times, as evident already in the later books of the Bible (Ezra 8:21, Dan 10:12, cf. Ps 107:17) the *hitpa'el* of this root had acquired the technical sense of fasting, that is, abstention from eating and drinking. So the author of the Festival Calendar modified the Torah’s language to indicate that the correct interpretation of the command to afflict oneself on the Day of Atonement was to abstain from food and drink.

Now we are all aware of the many examples of linguistic updating in his scroll, that is, the substitution of later Hebrew forms or terms for the biblical elements now outdated. But our example, even if it does reflect the development of the Hebrew language, indicates the author’s interpretation of the Torah, which he wishes to make clear to his readers.

We have argued here that the biblical forms used in connection with the commandments concerning the Day of Atonement led to ambiguity. That this is the case can be seen in the rabbinic debates over the interpretation of these same passages.¹³ Like our author, the rabbis were of course well aware that fasting was a central observance on the Day of Atonement. But the rabbis were unsure as to whether the other required afflictions—abstention from anointing, bathing and sexual relations—were Torah commandments or rabbinic enactments. The debate hinged on the meaning of the *pi'el/pu'al* of this root. Those rabbis who saw this as a general term for affliction included in it also these additional prohibitions, whereas those who unknowingly agreed with the *Temple Scroll* saw only eating and drinking as Torah prohibitions.

¹³ *Sifra*, Aharei Mot, chap. 7:1–5, ed. I.H. Weiss (New York: Om Publishing, 1946) 82d–83a; *b. Yoma* 73b–74b; *y. Yoma* 8:1 (44c–d).

Accordingly, this example has provided for us a simple form of interpretation, in which the text substitutes one word for another to indicate an interpretation. There are numerous other examples of this approach in the text.

2. THE NUMBER OF RAMS (11QT 25:15–16)

At the end of column 25, the scroll deals with the “sin offering” of the Day of Atonement.

And for the sin offering of atonement you shall offer two rams (each) as a burnt offering. One the high priest shall offer on his own behalf and on behalf of his father’s house...¹⁴

In the lacuna at the top of column 26, the text must have mentioned the second ram, that of the people.¹⁵ Both of these rams are mentioned in Lev 16:3 and 5 although, curiously, they do not appear in the remainder of the description of the Day of Atonement ritual in Lev 16.

Above, in lines 12–15, the author adapted Num 29:8–11 which specifies the additional sacrifices for the Day of Atonement, that is, those offered in addition to the “sin offering of atonement.” Accordingly, it is clear from our text that the author expected a total of three rams to be offered on the Day of Atonement, the one of the additional sacrifice of Numbers and the two of Lev 16. But one could have also concluded that the ram of Num 29 was identical to that of the people in Lev 16.

This particular exegetical problem was also debated by the rabbis (*baraita* in *b. Yoma* 70b). Rabbi Judah the Prince, followed by the later halakhic tradition,¹⁶ understood the ram of Num 29 to be the same as the ram of the people in Lev 16 (v. 5). So in his view, a total of two rams was to be offered. According to Rabbi Eleazar son of Rabbi Shimon, who was actually following the same view as that of Philo¹⁷ and Josephus,¹⁸ the rams were distinct, so that a total of three rams was

¹⁴ Yadin, *Temple Scroll*, II, 114; Qimron, *Temple Scroll*, 39.

¹⁵ Yadin, *Temple Scroll*, II, 115.

¹⁶ Maimonides, *h. Yom Ha-Kippurim* 1:1.

¹⁷ *Special Laws* I, 188.

¹⁸ *Ant.* III, 240.

to be offered. It is clear that our scroll, like the other Second Temple sources, agreed that three rams were to be offered.¹⁹

Looking at this as an exegetical problem, it constitutes a simple question. Num 29:8 lists the additional offerings of the Day of Atonement: a bull, a ram and seven lambs. In v. 11 it also mentions the sin offering of the goat required as part of every festival offering. But it says that all the above is to be offered “in addition to (מלבד) the sin offering of Atonement.” Since the scroll is here based on the Numbers passage, the problem was simply to define the meaning of “the sin offering of atonement.” Our author defined this sacrifice to include the two rams mentioned in Lev 16: 3 and 5.

Although the section we are discussing here involved considerable rewriting of the biblical text, it originated not in the literary harmonization of divergent sources, but in the interpretive problems posed by the divergent sources. Our author chose to follow the plain meaning of the biblical text and this conclusion was in turn reflected in his literary reworking of the material.

3. SLAUGHTER OF THE GOAT FOR THE LORD (11QT 26:3–7)

After a lacuna at the top of column 26 (lines 1–3a), at the end of which E. Qimron reads א]טמ[א, there appears essentially a quotation of Lev. 16:8 (11QT 26:3–4): And the [high pr]iest [shall place lots on the two goats,] o[ne] lot [for the Lord and one lot for Azaz’el.”²⁰ In this passage the Bible’s reference to Aaron has been replaced by mention of the high priest, designated here already as הכוהן הגדול, the term adapted from Lev 21:10 which is usually used in rabbinic literature. What has happened in this text is that what might have been seen as a one-time command referring to the Jewish people in the desert has been understood to apply to all generations, as the rabbis would describe it. Indeed, this is the direct instruction at the end of the passage in Lev 16:34. Hence, Aaron has simply been taken as the high priest *par excellence*. We may compare the priestly ordination ceremony (11QT 15:3–17:4)

¹⁹ Cf. Yadin, *Temple Scroll*, I, 132–134.

²⁰ Yadin, *Temple Scroll*, II, 116; Qimron, *Temple Scroll*, 40.

where the *Temple Scroll* drew the same conclusion,²¹ whereas the rabbinic tradition saw it as a one-time ritual for the desert period.

The text then turns to the slaughter of the goat designated for the Lord (11QT 26:5–7):

[Then] they shall slaughter²² the goat [on which the lot f]ell [for the Lord, and the priest shall receive]²³ its blood in the golden basin which is in [his ha]nd, and d]o with [its] bl[ood as he di]d with the blood of his bull. And he shall make atonement with it on behalf of all the people of the congregation.²⁴

Verses 9 and 15 have been combined here. Verse 9, **והקריב**, has been replaced by **ושחטו**, based on verse 15 where **שחט** appears in the singular. Then the text continues through the remainder of 9a, until it comes to the words, “and he shall offer it as a sin-offering.” These words are replaced by commands which are essentially an adaptation of the remainder of v. 15. For the biblical, “and he shall bring its blood within the curtain,” the text of the scroll substitutes, “and the priest shall receive . . . in his hand.”

This is essentially an exegesis of the biblical material. The Bible tells us that the priest has to bring the blood to where it will be sprinkled, but does not explain how. Our text specifies that the priest is to collect the blood in a golden basin, and that this basin of blood is then to be brought. In this case, the scroll requires a procedure which is exactly the same as that mentioned in the Mishnah,²⁵ where the very same expression occurs, if we are to accept Qimron’s restoration of the *Temple Scroll*.

The remainder of the scroll passage adapts further the words of verses 15 and 16. Especially interesting is the fact that the shortening of this material led the author to omit the words of the Bible, “and he shall sprinkle it (the blood) on the (ark) cover and before the (ark) cover.” This is because the author of our scroll views the meaning of the biblical root **כפר** in ritual context as a technical term for the

²¹ Cf. L.H. Schiffman, “The Milluim Ceremony in the *Temple Scroll*,” *New Qumran Texts and Studies, Proceedings of the First Meeting of the International Organization for Qumran Studies*, ed. G.J. Brooke (Leiden: E.J. Brill, 1994) 255–272 (pp. 315–331 in this volume).

²² Reading with Qimron.

²³ So Qimron, Yadin restores **והעלה**.

²⁴ Yadin, *Temple Scroll*, II, 116; Qimron, *Temple Scroll*, 40.

²⁵ *m. Yoma* 5:4 (cf. 4:3) which does not, however, mention gold.

sprinkling of the blood, in accord with usage later found in rabbinic literature; hence, it was enough this verb even without specifying the further details of the practice.

While the understanding of atonement as sprinkling the blood is essentially a lexical issue, the introduction of the golden basin and its use for gathering the blood is an interpretation which the author must have derived from somewhere. It is most likely that the author knew this to be the unquestioned procedure in his own day, and that he interpolated this custom into his restatement of the biblical laws.

CONCLUSION

We have discussed here several examples of biblical interpretation. Without the recognition of their character as interpretation, they might have been seen merely as the result of the literary efforts of the author of the Festival Calender source of the *Temple Scroll*.²⁶ In one case, the interpretive problem was simply lexical, and the author substituted an unambiguous up-to-date word for one that was not clear. In another case, the interpretation of a legal term allowed the author to delete material he saw as repetitive. The problem of duplicate commands in the Pentateuch was resolved by the scroll with a decision that the commands were, in fact, not overlapping. In another case, details known from ritual procedure were interpolated into the text in order to make clear how the ritual was to be followed.

Further investigation of the Day of Atonement ritual reveals other forms of interpretation as well, reaching to the level of complexity of the detailed midrashic interpretations which we have studied in other parts of the scroll. There is no question that the *Temple Scroll* is first and foremost a work of biblical interpretation, and we must see the literary activity of the authors of the various sources and of the author/redactor of the complete scroll as aimed at interpreting God's holy scriptures for the Jews of the Second Temple period.

²⁶ On this source, see M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Chicago: Oriental Institute of the University of Chicago, 1990) 129–133.

CHAPTER TWENTY-ONE

SOME LAWS PERTAINING TO ANIMALS IN *TEMPLE SCROLL*, COLUMN 52

This chapter will take up a number of laws found in column 52 of the *Temple Scroll* dealing with animals. These laws are part of the Deuteronomic Paraphrase at the end of the scroll and, as such, are closely based on the book of Deuteronomy.¹ We have suggested that the Deuteronomic Paraphrase was composed by the author/redactor of the *Temple Scroll* in order to round out the treatment of the Torah's legislation and to give the impression that the newly redacted scroll was a "complete Torah," to borrow a phrase from the rabbis.²

Among the topics to be discussed in this chapter are the prohibition on sacrificing blemished animals, the law of first born animals, the prohibition on muzzling an ox, and that forbidding plowing with diverse animals. These laws are grouped in the scroll together with the laws of slaughter which we have discussed elsewhere.³ This study will deal with the relationship of these laws to the text of Deuteronomy, emphasizing the exegetical process that led to their formulation. It will compare these prescriptions with those of rabbinic literature and will place these laws within the context of the Deuteronomic Paraphrase and the legislation of the *Temple Scroll* as a whole.

¹ See L.H. Schiffman, "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992) 543–67 (pp. 443–469 in this volume); M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Chicago: The Oriental Institute of the University of Chicago, 1990), 35–44.

² *b. B. Bat.* 116a, *b. Menah.* 65b.

³ L.H. Schiffman, "Sacral and Non-Sacral Slaughter according to the *Temple Scroll*," *Time to Prepare the Way in the Wilderness*, eds. D. Dimant, L.H. Schiffman (Leiden: E.J. Brill, 1995), 69–84 (pp. 297–313 in this volume).

PROHIBITION OF SACRIFICING BLEMISHED ANIMALS (11QT 52:3–5)

Immediately after discussing the law of idolatry (Deut 16:21–22, parallel to 11QT 51:19–52:3),⁴ the text of the Deuteronomic Paraphrase continues directly by dealing with Deut 17:1:

And you shall not sacrifice to Me an ox or a sheep in which there is any serious blemish, for they are an abomination to Me.⁵

The addition of the conjunction *waw* at the beginning of this text is typical of the compositional style of the scroll. MT does not have it and it is not attested in the versions. Further, the verse begins **לֹא תִזְבַּח** in 4QDeut^c 30 + 32 ii 7.⁶ The addition of the conjunction *waw* is in consonance with the absence of a space denoting a new paragraph before this commandment. A closed paragraph space is found in MT.⁷

The replacement of the third person with the first for God is the usual pattern in the scroll.⁸ Harmonistic tendencies were certainly at work in the author's change of MT **אֲשֶׁר יִהְיֶה בּוֹ מוֹם כָּל דְּבַר רַע** to **אֲשֶׁר יִהְיֶה בּוֹ כָּל מוֹם רַע**. The author was certainly influenced by **כָּל מוֹם רַע** in Deut 15:21.⁹ Yet here the efforts were clearly directed at removing the potential ambiguity of MT. As it stands, it is not clear from MT that **מוֹם** and **דְּבַר רַע** are one and the same. Indeed, Targum Pseudo-Jonathan took them as two separate restrictions and translated, **מוֹמָא חֲגִיר אִו סְמִי כָּל מִידְעָם**, "blemish, lameness or blindness, or any evil thing (namely, that it was stolen or forcibly taken)." Our text here

⁴ See L.H. Schiffman, "Laws Concerning Idolatry in the *Temple Scroll*," *Uncovering Ancient Stones, Essays in Memory of H.N. Richardson*, ed. L.M. Hopfe (Winona Lake, IN: Eisenbrauns, 1994), 159–75, esp. 161–3 (pp. 471–486 in this volume).

⁵ This translation follows Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983), II, 232–3 exactly. All translations found below are my own. This passage is also discussed in Schiffman, *Deuteronomic Paraphrase*, 532–4.

⁶ S. White Crawford in DJD 14, 26. None of the biblical passages discussed in this article is paralleled in the *Reworked Pentateuch* published by E. Tov and S. White in DJD 13, 188–351. It is unfortunate that, by coincidence, the overlaps between what is preserved of that text and the *Temple Scroll* are minimal except in the case of the well known additions published by them as 4Q365a, texts which many believe to stem from a manuscript of the *Temple Scroll* or one of its sources.

⁷ Cf. Yadin II, 232–3.

⁸ Yadin I, 71–3; B.A. Levine, "The Temple Scroll: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 17–21; G. Brin, "Ha-Miqra' Bi-Megillat Ha-Miqdash," *Shnaton* 4 (1979/80) 210–12.

⁹ Yadin II, 232 also compares Lev 22:20–21 which does not seem to us to have had any direct influence. Note that 4QDeut^c, line 5, has **דְּבַר רַע**, as in MT.

is not simply harmonizing for the sake of harmonizing, but wishes to emphasize that the prohibition concerns one and only one thing, a serious blemish, but no other kind of disqualification.¹⁰

The tannaim were faced with the same exegetical issue. They suggested that the use of כל in this passage was to indicate that it included as sacrificial disqualifications both blemishes acquired after birth and those which were congenital. Yet they excluded here an entire list of temporary blemishes, since in their view only permanent blemishes could be considered as מום רע.¹¹ It would seem from the manner in which the *Temple Scroll* changed the text of Scripture that it would have agreed with the tannaitic interpretation of this same text.¹²

FIRSTBORN ANIMALS (11QT 52:7–12)

In dealing with the law of firstborn animals,¹³ the text of the *Temple Scroll* provides an almost verbatim quotation of Deut 15:19–23:¹⁴

Every firstborn which shall be born among your male cattle and sheep you must consecrate to Me. You may not work your firstborn ox nor shear your firstborn sheep. You must eat it before Me each and every year in the place which I will chose. But if there is any blemish on it (the firstborn), (if it be) lame or blind, or (have) any serious blemish, you may not sacrifice it to Me. In your gates you may¹⁵ eat it; (both) the impure and the pure among you may eat it, just as if it were a gazelle or a deer.¹⁶ Only you may not eat the (i.e., its) blood; You must pour it on the ground like water, and (then) cover it with soil.¹⁷

¹⁰ The same view is taken by Ibn Ezra to Deut 17:1.

¹¹ *Sifre Deuteronomy* 126 (ed. L. Finkelstein [New York: Jewish Theological Seminary, 1969], 184); Moses David Abraham Treves Ashkenazi, *Sifre 'im Perush Toledot 'Adam, Devarim* (Jerusalem: Mossad Harav Kook, 1974), 162; David Pardo, *Perush Sifre Deve Rav* (Jerusalem: Machon Lev Sameach, 1989/90), III, 344–5. Cf. also *Sifre Deuteronomy* 147 (ed. Finkelstein, 201–2) and *m. Bek.* 6:12.

¹² 11QT 52:5–7, immediately following the above passage, deals with the prohibition on slaughtering pregnant animals. On this prescription, see E. Qimron and J. Strugnell, DJD 10, 157–8 and L.H. Schiffman, “*Miqsat Ma'ase Ha-Torah* and the *Temple Scroll*,” *RevQ* 14 (1990) 448–51.

¹³ For biblical background, see G. Brin, *Studies in Biblical Law, From the Hebrew Bible to the Dead Sea Scrolls* (JSOTSup 176; Sheffield: JSOT Press, 1994), 166–95.

¹⁴ This passage from Deuteronomy is not preserved in the Qumran manuscripts.

¹⁵ We translate “may,” rather than “shall,” to indicate that there is no obligation to eat of such animals. Rather, it is permitted to eat them.

¹⁶ Note Targum Onkelos, כבשר טביא ואילא, “like the meat of a gazelle or a deer,” and the similar text of Targum Pseudo-Jonathan.

¹⁷ For a general discussion of this passage, see Yadin I, 315.

This text exhibits the usual change to the first person, the trademark of the author. There are other important divergences from MT as well. The author has replaced the singular of MT **בבקרך ובצאנך הזכר** with the plural **בבקריכה ובצואנכה**¹⁸ **הזכרים**. The notion that this is an intentional modification from MT and not a legitimate textual variant in the biblical substratum is supported by the fact that although the scroll correctly spelled the plural form for cattle, it used defective spelling for the sheep. In other words, the author made only two-thirds of the necessary changes.

It is not necessary to assume that Exod 13:15 was the source of this change and to see it as a harmonization.¹⁹ This may simply be a linguistic updating for clarity in an age in which **בקר** and **צאן** (in the singular) no longer meant the collective flock or herd. We have already seen that our author seeks to eliminate the obscurities of the biblical text that he had before him. In line 8 it is interesting that the *Temple Scroll* did not add a prepositional *bet* before **בכור צואנכה** to agree with the cattle phrase (**בבכור שורכה**).²⁰

The scroll omits the words **אתה וביתך** found in MT. This again seems exegetical and the omission is not paralleled in the versions. This omission may be connected with the question of who is to eat the firstborn animals. After all, our passage in Deuteronomy seems to expect the owners to eat of the offering. Yet ancient Jewish exegesis took the view that the sacrifice of the firstborn kosher animals was to be eaten by the priests.²¹ This is certainly the import of Num 18:18–19 and of tannaitic law.²² But following a literal interpretation of our passage, one might understand the firstborn to be eaten by the owners who brought it as a sacrifice. Since taken literally, the words **אתה וביתך** might be “incorrectly” understood as referring to eating in your own house, hence by the owner, they had to be excised.

¹⁸ Vocalizing as plural despite singular orthography. See below.

¹⁹ So Yadin II, 233.

²⁰ For MT **שנה בשנה**, Yadin read **שנה כשנה** in 11QT 52:9 and said that the reading is certain. J. Milgrom, “Further Studies in the *Temple Scroll*,” *JQR* 71 (1980/1) 99–100 argued that Yadin’s *kaf* actually looks like the *bet* of the next word. He is correct since the *kaf* is narrower at the top and only the *bet* has the pronounced hook on the upper left. Indeed, E. Qimron, *The Temple Scroll, A Critical Edition with Extensive Reconstructions* (Beer Sheva and Jerusalem: Ben Gurion University of the Negev Press and Israel Exploration Society, 1996), 76 (cf. n. 9a) follows this reading.

²¹ For this reason, Ibn Ezra to Deut 15:20 explains **אתה וביתך** as **בית הכוהן**, assuming that the command is directed at the priests. Cf. also Rashi.

²² *m. Zevah.* 5:8; cf. Maimonides, *Hilkhot Bekhorot* 1:1–3 which specifies that even blemished firstborn animals belong to the priests.

Yadin has argued that as opposed to tannaitic halakhah in which the firstborn, whether perfect or blemished, is given to the priest and it is he that eats it, either as a sacrificer or in a non-sacral manner, the *Temple Scroll* ordains that the firstborn is eaten by the owners in the Temple if it is unblemished, and by them wherever they wish if it is blemished.²³ The main obstacle to this view is that in 11QT 60:2 the firstborn animals are listed, with no distinction between blemished and unblemished, among the gifts that the priests are to receive.²⁴ Further, if the scroll meant that the animals were to be eaten by the owners, why would it omit “you and your family” which appears in MT? The only possible interpretation is that the scroll considered this command to apply to the priests who were given the animals, hence the omission.

There are several other interesting changes. The scroll has **ואם יהיה** where MT has **וכי-יהיה**.²⁵ This may be an example of linguistic updating, but it is unlikely that we deal here with an attempt to eliminate the ambiguity of the word *ki*, since it is clear in such cases. Before the words **כל מום רע** in MT, the scroll has **או**, a variant with MT also found in Samaritan, many LXX manuscripts, Syriac and Vulgate.²⁶ While such a variant might be explained as an exegetical addition in the *Temple Scroll*, its widespread attestation in this case favors taking it as a legitimate textual variant already present in the *Vorlage* which was used by our author.

The addition of **בכה** is an extremely important exegetical change in the text. The very same addition exists in 11QT 53:4 when compared with Deut. 12:22, except that there it is supported by LXX and Samaritan.²⁷ In this case, we seem to be dealing with a common exegetical variant, which is meant to indicate that “the impure and the pure” refer to the eaters, not to the kosher and non-kosher animals. The same point is made in Targum Pseudo-Jonathan.²⁸ The use of **הדם** in 11QT where MT has **את-דמו** is most probably a textual variant.

²³ So Yadin I, 314–15; II, 234.

²⁴ On this passage, see Schiffman, “*Miqsat Ma’ase Ha-Torah and the Temple Scroll*,” 452–6.

²⁵ See the discussion of such interchanges in Brin, “Ha-Miqra’ Bi-Megillat Ha-Miqdash,” 214–17.

²⁶ Yadin II, 234. On the use of **או** in biblical law, see G. Brin, *Studies in Biblical Law*, 90–101.

²⁷ Yadin II, 234 and 238.

²⁸ Which translates in Deut 15:22, “one who is impure so as not (to be permitted) to offer sacrifices and one who is pure so as (to be permitted) to offer sacrifices.” It is likely that this translation assumes that only priests are being discussed in Deuteronomy, since it refers specifically to offering sacrifices.

It can also be the result of harmonization in our scroll, based on the parallel use of לבלתי אכל הדם in Deut 12:23. But the phraseology of these two passages is most probably not similar enough to have led to harmonization.

Finally, the scroll adds a small piece of original composition, the two words וכסיתו בעפר. This addition is based on Lev 17:13. The same addition is introduced into 11QT 53:5–6.²⁹ As to the requirement of covering the blood, called *kissui ha-dam* in rabbinic literature, here we again find a difference with rabbinic law.³⁰ The rabbis understood Lev 17:13, which supplies the basis for our text here, to indicate that the blood of animals which are not domesticated—beasts and fowl—must be covered after slaughter.³¹ Indeed, analysis of this chapter in Leviticus shows that covering of the blood for these wild animals was intended as a substitute for the offering of the blood of domesticated animals as *shelamim* sacrifices. In these offerings, the blood was poured on the altar. In the case of the slaughter of beasts and fowl, the covering of the blood served as a substitute for the blood rites associated with the sacrifices. Our scroll, here and in the law of slaughter of 11QT 53:07–8,³² understands this requirement to apply also in the case of domesticated animals (*behemot*) which are slaughtered.³³ In this respect the author drastically departs from both the plain meaning of the biblical text and from the rabbinic interpretation.

A relevant exegetical issue taken up by the rabbis is the meaning of “each and every year.” They interpreted the passage to refer to a year of the animal’s life, concluding that it is required to eat the first-born animal in the first year.³⁴

²⁹ Yadin II, 234.

³⁰ For the issues raised regarding this problem from the point of view of biblical studies, cf. B.A. Levine, *The JPS Torah Commentary, Leviticus* (Philadelphia, New York, Jerusalem: The Jewish Publication Society, 1989), 111–17; M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon Press, 1972), 215–6; E.Y. Kaufmann, *Toldot Ha-’Eminah Ha-’Yisre’elit* (Jerusalem: Bialik Institute, Tel Aviv: Dvir, 1966/7), I, 127–31; J. Milgrom, “A Prolegomenon to Leviticus 17:11,” *JBL* 90 (1971) 149–56.

³¹ *m. Hul.* 6:1; *Sefer Ha-Hinukh*, ed. C. Chavel (Jerusalem: Mosad Harav Kook, 1981/2), 264.

³² My translation and explanation are found in Schiffman, “Sacral and Non-Sacral Slaughter,” 73–4, 80–83.

³³ Cf. Yadin I, 315 and the sources quoted there, although our explanations do not necessarily agree. See also Schiffman, “Sacral and Non-Sacral Slaughter,” 75, 81.

³⁴ *Sifre Deuteronomy* 124 (ed. Finkelstein, 182). Cf. also *m. Bek.* 4:1–2, *t. Bek.* 3:1–2.

The tannaim also interpret the reference to כל מום רע as they did in the passage discussed above, to refer to a permanent blemish. Again they explain that it applies whether the blemish was congenital or developed after birth. They note that the text of Scripture indicates this by giving the examples of the lame or blind, two disqualifications which are indeed permanent and visible.³⁵

PROHIBITION ON MUZZLING AN OX (11QT 52:12)

The scroll then quotes with modification Deut 25:4: “And you may not muzzle an ox over its threshing.”

This quotation exhibits several variations from MT.³⁶ The addition of the conjunction *we-* to לוא is typical of the style of the scroll.³⁷

More significant is the change from בדישו to על דישו. This is clearly an exegetical change, designed to solve the ambiguity in the MT. Who is violating the law, one who puts a muzzle on an ox before threshing, one who threshes with a muzzled animal, or one who does both? How about one who puts on the muzzle in the middle of the threshing?³⁸ This change seems to indicate agreement with the medieval Karaites who understood *be-* here to mean “before.”³⁹ According to this view, one who placed the muzzle on the animal before threshing would violate the commandment. In any case, regarding this variant, we deal with exegesis, not with textual history.

Tannaitic exegesis took this prohibition to be somewhat wider. It understood the text to prohibit muzzling any animal in any circumstance

³⁵ *Sifre Deuteronomy* 125 (ed. Finkelstein, 184). On the exclusion of the handicapped in sectarian literature, see L.H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls, A Study of the Rule of the Congregation* (Atlanta: Scholars Press, 1989), 43–9; Yadin, I, 289–91; Qimron and Strugnell, DJD 10, 160–61.

³⁶ This passage appears in the lacuna in 4QDeut^f 29–31, line 1 (White Crawford, DJD 14, 53).

³⁷ Note that MT has a closed paragraph space after Deut 25:4, whereas the *Temple Scroll* has no *vacat* before or after this law.

³⁸ Cf. *t. Kil.* 5:11 (and S. Lieberman, *Tosefta Kifshutah* II [New York: Jewish Theological Seminary of America, 1955], 653); *t. B. Meš'a* 8:12 (and Lieberman IX [1988], 265); *t. Mak.* 5:1; *y. Ter.* 7:1 (44c); *y. Ket.* 3:1 (27b); *b. B. Meš'a* 90b–91a.

³⁹ Judah Hadassi, *Eshkol Ha-Kofer* (Eupatoria, 1836), 54d; Aaron ben Elijah of Nicomedia, *Keter Torah* (Ramle, 1972), to Deut 25:5; Ibn Ezra to Deut 25:4 who rejects their view; cf. Anan ben David, *Sefer Ha-Misvot*, ed. A. Harkavy (St. Petersburg, 1903), 69 and Ibn Ezra to Gen 2:2.

where it could eat already harvested food which was fully ready during the course of work.⁴⁰

Another alternative has been suggested to the effect that we ought to translate *על דישו* as “in the place of its threshing.” This would mean that muzzling is prohibited in threshing areas, whether the animal is actually threshing or not. This view would be stricter than either that of the rabbis or the Karaites. If we understand *dayish* to mean “threshed grain,” our text would prohibit muzzling an animal whenever food was present.⁴¹

Why did the author incorporate this law here? That it is out of place in Deuteronomy 25 is an insufficient explanation.⁴² While we cannot be certain, it seems that the placement of this law was actually occasioned by the author’s decision to place it with the next law (regarding plowing with diverse animals), since he saw both as referring to the prohibition on cruelty to animals. Further, both refer to plowing animals.

PLOWING WITH DIVERSE ANIMALS (11QT 52:13)

The author of the *Temple Scroll* also cites the law about plowing with diverse animals in this context, quoting Deut 22:10: “And you may not plow with an ox and a donkey (yoked) together.”

This verse is in fact repeated *verbatim*, with the only change the addition of the conjunction “and” at the beginning, a change typical of the scroll’s compositional technique.⁴³

The author has taken the law about plowing with diverse animals out of its context, in connection with diverse plantings (Deut 22:9) and clothing (22:11) which appear in 11QT 65:05–07,⁴⁴ and connected it with the laws regarding animals which appear in 11QT 52:4–53:8.⁴⁵ The moving of Deut. 22:10 to a position in the *Temple Scroll* immediately after Deut 25:4 (the prohibition on muzzling of animals which appears in 11QT 52:12) was designed most probably to indicate the author’s

⁴⁰ *Sifre Deuteronomy* 287 (ed. Finkelstein, 305); *t. B. Meš’a* 8:4–7.

⁴¹ E. Qimron, “The Biblical Lexicon in Light of the Dead Sea Scrolls,” *DSD* 2 (1995), 296–8.

⁴² Cf. Yadin II, 234.

⁴³ MT has a closed paragraph space before Deut 22:10, but not after. The scroll has no *vacat* before or after.

⁴⁴ According to the restoration of Yadin II, 292. Verses 9 and 11 were probably at the top of column 65 where our verse must have been omitted.

⁴⁵ Yadin II, 234.

view regarding the significance of this restriction.⁴⁶ He took the view that the prohibition on plowing with an ox and a donkey related not to the violation of the order of nature, as he thought the prohibitions on sowing diverse kinds or wearing clothes of linen and wool did, but rather to the requirement of preventing the suffering of animals.⁴⁷ In this case, then, the positioning of a Deuteronomic law in the scroll says much about the author's view of it, although its text is in virtually complete agreement with MT.

It is most probable that the author would have agreed with the view of the tannaim that this law applies to any yoking of diverse animals, not just to oxen and donkeys. Further, he would probably also have agreed that the law applies to any kind of work, not just to plowing.⁴⁸

SLAUGHTER OF BLEMISHED ANIMALS (11Q^T 52:16–19)

Above, we had seen that a blemished animal may not be sacrificed, but, rather it is to be eaten “in your gates” (11Q^T 52:9–11). The scroll now takes up the question of the meaning of this phrase. How far away from the Temple does one have to be to be permitted to eat of a blemished animal? The scroll states:

But (as to) any pure (i.e., kosher) animal which has a blemish on it, you shall eat it in your gates (providing that it is) a distance of thirty stadia

⁴⁶ Note that the other forms of mixed kinds are enumerated in 4Q^{MMT} B 76–78 but plowing with diverse animals is omitted there. The prohibition of mixed breeding is mentioned there and Qimron and Strugnell, DJD 10, 56, note that if their restoration is correct, MMT takes the view that this prohibition only applies to pure (kosher) animals. The *Zadokite Fragments* also mention the laws of mixed kinds, including mixed plowing. See 4Q²⁶⁹ (D^d) 9 2–3 (mostly restored) = 4Q²⁷⁰ (D^e) 5 16–17 (almost entirely restored) = 4Q²⁷¹ (D^f) 3 9–10 (J.M. Baumgarten, DJD 18, 132, 154, 175). Whereas MMT refers to a forbidden marriage as equivalent to violation of the law of mixed kinds, this passage refers to an inappropriate match in these terms. Mixed kinds also appear in *Sapiential Work I^a* (4Q 418) frag. 103 ii 7–9 (Strugnell, Harrington, Elgin, DJD 34, 329) where mixed breeding is the only category not mentioned in the text as preserved. Note the difficult phrase *dayyane kilayim* in “Text Mentioning Mixed Kinds,” 4Q⁴⁸¹, in E. Larson and L.H. Schiffman, DJD 22, 303–4.

⁴⁷ In this respect he agreed with those rabbis taking the view that abstention from cruelty to animals was required by the Torah. Cf. *b. B. Meši'a* 31a–33a.

⁴⁸ *Sifre Deuteronomy* 231 (ed. Finkelstein, 264). Lines 13–16 which follow in the scroll prohibit non-sacral slaughter in the vicinity of the Temple, except three days' journey from the sanctuary. We have discussed this law in “Sacral and Non-Sacral Slaughter,” 72–3, 76–78.

(*ris*) around from My Temple. You may not slaughter it close(er) to My Temple for it is abominable meat.

Although there are some biblical parallels to some phrases here (e.g. Gen 7:2 and Lev 19:7), this prescription is the original composition of the author and is certainly not a paraphrase of anything in the Bible.

The fundamental command is that animals with blemishes may not be slaughtered as sacrificial offerings, and may only be killed in non-sacral manner at a distance of 30 *ris* from the Temple. For the purpose of this law, “in your gates,” as opposed to in the Temple area, means at least this distance from the sanctuary. In Mishnaic usage, this same measure appears as a sufficient distance from an inhabited area to permit the trapping of pigeons without concern that they may belong to the inhabitants of the settlement.⁴⁹ This distance is defined by the commentaries on the Mishnah as equal to 4 Roman miles, equal to about a kilometer each,⁵⁰ 2 modern English or American miles, which is one ancient *parasang*.

This measurement occurs elsewhere in the scrolls. In the text known as *Serekh-Damascus* (SD), a combination of elements found in the *Rule of the Community* and the *Zadokite Fragments*, there is a line which can be read as רס [רחוק מן המ] קדש שלושים רס, “[...distant from the Tem]ple by thirty *ris*” (4Q 265 7 5–6).⁵¹ This sentence appears in the context of a group of Sabbath laws, and it is probable that the text should be restored such that it indicates that whereas one may walk from the city limits with an animal up to 2000 cubits,⁵² one may only walk such an animal at least thirty *ris* from the Temple. Presumably, it was forbidden to pasture animals so close to the Temple.⁵³ In addition, the measure of *ris* is used in the *New Jerusalem* texts.⁵⁴

As we mentioned, this section of the scroll has been composed independently. No biblical precedent can be found, nor can any parallel

⁴⁹ *m. B. Qgm.* 7:7, cited in Yadin, I, 317.

⁵⁰ C. Albeck, *Shishah Sidre Mishnah, Seder Neziqin* (Jerusalem: Bialik Institute, Tel Aviv: Dvir, 1959), 39, no doubt based on *m. Yoma* 6:4 which says that there are 7 1/2 *ris* to the Roman mile. Cf. Yadin I, 318.

⁵¹ J. Baumgarten, DJD 35, 69 and 71, with a different reconstruction.

⁵² On this prescription see L.H. Schiffman, *The Halakhah at Qumran* (Leiden: E.J. Brill, 1975), 111–13, revised in idem, *Halakhah, Halikhah U-Meshihiyut Be-Khat Midbar Yehudah* (Jerusalem: Merkaz Shazar, 1993) 117–8.

⁵³ The attempt of Yadin I, 318 to restore that passage in light of our scroll makes no sense in light of the context of *Serekh-Damascus*. However, Yadin is no doubt correct that the sentence ends after *ris*.

⁵⁴ Yadin I, 318; J.T. Milik, in DJD 3, 187–8.

be found in Rabbinic literature. As a result, the interpretation of this passage is extremely difficult.

Our discussion of this law so far has avoided the fundamental problem. This text clearly indicates that animals which have blemishes may be slaughtered in non-sacral manner, provided it is at least 30 *ris* from the Temple. It is possible to read this law as referring specifically to blemished firstborn animals, taking it as a continuation of lines 9–12, in which case we would have difficulty understanding why other laws came in between (lines 12–16). Nonetheless, according to that view, we would say that blemished firstborn animals are essentially given an intermediate status in which their firstborn nature allows them to be offered within three days' journey of the Temple, yet their blemish forces them to be killed non-sacrally and at a small distance from the Temple. Presumably, this leniency results from their having been under the presumptive status of firstborn offerings, from which they were released as a result of the blemish. Enough of their special status seems to remain to allow them to be slaughtered within the three-day limit, provided that the "decent" interval of two miles from the Temple is observed.

But the text actually refers to "any pure animal" and says that if it is blemished it may be slaughtered non-sacrally within thirty *ris* of the Temple. If so, this law would drastically limit the prohibition on non-sacral slaughter within three days journey of the Temple which is spelled out in lines 13–16. It would mean that there, when the text refers to "an ox, sheep or goat which are pure," it refers only to unblemished animals. The notion would be that perfect animals, because they are eligible for sacrifice, may only be slaughtered non-sacrally if they are distant from the Temple by three days' journey. Yet blemished animals, since they are not eligible for sacral offering, may be slaughtered non-sacrally, even at the small distance of thirty *ris* from the sanctuary.

The second reading would effectively vitiate the scroll's severe limitation of non-sacral slaughter within three days of the Temple, since it would permit slaughter of blemished animals. Further, it appears that 4QMMT also limited non-sacral slaughter in agreement with the *Temple Scroll*.⁵⁵ That text makes no mention of any loophole in regard to blemished animals. The notion that this law refers only to firstborn animals seems most logical, therefore, but under no circumstances can we be certain.

⁵⁵ See Qimron and Strugnell, DJD 10, 156–7.

CONCLUSION

This one column of the scroll demonstrates the extent to which what appears to be a simple recapitulation of biblical material often represents a complex series of biblical interpretations. These interpretations are often difficult to separate from legitimate textual variations which arise from the transmission of the biblical text. By extremely careful analysis, it is possible to derive the significance of even the most minor of textual variations in the *Temple Scroll*.

The examples we have studied have revealed that the author/redactor collected a variety of laws pertaining to animals and intentionally arranged them in a logical order, different from that of Scripture. Only serious, permanent blemishes disqualified animals from sacrificial slaughter. The same was the case for firstborn animals which were to be given to the priests. Covering of the blood was required in such cases for all slaughter, even of domesticated animals. The muzzling of an ox was prohibited, as is usual, before its work, and it is most probable that this law applied to other animals and forms of work as well. The law against plowing with diverse animals was taken as a regulation against cruelty to animals. The final prescription we studied is most probably limited to firstborn blemished animals which were permitted to be slaughtered at the minimal distance of thirty *ris* from the Temple.

Our author sought to weave his own interpretations of Scripture into the text of the Torah itself. In so doing, he wished to tell his readers that these were indeed the commandments of God, Who dwelled among Israel, in its sanctuary, at the center of its land. The author/redactor's call for a thorough reform of the society, the polity, and the Temple, could truly be said to embrace not only the Jewish people and their land, but even the way they treated their animals—neighbors about whom the Bible already had so much to say.

CHAPTER TWENTY-TWO

‘ÓLÁ AND ḤATṬĀ’T IN THE *TEMPLE SCROLL*

The *Temple Scroll* spells out a complex system of sacrificial rituals. Most of these are set out in the “Sacrificial Calendar” of 11QT 13–29. Elsewhere, in comparing the sacrificial laws of the sect with those of the book of Jubilees, we have investigated numerous aspects of this calendar, dealing primarily with its structure and the general character of the offerings to be brought on the various days.¹ I noted that the calendar is itself a literary unit which was probably one of the elements which the redactor of the *Temple Scroll* had at his disposal when he did his work.² This previous study followed the order of the calendar and did not concern itself with the detailed prescriptions of sacrificial law. The present discussion is an attempt to discover the underlying principles of law and biblical exegesis which pertain to each of the primary categories of offerings.³ It seeks as a first step to bring together the information on each type of sacrifice scattered throughout the scroll.⁴

¹ “The Sacrificial System of the *Temple Scroll* and the Book of Jubilees,” *Society for Biblical Literature 1985 Seminar Papers* (Atlanta: Scholars Press, 1985), 217–33 (pp. 99–122 in this volume).

² A. Wilson and L. Wills, “Literary Sources for the *Temple Scroll*,” *HTR* 75 (1982) 275–88; M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, SAOC 49; Chicago, Oriental Institute of the University of Chicago, 1990), 129–33.

³ Cf. the study of the sacrifices for the various festivals in the *Temple Scroll* in A. Vivian, *Rotolo del Tempio* (Brescia: Paideia, 1990), 251–92. The exegetical techniques behind this section of the scroll are investigated in D.D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT* (Ph.D. diss., University of Manchester, 1990), 31–154.

⁴ See also L.H. Schiffman, “*Shelamim* Sacrifices in the *Temple Scroll*,” *ErIs* 20 (Yigal Yadin Volume) (1989) 176*–83* (pp. 365–377 in this volume).

THE *ʾôlâ*

The term *ʾôlâ*, literally referring to a sacrifice “which goes up,” is usually translated as “burnt offering.”⁵ The *ʾôlâ* is an offering which is burnt on the altar, the smoke (or aroma) of which ascends to the deity.⁶

The *ʾôlâ* is mentioned repeatedly in the “Sacrificial Calendar” preserved in the *Temple Scroll*. In 11QT 13:10–16 we read of the daily *tāmîd* offering, to be made up of one unblemished (literally “perfect”) male lamb in the morning and one in the evening (late afternoon, **בין הערבים**). They are to be offered upon “the altar.” These prescriptions represent simply a recapitulation of Exod 29:38–41 and Num 28:3–8.

11QT 13:16–14:02 immediately after specifies the Sabbath *ʾôlâ*, closely following Num 28:9–10 (with some variations from MT paralleled in the LXX). Accordingly, two one-year-old male lambs are to be offered as an *ʾôlâ*.

The problem of the *ʾôlâ* for the New Moon (what the rabbis called *Rosh Hodesh*) is taken up in 11QT 14:02–8. Following Num 28:11–15 this offering is to consist of two young bulls, one ram, and seven unblemished male lambs.

For each of the seven days of the Matzot Festival (Passover), an *ʾôlâ* is to be offered (11QT 17:12–14). It consists of two bulls, a ram, and seven unblemished one-year-old male lambs. This exactly reflects the prescription of Num 28:19.

An *ʾôlâ* was to be offered on the Day of *Teruʿah*, rabbinic Rosh Ha-Shanah (11QT 25:2–10). One bull, one ram and seven male lambs were to be offered, in accord with Num 29:2. This *ʾôlâ* was to be brought besides the *ʾôlâ* of the daily offering (*tāmîd*) and that of the New Moon (cf. Num 29:6).

The Festival of Sukkot is discussed in 11QT 27:10–29:1. The offerings for this festival are designated *ʾôlâ* sacrifices in Num 29:13. Verse 36 so designates the offering for the Eighth Day of Assembly (*Shemini Atseret*). The fragment which serves as the basis for Yadin’s restoration of 11QT 28:02 omits this designation, yet Yadin restores it below in the text for *Shemini Atseret* (29:011). These sacrifices follow the Num-

⁵ The term holocaust, once used to refer to the *ʾôlâ*, has recently assumed a wholly different meaning.

⁶ B. Levine sees the function of this offering as that of “attraction” (*In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel* [SJLA 5; Leiden: Brill, 1974], 22–27).

bers requirements, specifying for the first day thirteen bulls, two rams, and fourteen one-year-old unblemished lambs (restored). The number of bulls then decreases by one for each day, until on the seventh day it reaches seven. The number of rams and lambs remains constant throughout. On *Shemini ʿAtseret ʿólá* offerings are one bull, one ram, and seven male lambs, following Num 29:36.

The foregoing sacrifices were prescribed by Scripture for various occasions. We now turn to the first of those offerings ordained by the "Sacrificial Calendar" of the *Temple Scroll* which are not prescribed in the Torah. 11QT 14:9–15:3 discusses the rites for the first day of the first month (*Rosh Hodesh Nisan* in rabbinic terminology).⁷ Like the later tannaim (*m. Roš Haš.* 1:1), the author of the *Temple Scroll* saw this as a kind of new year festival, analogous to the first of the seventh month (Tishre) from which he derived its sacrifices.⁸ Among the sacrifices 11QT 14:11–12 (restored) describes the *ʿólá* as consisting of one bull, one ram, and seven unblemished one-year-old male lambs. This is separate from the usual *Rosh Hodesh ʿólá* which is offered as well (11QT 14:13). Comparison with 11QT 25:7–8 dealing with the first of Tishre leaves no doubt that the order of the sacrifices for both these festivals was daily *tāmúd*, *Rosh Hodesh* offering, New Year offering.⁹

The annual Ordination Festival (*millúʿim*) described in 11QT 15:3–17:4 uses the term *ʿólá* to refer to a portion of an offering which is burnt (11QT 15:3–14), a strange usage. Each day of the seven day *millúʿim* ceremony, a ram is to be sacrificed and its right thigh is to be offered as an *ʿólá*, along with the *hēleb*. These portions, together with the loaves are to be offered as a *tēnúpá* (presentation) offering,¹⁰ then put on the altar as a burnt offering, on top of the daily burnt offering (*tāmúd*).

Investigation of the biblical passages dealing with the original ordination Ceremony, in which Moses invested the priests, indicates that two rams were sacrificed, the first as an *ʿólá* and the second as a *millúʿim*

⁷ Cf. Y. Yadin, *The Temple Scroll* (3 vols.; Jerusalem: Israel Exploration Society, 1983) I. 89–91; Schiffman, "Sacrificial System," 221–23.

⁸ Cf. *m. Roš Haš.* 1:1, according to which the tannaim also saw first of Nisan as a New Year festival, although they prescribed no special offerings for that day except those for a normal New Moon.

⁹ Cf. Yadin, II, 113.

¹⁰ See J. Milgrom, *Studies in Cultic Theology and Terminology* (SJLA 36; Leiden: Brill, 1983), 139–58, who explains that *tēnúpá* is performed to add additional sanctification to the offerings.

sacrifice.¹¹ The *millūʾim* sacrifice involves the offering of the right thigh of the ram (Exod 29:22, Lev 8:25). Whereas the *Temple Scroll* mentions the right thigh before the *ḥēleb*, the order is the opposite in the biblical passages. In referring to the offering of these portions, both Exod 29:25 and Lev 8:28 refer to this offering as being made על העולה “besides the burnt offering,” i.e. besides the first ram. This phrase, meant in the Bible to emphasize that there were two separate rams, was apparently taken by our scroll to mean that the portions of the *millūʾim* ram were to be sacrificed “as an *ʾōlā*.” The question remains as to where in the *Temple Scroll* the first ram, the ordinary *ʾōlā*, is discussed. Yadin assumes that the reference in 11QT 15:3 refers to the ram of the *ʾōlā*, and that the lacuna in 16:04 refers to the second ram, that of *millūʾim*.¹² This cannot be, in view of the mention of the thigh in that passage (lines 5–6). The first ram must have been mentioned in the lacuna at the top of col. 15, even in a shortened format. If so, the description at hand is that of the *millūʾim* offering, the right thigh and *ḥēleb* of which is to be offered as an *ʾōlā*.¹³

In 11QT 16:10, in the description of the *ḥattāʾt* of the priests offered as part of the ordination ceremony for a new high priest, the *ḥēleb* to be offered on the altar, as well as the *minḥā* and *neseḥ*, is referred to as an *ʾōlā*. (The rest is to be burned outside of the Temple [line 11].) The phraseology comes from the description of the offering of the first ram in Exod 29:18 and Lev 8:21.¹⁴ The specific rituals for the offering of the *ḥēleb* are not found in the biblical descriptions of the Ordination Ceremony. They are taken instead from the general regulations of the *ḥattāʾt* offering found in Lev 4:8–10, and abbreviated in verses 19, 26, 31 and 35. Again, this is a use of *ʾōlā* for those parts of another type of sacrifice offered on the altar and burned. It seems that the author widened the use of the term *ʾōlā* to be almost the semantic equivalent of biblical *ʾiššeh*, an “offering by fire.” Below, I propose an explanation for this usage.

¹¹ That the *millūʾim* offering was to be considered a separate category is clear from Lev 7:37 which lists the *millūʾim* offering alongside the *ʾōlā*, *minḥā*, *ḥattāʾt*, and *ʾašām*.

¹² Yadin, I, 92 and commentary to 16:04.

¹³ 11QT 17:1–4, which is extremely fragmentary, probably contained reference to the eighth day of the ordination rites. Lev 9:1–24 describes the complex rites for this day, but it is doubtful that such a detailed text could have been fit into the short space available. We therefore cannot speculate on the offerings for the eighth day. Cf. Yadin, I, 93.

¹⁴ Yadin, II, 70.

The Day of the Bringing of the ʾOmer (11Q^T 18:2–10) probably involved an ʾolá sacrifice, but the preserved portions of the text do not allow us to be certain. Lev 23:10–14 describes the bringing of the ʾOmer (barley sheaf). It commands the offering of an unblemished one-year-old male lamb as an ʾolá. It is apparent that our scroll includes additional sacrifices as well. It may be that these were the additional offerings described for the *bikkûrîm* festival (*Shavuʿot*) in Num 28:26–30.¹⁵ If so, the offerings would include an ʾolá consisting of two bulls, a ram and seven one-year-old male lambs. The ram is referred to in lines 2 and 9.¹⁶ The author of the “Sacrificial Calendar” would have reasoned that since the bringing of the ʾOmer constituted the first fruits of the barley harvest,¹⁷ the offerings required by Numbers for the first fruits of the wheat harvest on *Shavuʿot* should be required on the Day of Bringing the ʾOmer as well.¹⁸

Lev 23:15–21 also concerns the *bikkûrîm*. Here the ʾolá consists of one bull, two rams and seven unblemished one-year-old male lambs. (In addition a *ḥattĀʾt* of a male goat and *šĕlāmîm* offerings of two one-year-old lambs were made.) The discrepancy between Lev 23 and Num 28 in this regard was resolved in the rabbinic tradition by assuming Lev 23 to refer to a *minḥâ ḥădāšâ* offering, separate from the additional sacrifices of Num 28.¹⁹ The mention of only one ram in the *Temple Scroll* as well as the parallel between line 7 [כפר ע]ל עם [כפר ע]ל עם [כפר ע]ל עם and Num 28:30 [כפר עליכם] are convincing evidence that our passage from the scroll is based on the Numbers material rather than on that from Leviticus.

11Q^T 18:13–19:9 describes the Festival of First Fruits of Wheat (*Shavuʿot*). Here the ʾolá is explicitly mentioned (19:2). It is not possible to be certain of the number of animals to be offered, although it most probably would derive from Num 28:27. If so, this sacrifice would consist of an ʾolá of two bulls, one lamb, and seven one-year-old lambs.

¹⁵ Yadin, I, 100–101; II, 78.

¹⁶ Note also the use of the verb עלה in line 9.

¹⁷ Cf. Yadin, I, 102–03.

¹⁸ J. Milgrom, (“The Scriptural Foundations and Deviations in the Laws of Purity of the *Temple Scroll*,” *Archaeology and History in the Dead Sea Scrolls* [ed. L.H. Schiffman, Sheffield: JSOT Press, 1990], 93–94) terms this mode of exegesis “homogenization.”

¹⁹ *Sifra Emor* Perek 13:6 (ed. I.H. Weiss; Vienna: J. Schlossberg, 1861–62) 101b–c; *Sifre Be-Midbar* 149 (ed. H.S. Horowitz; Jerusalem: Wahrman, 1966), 195; *baraita* in *b. Menah.* 45b; cf. Maimonides, *Mishneh Torah*, *Temidin U-Musafin* 8:1, and Yadin, I, 101–02.

²⁰ Noticed by Yadin, II, 77.

Perhaps the offerings prescribed in Lev 23:18, an *ʿōlā* of one bull, two rams and seven unblemished one-year-old male lambs, were also included, because these were part of the Wine Festival.²¹ Probably, like the Wine Festival to be discussed below, the Festival of the First Fruits of Wheat involved the offering of twelve rams, one for each tribe.²²

The Festival of New Wine is described in 11QT 19:14–21:10. There we find the mention of the twelve rams (19:15–16, 20:01). The type of sacrifice involved here is yet to be determined. These offerings, corresponding to the twelve tribes of Israel, were to be made on all the first fruits festivals. Num 28:27 probably provides the basis for the offerings of line 03. If so they would have been two bulls, one ram, and seven lambs (the mention of lambs being preserved in the text), which would have been an *ʿōlā*.

11QT 21:14–23:02, concerning the Festival of the New Oil,²³ mentions the bringing of the oil on the altar of the *ʿōlā* (21:16). This is the altar of burnt offerings located in the inner courtyard (11QT 12:8–15).²⁴ 11QT 22:04 refers to the *ḥēleb* of the *ḥattāʾ* being offered as an *ʿōlā*.²⁵ The *ḥēleb* and the *minḥā* and *neseq* of a *šēlāmîm*-type offering for the Festival of New Oil are described as offered on the altar of the *ʿōlā* (22:6–8).

The Feast of the Wood Offering (11QT 23:1–25:1) apparently also involved *ʿōlā* sacrifices.²⁶ One bull, one ram and one male lamb were offered for each tribe, two tribes offering their sacrifices on each of the six days of the Wood Offering festival, after the daily sacrifice (*tāmîd*).²⁷ The Levites were first, followed by Judah on the first day. These sacrifices were patterned after those of the *nēšîʾim* in Num 7:12–89, where they are explicitly referred to as *ʿōlā*. The Levites did not appear in that list, and were introduced here probably based on Neh 10:35(34).²⁸ The

²¹ Cf. Yadin, I, 106; II, 80.

²² Line 3; cf. Yadin, II, 81.

²³ Cf. 11QT 43:9–10; Yadin, I, 112 and J.M. Baumgarten, “The First and Second Tithes in the *Temple Scroll*,” *Biblical and Related Studies Presented to Samuel Iwry* (eds. A. Kort – S. Morschauser; Winona Lake: Eisenbrauns, 1985), 10–12.

²⁴ See Yadin I, 239–241. Note also that 3:14–18 mentions a second altar for *ʿōlā* sacrifices, this one made of bronze.

²⁵ From 16:10 this appears to include as well the *minḥā* and *neseq*, cf. Yadin, II, 98 (to 22:04).

²⁶ See the fragmentary line 3 and Milgrom, “Further Studies in the *Temple Scroll*, Part I,” *JQR* 71 (1980) 11–12.

²⁷ See the excellent reconstruction of M.O. Wise, “A New Manuscript Join in the ‘Festival of Wood Offering’ (*Temple Scroll* XXIII),” *JNES* 47 (1988), 113–21.

²⁸ Yadin I, 124–25. The view that Levi is superior to Judah seems to be followed by our priestly-oriented author. On the order of the tribes see Yadin I, 125–26.

offering of the blood of the *hattāʾt* on the altar of the *ʿolá* is referred to in 11QT 23:12–13.

11QT 24:1–9 provides rules regarding the offering of the *ʿolá*. Basing itself on Lev 1:6–9, 12–13 the text sets out the manner of carving the *ʿolá*, placing it upon the altar, as well as the offering of its *minhá* and *nesek*.²⁹ Additional details can be culled from 11QT 34 which also gives prescriptions regarding how the *ʿolá* is to be offered. This column describes a device for securing the animals during slaughter (11QT 34:1–6), and then refers to the collection of blood in basins, casting the blood at the base of the altar, butchering, salting the pieces, washing the entrails and legs, salting them, and burning them on the fire on the altar (lines 7–12). Extremely significant is the command to keep each offering separate along with its *minhá* and *nesek*. Further, the text expects the cereal and libation offerings to be placed on the altar (lines 11–14). We learn in our text as well that the *minhá* and *nesek* are to be placed on the altar on top of the *ʿolá*. These offerings were to be made after the morning *tāmúd* (25:1).

The Day of Atonement ritual (11QT 25:10–27:10) included an *ʿolá* (25:12–13). One bull, one ram and seven one-year-old male lambs were to be offered. This requirement is based on Num 29:8. Note the designation of the *hattāʾt* of atonement as an *ʿolá* of two rams.³⁰ This offering seems to be designated as an *ʿolá* in Lev 16:3. The *hēleb*, *minhá* and *nesek* of the goat “to the Lord,” clearly a *hattāʾt*, were to be burned on the altar of the *ʿolá*. It remains to mention only that *ʿolá* sacrifices are mentioned twice in the concluding passage for the “Sacrificial Calendar” (29:3, 4).

The author of the “Sacrificial Calendar” of the *Temple Scroll* utilized the biblical sacrifices as a model for extending the *ʿolá* offerings to the various new festivals. He dealt with contradictory biblical passages in an effort to fix the offerings for biblical festivals. What stands out most in his treatment of the *ʿolá* is his use of the term for the *hēleb*, *minhá* and *nesek* of a *hattāʾt*, a matter which will occupy us further in the second half of this paper.

²⁹ While the breast (*hāzeh*) is not mentioned in Lev 1 it does appear in the description of the butchering of the daily *ʿolá* in *m. Tamid* 4:2–3 (Yadin II, 108).

³⁰ Thus, a total of three rams were offered on Yom Kippur. See Yadin, I, 132–34; II, 114.

THE ḤAṬṬĀ'Ŧ

The second major category of sacrifice to be investigated is the ḤAṬṬĀ'Ŧ. Usually termed sin-offering, this sacrifice was made by an individual who had transgressed accidentally. The role of this offering in purification rituals has led to the suggestion that it ought to be seen as a purification offering.³¹ The Torah set out various types of ḤAṬṬĀ'Ŧ offerings for differing circumstances. This offering figures most prominently in the routine requirement that a male goat be offered as a ḤAṬṬĀ'Ŧ along with an 'ōlā on festivals and other special occasions. This occurs repeatedly in the Torah, and, hence in our scroll. Although we will return to this below, it must be noted that our scroll, as distinct from the simple meaning of the biblical text and Talmudic tradition,³² requires that *minḥā* and *nesek* offerings accompany the ḤAṬṬĀ'Ŧ.³³

11QT 14:9–15:3 specifies the offerings for the First Day of the First Month (the Nisan New Year).³⁴ This passage is clearly based on the enumeration of sacrifices in Num 29:1–7, the new year (First of Tishre) command. The order in the Torah, which may be simply that of the catalogue rather than that of the rite itself, is 'ōlā, *minḥā*, ḤAṬṬĀ'Ŧ. Our passage from the *Temple Scroll*, however, has the order ḤAṬṬĀ'Ŧ (which is to be offered separately), 'ōlā, *minḥā* and *nesek* for the 'ōlā, and then, according to the mention of the male goat (line 18), apparently the *minḥā* and *nesek* for the ḤAṬṬĀ'Ŧ. Here the ḤAṬṬĀ'Ŧ has been taken to function as a preparatory purification rite, designed to prepare the sanctuary for the festival offering.³⁵ In the *Temple Scroll*, the ḤAṬṬĀ'Ŧ is always offered first, regardless of the order of the Torah's prescriptive texts,³⁶ since it serves this purpose. It is probable that this was true as well in First Temple times.³⁷

Two ḤAṬṬĀ'Ŧ offerings appear in the *millū'īm* (ordination) rites for a new high priest in 11QT 15:15–16:14. The first is the young bull of the

³¹ Levine, *In the Presence of the Lord*, 101–14; Milgrom, *Studies*, 67–74.

³² *m. Menah.* 9:6.

³³ Cf. Yadin, I, 143–46.

³⁴ Cf. Yadin I, 89. The *Rosh Hodesh* offerings (11QT 14:02–8) do not mention the male goat for a ḤAṬṬĀ'Ŧ of Num 28:15. It may have stood in the lacuna of line 8 (Yadin).

³⁵ Cf. B.A. Levine, "Kippurim," *ErIs* 9 (1969), 88–95.

³⁶ Yadin, I, 146–48, where possible biblical sources for this sacrificial order are suggested.

³⁷ A.F. Rainey, "The Order of Sacrifices in Old Testament Rituals," *Biblica* 51 (1970) 485–98.

priests (11QT 15:17–16:14), and the second that of the entire people (פג, 16:14–18).³⁸ (Cf. Yadin I, pp. 92f.) The priests’ bull requires the laying on of hands (*sēmikā*), first by the elders of the priests and then by the new high priest.³⁹ The bull is slaughtered “before the Lord.” The blood ceremony then follows. The *hēleb* is then offered on the altar. The remaining parts of the animal are burned outside of the Temple precincts,⁴⁰ as is the case with the biblical *hattā’*t offerings, in a special area for *hattā’*t offerings.⁴¹

The second *hattā’*t offered at the *millū’im* ceremony for a new high priest, that of the people, was also a bull. The same blood rituals were followed, and the *hēleb* was also offered in the same way. The conclusion that two *hattā’*t bulls were to be offered (rather than one as appears to be the case in Exod 29 and Lev 8) may result from exegesis of Exod 29:36. Further the passages in Lev 4 dealing with the *hattā’*t of the anointed priest and that of the assembly (*edah*) must have influenced the author of the scroll.⁴² Whereas the elders of the priests took the role Moses has taken in offering the first *hattā’*t, that of the priests, the newly consecrated high priest offered the *hattā’*t of the people.⁴³

A number of festival offerings require the routine sacrifice of a male goat as a *hattā’*t. These are the first day of Matzot (Passover, 11QT 17:14), the Day of Bringing the ‘Omer (18:4),⁴⁴ *Yom Teru’ah* (Rosh Ha-Shanah, 25:5–6), *Yom Kippur* (25:13–14),⁴⁵ the Feast of Booths (Sukkot, 27:05, 4, 8, 11, 29:02–03, 05, and 08, for all seven days) and the Eighth Day of Assembly (*Shemini Atseret*, 29:012). The requirement of these offerings reflects the Torah’s legislation in Num 28–29. What is new in the scroll is the change of the order of the commands to indicate that these *hattā’*t offerings must be accompanied by *minhā* and *nesek* offerings.⁴⁶

³⁸ Cf. Yadin, I, 92–93.

³⁹ Cf. Yadin, II, 66 for biblical derivation; and I, 95.

⁴⁰ Line 11, עיר המקדש (restored, cf. Yadin, II, 70).

⁴¹ J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978) 511–12.

⁴² Cf. Lev 40:3–20 and Yadin I, 95–96. 11QT 15:18 requires laying on hands (*sēmikā*) for the *hattā’*t. From biblical material, we can assume that *sēmikā* was required for every *hattā’*t (Lev 4:4, 15, 24, 29, 33; J. Licht, “*Sēmikā*,” *EM* 5. 1052–55). Cf. Milgrom, “Further Studies,” 5–6.

⁴³ Yadin, I, 95.

⁴⁴ Note the *minhā* and *nesek* mentioned in line 5.

⁴⁵ This is the festival offering, to be distinguished from the atonement *hattā’*t, which is also offered on the Day of Atonement (cf. Yadin I, 132–34).

⁴⁶ Cf. Swanson, *Temple Scroll*, 36–39.

It is possible that it is for this reason that the *ḥēleb* of *ḥattā't* offerings is referred to as an *ʿōlā* by the *Temple Scroll* (22:04). With some biblical basis (Ezra 8:35), the author considered the *ḥēleb* to be an *ʿōlā*.⁴⁷ Hence, it required a *minḥā* and *nesek*.⁴⁸ Note also that these *ḥattā't* offerings probably served as a prelude to the *ʿōlā* offerings on festivals, despite the fact that Num 28–29 lists them after the burnt offerings.⁴⁹

Among the series of First Fruits festivals there is not a single mention of a *ḥattā't* in the preserved texts. It is possible that *ḥattā't* offerings are alluded to in 11QT 22:02 for the Feast of New Oil, according to a Rockefeller fragment, yet this determination will have to await a full study of the sacrificial ritual of the First Fruit festivals. For the Festival of the Wood Offering, 11QT 23:4 refers to a *ḥattā't*.⁵⁰ This offering of two male goats⁵¹ precedes the *ʿōlā*, but is offered after the morning *tāmūd*. No doubt each male goat preceded the *ʿōlā* of one tribe.⁵²

11QT 23:10–17, in the midst of the procedures for the Festival of Wood Offering, describes the general principles for offering the male goat as a *ḥattā't*. The *ḥattā't* is to be offered before the *ʿōlā*.⁵³ Its blood is to be offered on the altar, then the *ḥēleb* is offered on the same altar, together with the *minḥā* and *nesek*.

The *ḥattā't* sacrifice is also mentioned in a passage outside of the “Sacrificial Calendar”. In 11QT 35:10–15, part of the section of the scroll dealing with the architecture of the Temple, there is a command that west of the Temple building, in the inner court, there is to be constructed a stoa of columns, used to separate the *ḥattā't* and *Ašām* (‘guilt’) offerings of the priests from those of the people.⁵⁴ Clearly, the columns were used to tether the animals in such a way as to keep them separated.⁵⁵ The purpose of this law must be that these offerings had differing rules regarding the eating of parts by the priests. In the case of offerings brought because of the transgression of the priests, the entire animal was burned. If the offering were to expiate the transgression of

⁴⁷ Milgrom, “Further Studies,” 15–16.

⁴⁸ For all examples, see Yadin I, 143–146.

⁴⁹ Cf. Yadin I, 146.

⁵⁰ See also 11QT 23:8 and 23:11–17 (which continued in the un preserved top of col. 24).

⁵¹ Cf. Yadin I, 126–8; Milgrom, “Further Studies,” 12–14.

⁵² Milgrom, “Further Studies,” 13.

⁵³ Yadin I, 146.

⁵⁴ Yadin, II, 150–51.

⁵⁵ Yadin, I, 237.

others, the priests ate a portion. The priests eat all *Ašām* sacrifices.⁵⁶ A similar regulation for *šēlāmîm* offerings is found in 11QT 37:11–12.

The author of the “Sacrificial Calendar” had distinct ideas regarding the *ḥattāʾt* sacrifice. It was to be offered before the *ʾolá*, and required a *minḥá* and *neseq*. This conclusion stemmed from the notion that the *ḥēleb*, since it was to be offered on the altar of the *ʾolá*, was in fact a type of burnt offering requiring accompanying cereal and libation offerings.

CONCLUSION

This paper is part of a comprehensive study that seeks to penetrate the details of the sacrificial offerings and their regulations in the *Temple Scroll*. Only by carefully identifying and classifying the types of offerings and by analyzing their biblical basis will we be able to reconstruct the manner in which the author intended the sacrificial ritual of Israel to be conducted. He sought to reform the entire Temple and the conduct of its ritual, aiming to return to what, in his view, was the true intent of the Torah. His eventual goal was the fulfillment of the words of 11QT 29:1–8:

These you shall offer to the Lord...that they may be accepted. And I will indeed accept them. They shall be My people, and I will be their God forever, and I will dwell for ever and ever.

⁵⁶ See the detailed analysis of Milgrom, “Studies in the *Temple Scroll*,” 506–09.

CHAPTER TWENTY-THREE

SHELAMIM SACRIFICES IN THE TEMPLE SCROLL

The publication of the *Temple Scroll* with detailed commentary and introduction, first in Hebrew and then in a revised English edition,¹ was the crowning textual achievement of the late Professor Yigael Yadin. In a very real sense, all further studies of this scroll must be seen as *tosafot* to his monumental work. It is in this spirit that the present study is offered in Professor Yadin's memory.

The *Temple Scroll* seeks to set out an idealized plan for perfection and purity, in Temple, sacrificial worship, government, and in many areas of Jewish law. The intention of the author/redactor of the complete scroll was to provide an alternative vision of sanctity and holiness of the Temple and the land from that which was being practiced by the Hasmonean dynasty and most of the Jewish people. The author/redactor of the *Temple Scroll* made use of a variety of sources which he skillfully redacted. He arranged the scroll in the order of the Pentateuch, bringing together the materials on each topic as it first occurred. He most probably composed the Deuteronomic Paraphrase at the end of the scroll in order to give the impression that his composition was a complete Torah. In so doing, the author presented his views to the reader as the direct revelation of God. The *Temple Scroll's* rulings, according to the redactor, were representative of the true meaning of the Torah which God had revealed to Israel at Sinai.²

The bulk of the scroll, as is well known, concerns the construction of the Temple and its precincts, the practice of its sacrificial rituals,

¹ Y. Yadin, *Megillat Ha-Miqdash*, 3 vols., (Jerusalem: Israel Exploration Society, 1977); *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983). All references in this article are to the more recent English edition. Cf. L.H. Schiffman, "The *Temple Scroll* by Yigael Yadin," *BA* 48 (1985), 122–6.

² For the compositional techniques of the scroll, see Yadin I, 71–88. The use of previously existing sources by the author/redactor has been demonstrated by A.M. Wilson and L. Wills, "Literary Sources in the *Temple Scroll*," *HTR* 75 (1982) 275–88. For our reasons for accepting the Hasmonean dating proposed by Yadin as well as for the general *Sitz im Leben* of the scroll, see L.H. Schiffman, "The King, his Guard, and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987) 237–59 (pp. 487–504 in this volume).

and the laws of ritual purity and impurity. The specific sacrificial laws of the text, therefore, are at the very heart of the *Temple Scroll*. These detailed prescriptions allow us to compare the scroll with its biblical antecedents and with other systems of Jewish law, most importantly that of the tannaim. In this context, the case of the *shelamim* (usually translated “peace offerings”)³ will be taken up here. Most of the sacrificial law of the *Temple Scroll* is contained in the ritual calendar (11QT 13:10–29:10). This section is generally recognized as one of the sources which the author/redactor had available to him when he composed the complete scroll as is evident from its literary form and contents.⁴ The present study will limit itself to the role of *shelamim* offerings in this section of the scroll.⁵

I. THE CONCLUSION OF THE SACRIFICIAL FESTIVAL CALENDAR

At the outset it must be stressed that the Sacrificial Festival Calendar does not use the term *shelamim*, except probably in a restored passage. The calendar ends with a summary statement that, if not for its

³ Below we will use the Hebrew term in order to avoid entering the debate about the meaning of this term. Most likely is the view of B.A. Levine, *In the Presence of the Lord* (Leiden: E.J. Brill, 1974), 3–52 who takes the Ugaritic and Akkadian evidence as pointing toward a translation “tribute, present” (p. 17). This view is confirmed by G.A. Anderson, *Sacrifices and Offerings in Ancient Israel, Studies in their Social and Political Importance* (Atlanta: Scholars Press, 1987), 36–55, who, however, offers a number of correctives to Levine’s research. For bibliography on the *shelamim* sacrifice, see Levine, p. 4 n. 3.

⁴ Wilson and Wills, pp. 279–80. Cf. also, L.H. Schiffman, “The Sacrificial System of the *Temple Scroll* and the Book of Jubilees,” *Society of Biblical Literature 1985 Seminar Papers*, ed. K.H. Richards (Atlanta: Scholars Press, 1985), pp. 218f. (pp. 99–122 in this volume).

⁵ Two additional references to *shelamim* in the *Temple Scroll* must remain outside the purview of this study. In 11QT 52:13–16 the *zevah shelamim* is mentioned in stating the law that unblemished (see lines 16–19) animals slaughtered within three days’ journey to the Temple must be offered there as *shelamim* if they are to be eaten (cf. Yadin I, 312). This passage will have to be investigated anew in light of the 4QMiqsat Ma’ase Ha-Torah. According to 63:15 the *’eshet yefat to’ar* may not eat of a *zevah shelamim* for seven years after her captivity. This passage is dealt with at length in my study, “Laws Pertaining to Women in the *Temple Scroll*,” in D. Dimant and U. Rappaport (eds.), *Forty Years of Research in the Dead Sea Scrolls* (STDJ 10; Leiden: Brill, 1992), 210–228 (pp. 519–540 in this volume). See also Yadin I, 367, J. Maier, *The Temple Scroll* (Sheffield: University of Sheffield, 1985), 132, and J. Milgrom, “Further Studies in the Temple Scroll, 7QR 71 (1980/1), 104–5). The *shelamim* are forbidden to be eaten by the impure and such a woman is regarded as impure in this respect for a seven-year period. For the reference to *shelamim* in 11QT 37:8–12, cf. below, n. 45.

fragmentary condition, would be of great significance for this study. 11QT 29:2–6 states:⁶

These (sacrifices) [you shall offer to the Lord at your appointed times besides your votive and freewill offerings,] for your burnt offerings, your libations, [or your *shelamim* offerings,] in the house in (lit. “on”) which I shall [cause] My name [to dwell] [...] the burnt offerings, each (appropriate offering) on its day according to the law of this ordinance, continually from the children of Israel, besides their freewill offerings, for whatever they shall offer, for all their libations,⁷ and for all their gifts which they will bring me, so that [th]ey may be accepted.

The entire sacrificial festival calendar is based on Num 28–29 with additions from elsewhere in the Torah, most notably from the other festival calendar in Lev 23. Accordingly, the conclusion of the festival calendar of 11QT 13:10–29:10 is based on Num 29:39 and Lev 23:37–38. It is this combination of material which leads to the repetitive structure of the passage.⁸

While much work remains to be done on this passage and its restoration, our interest here is in the mention of *shelamim*. While Yadin regarded this restoration as tentative, and relegated it to the commentary and reconstruction,⁹ it is required by the dependence of this passage on Num. 29:39. Further, the term *zevah*, certainly equivalent to *shelamim*, occurs in Lev 23:37.¹⁰ It is possible that *zevah* and some other word (perhaps *zevah u-nesakhim*) stood in the first lacuna of line 4. In any case, the *shelamim* offerings must have been included in this list.

If so, the sacrificial calendar envisaged the offering of *shelamim* sacrifices in the Temple which the text of 11QT 29:7–10 clearly identifies as a pre-Messianic Temple, which was to function in the present age up to the creation of a new sanctuary at the end of days.¹¹ The *shelamim* referred to here are the voluntary *shelamim* offerings, described in Lev 3 and 7:11–36, as can be seen from the context and Scriptural sources of this passage. Voluntary *shelamim* sacrifices, including the *todah* offering, were a kind of shared meal with the Deity. Such sacrifices were brought

⁶ All translations are mine. Restorations are Yadin’s unless specifically noted.

⁷ Qimron, “Le-Nushah shel Megillat Ha-Miqdash,” *Leshonenu* 42 (1978) 142 reads נגדריהמה, “their votive offerings,” where Yadin reads נסכיהמה.

⁸ The list of non-festal sacrifices appears twice, in lines 2–3 and 5–6.

⁹ Yadin, II, 127, 353.

¹⁰ Yadin, I, 128 suggests that לכול אשר יקריבו (line 5) replaces עלה ומנחה of Lev 23:37.

¹¹ Maier, 86.

5 [...a wave offering together with the bread of the] first fruits. [They] shall shall be [for] the priests. And they shall eat them in the [inner] cou[rt].

Immediately before (line 2) this passage mentions burnt offerings. Apparently, these are the offerings of Lev 23:18 which the scroll,¹⁵ like Josephus¹⁶ and the tannaim,¹⁷ saw as separate from the additional sacrifices (*musafim*) of Num 28:26–31.

Then there must have been mention in the lacuna of line 2 of the meal and libation offerings to accompany these burnt offerings.¹⁸ Thereafter, the “twelve,” comparing the order of Lev 23:19, must refer to *shelamim* offerings. The scroll requires twelve whereas the Bible had expected two. (The *hatta*’t offering of Lev 23:19 cannot be definitely placed in this column.) Following the offering of these twelve *shelamim*, the scroll mentions their meal offerings and libations, and the waving of these along with the special breads.

Lev 23:17 required only two of these breads. These loaves are described in 11QT 18:13–16. There are to be twelve (restored),¹⁹ one for the head of each of the tribes. These were to correspond with the twelve animals to be offered instead of the two loaves required by Leviticus, which corresponded with the two lambs which Leviticus required for *shelamim*.

¹⁵ Yadin I, 106 and II, 80 maintains that there is room for both the Leviticus and the Numbers material at the top of col. 19. In II, p. 85 he seems not to find sufficient room at the top of col. 20. Cf. also Yadin II, 77, regarding the ‘Omer festival (“Waving of the Sheaf”), where he suggests that Lev 23:21 may have been the basis for 11QT 18:3.

¹⁶ *Ant.* III, x, 6 (§ 153). Josephus totals the burnt offerings saying that they “sacrifice three calves, two rams, fourteen lambs...” This raises the possibility that the fourteen festive offerings may be an attempt to provide a number equal to that of the burnt offerings. Philo, *Special Laws* I, § 184 and § 190 requires that the offering of the burnt offerings and *hattat* of Num 28 and the two lambs for *shelamim* be eaten by the priests (C. Albeck, *Shishah Sidre Mishnah, Seder Qodashim*, 363). For Philo’s view of the *shelamim*, cf. S. Belkin, *Philo and the Oral Law* (Cambridge: Harvard University Press, 1940), 57–9. On *Jub.* 15:1–2 which describes Abraham as offering first fruits, as well as a heifer, a goat and a sheep as burnt offerings, “fruit offerings,” and drink offerings with frankincense, see C. Albeck, *Das Buch der Jubiläen und die Halacha* (Berlin, 1930), p. 20 and Schiffman, “Sacrificial System,” 226f.

¹⁷ *m. Menah.* 4:3, *baraïta* in *h. Menah.* 45b, *Sifra* ’Emor Perek 13:6 (ed. I.H. Weiss, Vienna: J. Schlossberg, 1861/2), 101b–c, *Sifre Be-Midbar* 148 (ed. H.S. Horowitz, Jerusalem: Wahrman, 1966), 195. Note the manner in which *Sifra* Perek 13 reworks and reorders the Mishnaic material.

¹⁸ So the restoration of Yadin II, 332.

¹⁹ Milgrom, “Further Studies,” 6–8 rejects this restoration arguing that only two loaves were brought.

More may be learned about these *shelamim* offerings from the description of the Wine Festival in 11QT 19:16 where the text states:

They shall offer along with the wine, on that day to [the Lord tw]elve rams, all of the heads of the clans of Israel.

The animals to be offered, then, were rams (mature sheep), not the lambs (young male sheep) mentioned in the Torah.²⁰ This was the case, as already noted, even in the scroll's ritual for the holiday of Shavu'ot where the Torah's legislation is clear. One ram was to be offered by the head of each tribe, apparently on behalf of his tribe. While no certain explanation for how the two lambs and two breads of Lev 23 became twelve rams and twelve loaves, it can be observed that the ordination ceremony of Lev 9 involves the use of rams for *shelamim* offerings (verses 4 and 18). In the description of the ordination ceremony in the *Temple Scroll* (15:3–17:4), the number of *shelamim* has been multiplied to seven, one on each day of the ceremony, and baskets of bread have been added, in accord with Exod 29:1–3 (which mentions two rams). These offerings in many ways parallel the scroll's procedure for *shelamim*.²¹

III. THE FESTIVE *SHELAMIM*

A third form of *shelamim* offerings known to us from tannaitic sources are the type known as *shaleme simḥah* and *shaleme ḥagigah*. According to tannaitic *halakhah*, there were three sacrifices offered in connection with the commandment of pilgrimage on the three festivals (Exod 23:17, 34:23–24, Deut 16:16; cf. 1 Kings 9:25, 2 Chron 8:13). Besides the *'olat re'iyah* (burnt offering of pilgrimage) offered by every male pilgrim, there were two forms of *shelamim*, the *shaleme ḥagigah* (festival *shelamim*) and the *shaleme simḥah* (*shelamim* of rejoicing). Each adult male Jew was obligated to sacrifice a *shelamim*, the *ḥagigah* sacrifice, on the first day of the festival. In addition, men and women alike were required to offer the *shaleme simḥah*, additional sacrifices eaten at the festive holiday meals.²²

²⁰ Tannaitic *halakhah* (*m. Parah* 1:3) identified the lamb as up to one year old and the ram as up to two. The dates were to be calculated from birth. In addition, to qualify as a ram, the animal had to enter its fourteenth lunar month from birth. Cf. *t. Parah* 1:6.

²¹ Yadin II, 63.

²² *t. Hag.* 1:4, *Sifre Devarim* 138 (ed. L. Finkelstein [New York: Jewish Theological Seminary, 1969], p. 193; cf. Maimonides, *H. Hagigah* 1:1, S. Lieberman, *Tosefta Kiṣshutah*

The *Temple Scroll* required additional festive offerings which are similar in character to the *shelamim* of which tannaitic sources speak. In 11QT 20:2 (Wine Festival) and 22:3 (Oil Festival) we find description of a sacrifice of fourteen one-year-old lambs (first-year lambs if rabbinic exegesis is followed). It is most probable that these animals were also sacrificed at the offering of the 'Omer, and on Shavu'ot (*bikkurim*).²³ Indeed, the *bikkurim* sacrificial rites served as the basis for those of the Wine and Oil Festivals. These offerings are never termed *shelamim* in the scroll. Yet the manner in which they are treated and the portions offered and eaten indicate that these are *shelamim*. The number fourteen corresponds to one animal for the priests, one for the Levites, and one for each of the twelve tribes (22:11–13, 21:06–3).²⁴

A sacrifice of fourteen rams is also mentioned in connection with the Oil Festival (22:4, 12–13), and this offering may have been mentioned in the description of the Wine Festival in the lacuna in col. 20, at the end of line 2 and the beginning of line 3.²⁵ The offering of rams as *shelamim* here is somewhat surprising. According to Lev 3 the appropriate animals are male and female cattle (Lev 3:1), sheep (verse 7), or goats (verse 12), but no rams. Lev 7:11–38 deals with the *shelamim* but makes no mention of any specific animals. Verses 11–15 treat the *todah* (thanksgiving sacrifice), a type of *shelamim*, and verse 16 discusses the voluntary offering. Here it is explicitly prohibited to eat the *helev* (forbidden fats) of oxen, lambs and sheep. It again appears that the ram is not envisaged as a *shelamim*. Yet in the Ordination ceremony for priests, the ram and bull are both designated as *shelamim* (Lev 9:4). The scroll may have derived the permissibility of using rams for *shelamim* from the Ordination rites, or it may simply have assumed that the term *keves* when used by the Torah referred to sheep of any age rather than just to lambs. In any case, it is certain that the *Temple Scroll* requires the use of rams for festive *shelamim* on the first fruits festivals.

The view that these *shelamim* are connected with the festive *shelamim* described in tannaitic sources gains support from the descriptions of

V (New York: Jewish Theological Seminary, 1277f. It is possible that the differentiation of the two types of sacrifices, *shaleme hagigah* and *shaleme simhah*, is itself post-destruction.

²³ See Yadin I, 151–159 and the “Appendix” of J. Milgrom in Yadin I, 169–76.

²⁴ On the portion of the Levites, cf. J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978), 519.

²⁵ Perhaps this entire passage should be restored according to col. 22. Cf. Milgrom, “Studies,” 518–19.

the joy of the celebration which follow immediately after the sacrifices. In the case of the Wine Festival, 11QT 21:8–9 commands:

And the Children of Israel shall rejoice be[fore] the Lord; it is an eternal statute throughout their generations²⁶ in all their dwelling places. They shall rejoice on [this day]....

Part of the parallel text for the Oil Festival is preserved in 22:16–23:02. These two passages (21:8–9 and 22:16–23:02) indicate that these *shelamim* offerings were a type of what the tannaim later called *shaleme simhah*. In Second Temple times, festive *shelamim* sacrifices were offered as part of the celebration of the pilgrimage festivals and these offerings were consumed by the participants. The *Temple Scroll* expected such offerings to be made on the first fruits festivals.²⁷

IV. THE SACRIFICIAL PROCEDURES FOR *SHELAMIM*

In the course of the description of the first fruits festivals, the *Temple Scroll* spells out the exact procedures for preparing, offering and eating the *shelamim*. Although these rites are described in this particular context, they represent general rules for the sacrifice of all *shelamim*.

Slaughtering and Blood Rites

In the detailed description of the Oil Festival, the scroll states regarding the *shelamim* offerings (22:4–5):

Then the sons of Levi shall slaughter t[he ...] and the priests, the sons of Aaron,²⁸ [shall sprin]kle their blood [on the altar, all around...]

The assignment of the responsibility for slaughtering the offerings to the Levites is in accordance with Ezek 44:11 (cf. 2 Chron 30:17, 35:6, 10–11). Tannaitic sources indicate that non-priests may slaughter *shelamim*, although in Second Temple practice the priests slaughtered all the sacrifices with the exception of the paschal lamb.²⁹ In any

²⁶ Cf. E. Qimron, "New Readings in the *Temple Scroll*," *IEJ* 28 (1978) 163.

²⁷ Milgrom, "Further Studies," 9 calls attention to Noah's rejoicing after drinking of the first fruits of his wine (*Jub.* 7:6).

²⁸ Cf. Qimron, "New Readings," 163 for confirmation of Yadin's reading.

²⁹ Belkin, *Philo*, 62–6, S. Safrai, *Ha-'Aliyah La-Regel Bi-Yeme Bayit Sheni* (Tel Aviv: Am Hasefer, 1965), 235f. Neither of these studies distinguishes among the various types of sacrifices other than the paschal offering. The entire matter requires reexamination.

case, the requirement of the *Temple Scroll* that the Levites perform the slaughtering is unique in post-biblical literature.³⁰ The priestly rite of sprinkling the blood for *shelamim* appears in Lev 3:2, 8, and 13. It is most probable that the Levitical participation in the rite of slaughter is what earned for the Levites the portion of the shoulder which the scroll allots to them.

Tannaitic sources go into greater detail regarding the procedures for slaughtering the sacrifices and sprinkling the blood. The obligatory *shelamim* for Shavu'ot (*zivehe shalme šibbur*) are to be slaughtered north of the altar. Voluntary *shelamim*, may be slaughtered anywhere in the inner court. The blood of both types was to be sprinkled in such a way that all four corners were reached in two strokes.³¹

Offering of the Helev

11QT 20:4–9 provides for the offering of the *helev* (forbidden fats) of the *shelamim*:

[...and] their fat³² they shall burn on the altar: [the fat which covers the entrails,] and all the fa[t] which is on the entrails. The [protruberance on the liver,] he shall remove [with] the kidneys, along with the fat [which is] o[n them, and that which is on the loins, and] the fat tail (which shall be removed) close to the backbone. Then they shall b[urn all of it on the altar] along with its meal offering and libation, as a burnt offering, a plea[s]ing odor [before the Lord].³³

This passage is based on Lev 3:8–11 which deals with the *shelamim* of a sheep, the only passage dealing with *shelamim* to mention the disposition of the fat tail.³⁴ The scroll changes the order of the material so that the verb *yasirena* only appears once and omits *helbo* (verse 9), “its forbidden fat.” In this way the author places the entire fat tail in the list of that which is to be offered. In so doing, he indicates that like the

³⁰ Cf. Milgrom, “Studies,” 502f. where the use of the term “innovation” is unfortunate in light of the biblical antecedents he cites.

³¹ *m. Zevah.* 5:5, 7.

³² Qimron, “Le-Nushah,” 140 reads חלבמה where Yadin had restored חלבם.

³³ The scroll then treats details of the meal offering (20:9–14) which will not be dealt with in the present study.

³⁴ Virtually the same list, including the fat tail, occurs in 11QT 15:6–9 where it refers to the rams of ordination. Another such list occurs in 23:14–17 regarding the sacrifices for the Wood Offering festival. There, however, there is no mention of a fat tail since the offering is of a male goat (line 11).

tannaim,³⁵ he requires the offering of the entire fat tail, not simply the removal and offering of particular fats from it.

The Presentation of the Peace Offering

11QT 20:14–21:05 (dealing with the Wine Festival) describes the “waving” of the *shelamim* as well as the apportionment of priestly and Levitical emoluments:³⁶

They shall present to the Lord as an offering (*terumah*) [from] the rams and from the lambs the right thigh and the breast and the [cheeks and the stom]ach and the foreleg up to the shoulder bone, and they shall wave it as a wave offering [before the Lord...]³⁷ [For the priests shall be the thigh of the offering (*terumah*) and the breast of the [wave offering (*tenufah*)³⁸ ..., the foreleg]s and the cheeks and the stomachs, as portions, [...as an eternal statute (or “ration”) from the children of Isra]el. And the shoulder remains of the foreleg [(shall be) for the Levites]³⁹ as an eternal statute (or “ration”) for them and their descendants.

This passage is based on Lev 7:30–34, regarding the *shelamim*, and Deut 18:3 which the scroll took to refer to *shelamim* offerings and to appropriate some part of the *shelamim* to the Levites. That this verse is indeed the source of this allotment is shown by comparison of 11QT 50:6–7, in which the same law appears and in which the phrase *me'et zovehe ha-zevah* is derived from Deut 18:3. The detailed studies of Yadin and Milgrom have clarified these allotments, by showing how the scroll derived the notion that the shoulder should be given to the Levites.⁴⁰ The Torah had not apportioned any gifts to the Levites from the *shelamim*.

Tannaitic exegesis understood Deut 18:3 in a completely different manner. It was taken as referring to “profane” slaughter. Here, as in regard to agricultural produce, the priests were to receive a choice portion, consisting of the shoulder, cheeks and stomach.⁴¹ The phrase

³⁵ *Sifra* Nedavah Pereq 19:2–3 (ed. Finkelstein, 112f., ed. Weiss, 14d). On the dispute between the Karaites and the Rabbinites regarding the *'alyah*, see Ibn Ezra to Lev 3:9 and 7:20, and Aaron ben Elijah of Nicomedia, *Keter Torah*, to Lev 3:9.

³⁶ Cf. also the shorter text in 11QT 22:8–11 (Oil Festival).

³⁷ Cf. Qimron, “New Readings,” 163. My restoration based on Lev. 7:30. On the *terumah* and *tenufah*, see J. Milgrom, *Studies in Cultic Terminology and Theology* (Leiden: E. J. Brill, 1983), 139–72.

³⁸ Restored with Yadin’s commentary and reconstruction (II, 336).

³⁹ Restored with Yadin’s commentary and reconstruction.

⁴⁰ Yadin I, 151–9, and Milgrom’s appendix in I, 169–76.

⁴¹ *m. Hul.* 10:1, *t. Hul.* 9:1–12, *t. Pe'ah* 2:13, *Sifra* Šav Pereq 17:6 (ed. Weiss, p. 40b), *Sifre Devarim* 165 (ed. Finkelstein, pp. 214f.).

zovehe ha-zevah, then, was taken to mean, “those who slaughtered the animal.”⁴² The scroll, on the other hand, saw this use of the term *zevah* as referring specifically to *shelamim* offerings, and the entire phrase as meaning “those who offer *shelamim* sacrifices.”

Eating of the Shelamim

11QT 21:3 describes the eating of the *shelamim* of the Wine Festival as follows:

They (the priests, Levites and twelve tribes) shall eat them [on that day in the out]er [courtyard] before the Lord.

Similarly, in 22:13–14, there is a better preserved parallel regarding the Oil Festival:

They (the priests, Levites and twelve tribes) shall eat them on that day in the outer courtyard before the Lord, eternal statutes (or “rations”) throughout their generations, every year.

The requirement that these offerings be eaten in the outer court corresponds exactly to the tannaitic injunction that voluntary *shelamim* may be eaten throughout the entire city of Jerusalem. The obligatory *shelamim* of the Shavu'ot festival were to be eaten only within the inner court, and only by the priests.⁴³ Elsewhere we have shown that the scroll has a view similar to that of the three camps of tannaitic *halakhah*. It identified its outer court, that added to the plan of the Second Temple by the scroll, as equivalent to the camp of Israel in the desert.⁴⁴ Accordingly, festive *shelamim* were to be eaten in the outer court, within the expanded temenos which the scroll's architectural scheme demanded. This evidence confirms that the *shelamim* mentioned in these passages are the festive *shelamim*, not the obligatory ones which the scroll would most probably have expected to be eaten in the inner court by the priests themselves. The portions of the voluntary *shelamim*, here the festive sacrifices, could be eaten by the priests anywhere in the

⁴² Cf. Nahmanides to Deut 18:3 (*Perushe Ha-Torah Le-Rabbenu Mosheh ben Nahman*, ed. C.D. Chavel [Jerusalem: Mossad Harav Kook, 1959/60], II, 426).

⁴³ *m. Zevah*. 5:5, 7. Cf. Milgrom, “Further Studies,” 10.

⁴⁴ L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985) 301–20 (pp. 381–401 in this volume).

city, according to tannaitic tradition. For the scroll, it was permitted to eat these anywhere within the expanded temenos.⁴⁵

V. CONCLUSION

The Sacrificial Festival Calendar of the *Temple Scroll* expects that voluntary *shelamim* offerings of the type described in Lev 3 and 7 will be brought by Israelites. Further, the scroll requires the offering of lambs and rams as festive *shelamim*, similar to those required in tannaitic *halakhah*, at the first fruits festivals. In addition, the two lambs of *shelamim* for the festival of Shavu'ot, associated with the bringing of the first fruits in the Torah (Lev 23) appear here as twelve lambs, to be offered by each tribe along with a basket of loaves. Detailed procedures are set out for the slaughter, offering and eating of *shelamim* offerings, many of which must have applied equally to all *shelamim*. At the same time, the mention of the festive *shelamim* is curiously lacking from the descriptions of the sacrificial rites for other festivals where the tannaim would have required them. The author has derived his procedures and rulings from close exegesis of a biblical text similar in structure and contents to the received text. Yet we are unable to locate a source for the shift from two to twelve lambs for Shavu'ot.

⁴⁵ There is another reference in the *Temple Scroll* to the location for eating the *shelamim*, but the interpretation of the passage is difficult. Col. 37, part of the description of the Inner Court of the Temple, contains a fragmentary passage which mentions *zivhe shaleme bene yisra'el* and the priests (line 5). Yadin takes this passage as referring to the place of consumption of the *shelamim*, for which separate areas were designated for priests and Israelites (Yadin, II, 157–9; cf. Milgrom, “Studies,” 521f. who abandons this position in “Further Studies,” 92 n. 35). Yet the material Yadin cites from Ezek 40 (especially verses 39–43) would indicate that the purpose of these tables is connected with the slaughter or preparation of the animals for the various kinds of offerings which had to be kept separated (cf. 11QT 35:12–15, Yadin I, 235f., II, 150f., Milgrom, “Studies,” 506–9). *Sifra* Nedavah Parashah 14:10 (ed. L. Finkelstein, vol. 2, New York: Jewish Theological Seminary, 1983, 109; ed. Weiss, 14c) and Perek 19:5 (ed. Finkelstein, 114; ed. Weiss, 14d) require that the *halavim* of the various offerings be kept separate. The mention of cooking of sacrifices near the gates (37:7) indicates that these offerings were to be cooked in the Inner Court (contrast Maier, 97 and Milgrom, “Studies,” 502 n. 5). Yet col. 38, although poorly preserved, seems to specify locations other than the tables for the stoves and for the eating of sacrifices by the priests. Therefore, the tables were probably for preparing or slaughtering offerings, not for eating. We hope to take this matter up in a future study. In any case, the passage does not indicate that the *shelamim* of the Israelites (or even of the priests) are to be eaten in the Inner Court.

The *shelamim* sacrifice had played a prominent role in Israel's worship of God from time immemorial. It functioned as a sort of shared meal with the Deity. The author of the sacrificial calendar of the *Temple Scroll*, in setting out his ideal sacrificial system, saw fit to multiply the number of such offerings and to formalize the requirement of festive *shelamim*. In so doing, he expanded the role of Israelites in Temple worship. Indeed, the author/redactor of the *Temple Scroll* saw the Temple as symbolizing the unity of priests, Levites and Israelites. Together they would gather for the festivals, worship their God, and rejoice—all while awaiting the coming redemption.

PART FIVE

PURITY REGULATIONS

CHAPTER TWENTY-FOUR

EXCLUSION FROM THE SANCTUARY AND THE CITY OF THE SANCTUARY IN THE *TEMPLE SCROLL*

The discovery and publication of the *Temple Scroll* (abbreviated below as 11QT)¹ opened new vistas for the study of the history of Jewish law in the Second Commonwealth period. Immediately after the Hebrew edition of the scroll appeared, debate ensued about whether this scroll was to be seen as an integral part of the corpus authored by the Qumran sect, or simply as a part of its library.² This question was, in turn, related to the problem of whether this text reflects generally held beliefs of most Second Temple Jews, or whether its laws and sacrificial procedures represented only the views of its author(s), who were demanding a thoroughgoing revision of the sacrificial worship of the Jerusalem Temple, or, finally, whether it reflected the author's eschatological hopes.

This question is crucial in regard to the laws pertaining to various classes of individuals who were to be excluded from the Temple, its city (known in the *Temple Scroll* as עיר המקדש, "the city of the sanctuary" or "Temple City") and the other cities of Israel because of various forms of ritual impurity or other disqualifications. The editor of the scroll, Yigael Yadin, maintained that it represented a point of view substantially stricter than that of the somewhat later tannaitic sources, and that the scroll extended all prohibitions of such impurity to the entire city of Jerusalem at least. Yadin saw this as part of the general tendency of the author toward greater rigorousness in matters of law and biblical interpretation.³ Levine⁴ immediately challenged Yadin, claiming that

¹ Y. Yadin, *Megillat Ha-Miqdash* [מגילת המקדש], 3 vols. (Jerusalem: Israel Exploration Society and The Shrine of the Book, 1977); *id.*, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society and The Shrine of the Book, 1983).

² Cf. L.H. Schiffman, "The *Temple Scroll* in Literary and Philological Perspective," *Approaches to Ancient Judaism*, 5 vols. ed. W.S. Green, BJS 9 (Chico, Calif.: Scholars Press, 1983) 2:143–158; *idem.*, "The *Temple Scroll* by Yigael Yadin," *BA* 48 (1985) 122–126.

³ Yadin, *Temple Scroll*, I, 277–285.

⁴ B.A. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 5–23, see 14f. Cf. J. Milgrom, "'Sabbath' and 'Temple City' in the *Temple Scroll*," *BASOR* 232 (1978) 25–27, 26f. and Y. Yadin,

the עיר המקדש from which these various classes were to be excluded extended only to the *temenos* itself, the Temple Mount, and not to the entire city. Indeed, both views had been put forward years before by Ginzberg in his pioneering study of the *Zadokite Fragments*.⁵

This paper will investigate the particular forms of impurity and disqualification, as well as the Scriptural sources from which these rules are derived, and will compare these laws with those of the rabbinic tradition. We shall elucidate, in turn, the scroll's regulations regarding those excluded from the inner court but allowed in the middle and outer courts, those excluded also from the middle court, and those excluded from the entire city of the sanctuary. Further, a solution will be suggested for the dilemma of the "city of the sanctuary" which it is hoped will satisfactorily answer the questions raised in the debate carried on by Yadin and Levine.

EXCLUSION FROM THE INNER COURT

11QT 35:1–8, a fragmentary passage, deals with exclusion from the Inner Court:

[קודש חקודשי]ם]
[כול איש אשר לוא]]
ק]ודש	א[כול איש אשר לוא]]
הוא אין	ה[מ..... ה וכול]]
הוא כוהן י[ן]מת וכול איש אשר הוא	כ[ן]הן אשר יבוא	
א.... והוא אין הוא לבוש בגדי הקודש אשר בה]מה מלא את		
ידיו גם המה יומתו ולוא יח[ללו את מק]דש אלוהיהמה לשאת		
	עון אשמה למות	

[the hol]y of holie[s]
[]	any man who is not []
[]	any man who is not [h]oly
[And any [] who is not
	a priest shall [be put to] death, and any man who [is a prie]st who shall	
	come	

"Is the *Temple Scroll* a Sectarian Document?" *Humanizing America's Iconic Book*, ed. G.M. Tucker, D.A. Knight, Society of Biblical Literature Centennial Addresses (Chico, CA: Scholars Press, 1980) 153–169, esp. 157–162.

⁵ L. Ginzberg, *Eine unbekannte jüdische Sekte* (New York: L. Ginzberg, 1922) 104f.; idem, *An Unknown Jewish Sect*, transl. Ralph Marcus et al. (New York: Jewish Theological Seminary of America, 1976) 73f.

....and he is not dressed in [the holy] gar[ments] with which he was ordained
 to minister, they too shall be put to death and they shall not def [ile the sanc]tuary of their God so as to bear
 the penalty for a capital offense.

This passage, as can be seen from both context and biblical parallels,⁶ prohibited entry into the area surrounding the **היכל**, altar, laver, and stoa (**פרור**) to anyone not a priest, to priests who were unclean or blemished, or to those priests not dressed in the appropriate garments. Violators of this law would be put to death.

Lines 2–3 must represent paraphrases of Lev 22:3 and 21:16f. The prohibition against one who is not a priest is based on Num 17:5.⁷ The prohibition against entering the Inner Court without the priestly garments is paralleled by 11QT 33:1–7 which, although fragmentary, seems to have required that the priests change out of their sacred linen vestments when they left the Inner Court.⁸ Milgrom suggests that the improperly dressed priest falls into the category of a **זר**, a non-priest.⁹

Rabbinic **הלכה** likewise expected only priests to be found in the Inner Court (the camp of the Divine Presence), although Israelites were permitted to enter its outermost area for specific cultic acts. To them, the boundary of this area was the gate of Nicanor, at the entrance to the court of the Israelites. Those priests with blemishes were restricted in the same way as were ordinary Israelites. Priests who served in the Inner Court had to wear the required vestments. One who performed the sacrificial service without the priestly garments (termed **מחוסר בגדים**) was liable to death at the hands of heaven (*t. Sanhedrin* 14:16, *t. Zebahim* 12:17, *t. Kerithot* 1:5), and his sacrifice was considered invalid (*m. Kerithot* 2:1).

EXCLUSION FROM THE MIDDLE COURT

Column 39 of the *Temple Scroll* deals with various regulations concerning the Middle Court. Those prohibited and permitted entrance are specified in the fragmentary lines 5–11.

⁶ Cf. Yadin, *Temple Scroll*, II, 147f.

⁷ Cf. Num 1:51; 3:10, 38; 17:28, 18:7; Yadin, *Temple Scroll*, II, 147–149.

⁸ Cf. Ezek 44:14–19; Yadin, *Temple Scroll*, I, 222.

⁹ J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978) 521.

The Fourth Generation

11QT 39:5–7 is an especially difficult prescription:

...דור רבי[עי], בן ישראל [space for several words] להשתחוות לפני, כול
ע[ד]ת בני ישראל.

...four[th] generation, a son of Israel [space for several words],
to bow down before me, the entire congregation of Israel.

Yadin has interpreted this passage to refer to גרים, those who have joined the Jewish people.¹⁰ According to his view, they are to be excluded from the Middle Court until the third generation of their children. Indeed, as he notes, 11QT 40:6 does consign the גרים to the Outer Court along with women. Yadin's citation of Gen 15:16 is not fully explained by him. If this is the source of our law, the author of the scroll would be interpreting that verse as follows: Only the fourth generation (counting the parents as the first) may enter here (into the Temple), since the "transgression" of non-Jewishness cannot be expiated before the fourth generation. Accordingly, Yadin compares Exod 20:5.

While Gen 15:16 may be the source of the expression [דור רבי[עי]], "the four[th] generation", we must consider the influence of Deut 23:8–9.¹¹ This passage commands the Israelites not to withhold from the Edomite and the Egyptian the right of entry into the congregation (קהל, cf. עדת in 11QT 39:6) of the Lord. In the case of the Egyptians, it explains that "you were a גר in his land." The text goes on to require, however, that only after the third generation of children (equivalent to four generations counting the original גרים) could members of these nations who had entered the Jewish people intermarry with full-fledged, born Israelites. This, then, is the actual source of the law of our passage. The *Temple Scroll* derived from this passage that those nations allowed to convert to Judaism (we do not know if there were formal procedures at this time) could only lose the status of the class of

¹⁰ Yadin, *Temple Scroll*, I, 247f. The precise interpretation of the term גר, literally, "stranger, sojourner," in both biblical context and in the Dead Sea corpus is quite problematical. The biblical גר sometimes appeared as simply a non-Israelite living in the Land of Israel. At other times, he seemed to be a non-Israelite in the process of joining the people of Israel according to the informal system of "conversion" which existed in biblical times. This latter usage influenced the Dead Sea Scrolls, and especially the present context.

¹¹ *Ibid.*, II, 170.

גר with the fourth generation, i.e., after three generations of children had been born to them.

The other materials of the Qumran corpus are divided as to whether the גרים constituted a separate class. The *Zadokite Fragments* (CDC 14:4–6) definitely sees them as a class, being mustered separately after the Israelites (בני ישראל).¹² The *Manual of Discipline* (1QS 2:19–21) envisages a threefold division into priests, Levites, and “the entire people” (כל העם, cf. 6:8–10: שאר כל העם, “the rest of the entire people”). This disagreement within the sectarian corpus may result from the differing settings which the texts portray. The *Manual of Discipline* legislates for the sectarian center at Qumran, whereas the *Zadokite Fragments* are directed at those in the sectarian settlements within the cities of the Land of Israel.¹³ It may be, therefore, that proselytes did not enter the sectarian center, but were only part of the outlying branches of the sect.

Yadin quotes a parallel from 4QFlor¹⁴ col. I, lines 3–4 according to which in the End of Days Ammonites, Moabites, ממזרים, non-Jews (בן-נכר) and גרים will not be permitted to enter the Temple at all. Baumgarten’s study of this text¹⁵ convincingly demonstrates that the בן-נכר is the equivalent of the tannaitic נתין (non-Jewish Temple servitor) who, along with the proselyte, would be excluded from the sanctuary in the End of Days. Baumgarten sees this prohibition as derived from Deut 23:3–4 where the proscription of entry into the קהל, taken by the rabbis as referring to marriage, was interpreted by the 4QFlor as dealing with entry into the Temple.

¹² Cf. *Pešer Nahūm* 3–4, col. II, line 9 (J.M. Allegro, *Qumran Cave 4.1* (4Q158–4Q186), DJD 5 (Oxford: Clarendon Press, 1968) 38; cf. J. Strugnell, “Notes en Marge du Volume V des Discoveries in the Judaean Desert of Jordan,” *RevQ* 7 (1970) 163–276, 207), גר נלוח, although it is not certain if this refers to a convert or to a resident alien, termed גר תושב by the tannaim. On proselytes at Qumran, cf. D.R. Schwartz, “On Two Aspects of a Priestly View of Descent at Qumran,” *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman (JSPSup 8 and JSOT/ASOR Monographs 2; Sheffield: Sheffield Academic Press, 1990) 157–79.

¹³ Cf. L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, CA: Scholars Press, 1983) 7f.

¹⁴ Allegro, *Qumran Cave 4*, 53.

¹⁵ J.M. Baumgarten, “The Exclusion of *Netinim* and Proselytes in 4Q Florilegium,” *RevQ* 8 (1972) 87–96; idem, *Studies in Qumran Law* (SJLA 24; Leiden: E.J. Brill, 1977) 75–87.

It can be presumed that in the view of our scroll non-Jews would be excluded from the entire *temenos*.¹⁶ *m. Kelim* 1:8 (cf. *m. Middot* 2:3) prohibits non-Jews from entering beyond the barrier surrounding the court of the women. Josephus attests to an inscription warning against the entry of a foreigner beyond this point under penalty of death (*Ant.* XV, xi, 5 [417]; cf. *Ant.* XII, iii, 4 [145]; *War* V, v, 2 [194]), and an inscription to this effect was actually found.¹⁷

Tannaitic literature also attests to a view that the proselytes remain a separate class. The majority ruled that the גר was permitted to marry certain classes whom the priest, Levite or born Israelite could not (*t. Qiddušin* 5:1).¹⁸ Nonetheless, the legitimate גר was not excluded from the Temple according to any rabbinic sources. He could enter the court of the Israelites with his fellow Jews.¹⁹

Women and Children

11QT 39:7–9 requires that women and boys under twenty be excluded from the Middle Court:

[space for several words] לוא תבוא בה אשה וילד עד יום אשר ישלים חוק
נפשו לה: מחצית השקל חוק עולם. לזכרון במושבותיהמה.

A woman shall not enter there, nor a boy until the day when he fulfills his obligation [space for several words] for himself to the Lord, a half-shekel, an eternal statute,²⁰ as a memorial in their settlements.

¹⁶ Idem, "Exclusions from the Temple: Proselytes and Agrippa I," *Essays in Honour of Yigael Yadin*, ed. G. Vermes and J. Neusner, *JJS* 33 (1982).

¹⁷ For bibliography see Baumgarten, "Exclusions," 218. The *Temple Scroll* does not discuss the entry of Ammonites, Moabites, ממזרים, and נתינים into the Temple precincts. Nonetheless, if the author of the *Temple Scroll* shared the view of 4QFlor regarding the interpretation of Deut 23:3–4, these classes would probably have been prohibited by him from entering into even the outermost court of his imagined Temple (cf. Isa 52:1; Joel 4:17; Yadin, *Temple Scroll*, I, 281; G. Blidstein, "4 Q Florilegium and Rabbinic Sources on Bastard and Proselyte," *RevQ* 8 (1974) 431–435, esp. 431–433).

¹⁸ Cf. L.H. Schiffman, "The Samaritans in Tannaitic Halakhah," *JQR* 75 (1985) 323–350.

¹⁹ Blidstein, "4 Q Florilegium," 433f. Baumgarten, "Exclusions," 219–225 discusses the possibility that the objections to the presence of Agrippa I in the Temple might be because of a view that proselytes were not to enter the Temple. Baumgarten has not noticed that Agrippa I was not Jewish according to the prevailing definitions of Jewish status in his time. Cf. L.H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish-Christian Schism* (Hoboken: Ktav, 1985) 13f.

²⁰ The words "an eternal statute" call into question Yadin's view (*Temple Scroll*, I, 248) that this scroll envisaged a one-time payment of the half-shekel as does 4Q Ordinances lines 6–7 (DJD 5, 7). Cf. the discussion of this text in Schiffman, "The *Temple Scroll*

11QT 40:6 indicates that women were to be allowed only into the Outer Court. Presumably, boys below twenty were to be permitted there as well. Yadin²¹ has noted the similar requirement of the *War Scroll* (1QM 8:3–4) that women and young boys be excluded from the military camp. The age of majority, in this scroll and in the sectarian legal corpus, as well as in various rabbinic traditions, is indeed twenty years old.²² Only after reaching this age and making the requisite contribution of the half-shekel, was a boy considered an adult and could he enter the Middle Court.

Tannaitic sources indicate that women were to be excluded from the Court of the Israelites and were to remain in the Court of the Women, which was actually also accessible to men (*t. Sukkah* 4:1). There is no indication in Talmudic sources that male children were excluded from the Court of the Israelites. Further, children were expected to fulfill the commandment of pilgrimage with the help of their parents from the time they were physically able to ascend the Temple Mount from Jerusalem (*m. Hagigah* 1:1).

EXCLUSION FROM THE TEMPLE CITY

After describing at length the plan of the Temple with its three courts (to which we will return below), the *Temple Scroll* lists a series of conditions which cause a person to be excluded from the **מקדש** or the **עיר המקדש**. These prohibitions stem from the fact that the Lord is said to dwell in the sanctuary (11QT 45:13–14).

The Emission of Semen

11QT 45:7–12, the first law in this series, prescribes the exclusion of one who had either a nocturnal emission or sexual relations with his wife:

in *Literary and Philological Perspective*,” 58. Yadin translates the first occurrence of **חוק** in 11QT 39:8 as “the law.”

²¹ Yadin, *Temple Scroll*, I, 247f.; cf. L.H. Schiffman, “Purity and Perfection: Exclusion from the Council of the Community in the *Serekh Ha-’Edah*,” *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, April 1984*, ed. J. Amitai (Jerusalem: Israel Exploration Society, 1985) 373–89.

²² Schiffman, “The *Temple Scroll* in Literary and Philological Perspective,” 55–60, 63–65.

וא[יש] כי יהיה לו מקרה לילה לוא יבוא אל כול המקדש עד אשר [יש]לים שלושת ימים. וכבס בגדיו ורחץ ביום הראשון. וביום השלישי יכבס בגדיו ורחץ. ובאה השמש, אחר יבוא אל המקדש. ולוא יבואו בגדת טמאתמה אל מקדשי וטמאו. ואיש כיא ישכב עם אשתו שכבת זרע לוא יבוא אל כל עיר המקדש אשר אשכין שמי בה שלושת ימים.

And if a ma[n] has a nocturnal emission he may not enter the entire sanctuary until he [com]pletes three days. And he shall launder his clothes and wash on the first day, and on the third day he shall launder his clothes and wash. Then after the sun has set, he may enter the sanctuary. They may not enter My sanctuary in their time of impurity so as to render it impure. And when a man has sexual relations with his wife, he may not enter the entire City of the Sanctuary wherein I cause My name to dwell for three days.

According to this law, one who has had an emission of semen, whether during sexual relations or otherwise, is forbidden to enter the sacred precincts. He is to follow a three-day purification period before he may return. Now the text raises a problem by its use of differing terminology. He who had a nocturnal emission is to be excluded from **כול המקדש**, “the entire sanctuary,” whereas one who had relations with his wife is excluded from **כל עיר המקדש**, “the entire city of the sanctuary.” Nonetheless, the text prescribes the very same purification procedures for both.

Yadin has compared the prescription in 11QT 46:16–18 which requires that three places should be set aside east of the city for those afflicted with the skin disease **צרעת**, those with gonorrhoea, and those who have had nocturnal emissions (note that **לילה** is restored). He therefore concludes that despite the statement in our text that the one who had a nocturnal emission is excluded only from the Temple (**מקדש**), he is clearly excluded from the city. Yadin’s somewhat difficult reconciliation of these passages is as follows: Entry into the city was permitted after compliance with Deut 23:12, requiring a one-day purification period after the emission of semen. Entry into the Temple required a three-day period as described in our text.²³ Since our text requires the same purification ritual for both nocturnal emission and sexual relations, it is extremely difficult to accept Yadin’s complex explanation.

An alternate view would hold that our scroll saw the Torah as discussing only the first stage in purification, and that our author required a

²³ Yadin, *Temple Scroll*, II, 192; Milgrom, “Studies in the *Temple Scroll*,” 517f.; idem, “‘Sabbath’ and ‘Temple City’ in the *Temple Scroll*,” 27.

three-day purification ritual, and did not make any distinction between the sanctuary and the city of the sanctuary. If so, it may be that Levine is correct in seeing these two terms as synonyms for the Temple precincts, the *temenos*.

Deut 23:11–12 mandates the purity of the military camp (מחנה) and requires that anyone who has a nocturnal emission be excluded from the camp. At evening he is to bathe and at sunset may return to the camp. Indeed, this biblical law is found in the *War Scroll* (1QM 7:5–6) where the presence of the angels among the warriors of the eschatological war is given as the explanation for the strict purity which must be maintained. This explanation is, in turn, a reflection of Deut 23:15, “Since the Lord your God moves about in your camp...”²⁴

In regard to sexual relations between husband and wife, Lev 15:18 had prescribed the very same one-day period and purification ritual required by Deuteronomy for one who had a nocturnal emission. The three-day extension of this period by the author of the *Temple Scroll* results from his interpretation of Exod 19:10–15 which required a three-day abstention from sexual relations before Israel could receive the revelation at Sinai. Any emission of semen was taken by the author of our scroll to require this three-day period.²⁵

Yadin has noted that the extent to which the various classes are to be excluded is dependent on the interpretation of the Scriptural references to the camp (מחנה). After all, Deut 23:11 requires that the one who is impure be excluded from the camp. According to the rabbis, the encampment of Israel in the wilderness was divided into three sections. The camp of the Divine Presence (מחנה שכינה) was the Tabernacle itself and the immediately surrounding court. The camp of the Levites (מחנה לוייה) was the area around the Tabernacle in which the Levites dwelt. The camp of Israel (מחנה ישראל) was the area in which the twelve tribes lived. When transferred to the Land of Israel, the Temple

²⁴ NJPS. Cf. Schiffman, “Purity and Perfection,” 374f.

²⁵ Cf. Yadin, *Temple Scroll*, I, 288f.; Cf. Milgrom, “Studies in the *Temple Scroll*,” 513. While Yadin has made much of the notion that sexual relations were forbidden in the עיר המקדש, a notion only discussed in CDC 12:1–2 but obviously implied by the *Temple Scroll*, he has incorrectly assumed that this referred to the entire city of Jerusalem. We will see that this prohibition extended only to the area of the *temenos*, equivalent to the camp of Israel in the desert. The residence area of Jerusalem was outside of this enlarged Temple and, within it normal sexual relations were permitted. For the rabbis, marital relations were certainly prohibited on the Temple Mount.

building itself with the surrounding courts of the priests and Israel was the equivalent of the camp of the Divine Presence. The remainder of the area within the *temenos*, including the Court of the Women and the rest of the Temple Mount, was equal to the Levitical camp, and the city of Jerusalem was equivalent to the camp of Israel (*t. Kelim Baba Qamma* 1:12, *Sifre Bemidbar Naso* 1 [p. 4 (not 3 as in Yadin)], *Bemidbar Rabbah* 7:8 [where the biblical derivation is explained in detail], *b. Zebahim* 116b, cf. Maimonides, *h. Bet Habbehirah* 7:14).

The rabbis understood the exclusion from the Temple precincts of one who had an emission of semen, regardless of the circumstances, within this framework. *Sifre Debarim* 255 (p. 281) quotes a statement attributed to the tanna Rabbi Simeon (ben Yoḥai, mid-second century C.E.) that the two occurrences of the word *מחנה* (“camp”) in Deut 23:11 are intended to teach that one who experienced a nocturnal emission was to be excluded from the camps of the Divine Presence and the Levites, in other words from the entire Temple precincts—the Temple Mount.²⁶

A similar approach is the basis of *m. Tamid* 1:1 which provides that a priest who has an emission must leave the Temple via subterranean passages and then immerse himself to be purified. He would return to the *בית המוקד*, the area in which the priests kept warm while on duty, until the gates opened in the morning. He would then leave the Temple Mount as he remained impure (*טבול יום*) until evening. In this way he left both the camp of the Divine Presence and that of the Levites. The priest who had an emission was forbidden to enter the Temple Mount.²⁷

²⁶ *B. Pesahim* 68a includes an amoraic citation of this *baraita* and a dispute whether it or an alternative interpretation (also found in the *Sifre*) is to be accepted. The amoraim rule in favor of the view we have cited.

²⁷ Tannaitic sources discuss the restrictions on the *בעל קרי*, the one who experienced an emission (especially, *m. Berakot* 3:4–6, *t. Berakot* 2:12–13). According to a decree attributed to Ezra, the *בעל קרי* was forbidden to engage in prayer and the study of the Torah. This ruling was not unanimously accepted, and was eventually ruled inoperative. Nevertheless, it continued to be observed by some. This complex of traditions requires restudy in light of our text. It is possible that the rabbinic restrictions are a remnant of Temple—related prohibitions. Cf. G. Alon, *מחקרים בתלדות ישראל*, 2 vols. (Israel: Hakibbutz Hameuchad, 1967) I, 149–152, although it should be noted that his reading of the sources pays no attention to their dating and provenance.

The Blind

11QT 45:12–14 prohibits the blind from entering the עיר המקדש:

כול איש עור לוא יבואו לה כול ימיהמה ולוא יטמאן את העיר אשר אני שוכן בתוכה. כי אני ה' שוכן בתוך בני ישראל לעולם ועד.

No blind man may enter it (the City of the Sanctuary) for their entire life so that they will not render impure the city in which I dwell. For I am the Lord Who dwells among the children of Israel for ever.

This passage is based on Lev 21:18. Yadin suggested that the actual import of the passage is that all the deformities listed in Leviticus 21 disqualify the subject from entry into the City of the Sanctuary, and that blindness was only given as an example.²⁸

It is difficult to maintain that the material dealing with the other deformities has been omitted by a scribal error from our manuscript of the *Temple Scroll*, since a second fragment (Rockefeller 49.976) apparently preserves the same text.²⁹ It is possible to propose an alternate restoration for the fragment such that it would include one or two additional deformities, but Yadin's restoration in light of the 11Q manuscript is most probable. Yet it is difficult to see how the word עור, "blind man," could have been used as a general term by the author of the *Temple Scroll*. It is more likely that the omission of the other deformities found in Leviticus 21 from the *Temple Scroll* is to be explained as an oversight of the author. Yadin has noted that the plural verb יבואו follows the singular עור, "as if the ban had been taken from a comprehensive list that ended with a verb in the plural".³⁰ Kaufman, however, has noted that the use of כול with a singular noun followed by a plural verb is characteristic of this author's style.³¹

It must be emphasized that this Leviticus passage concerned only the disqualification of priests from Temple service. In the *Temple Scroll*, the ban is extended to all Israel and to the entire City of the Sanctuary. The same restrictions probably applied to those with other physical impairments and disqualifications as well.³² From biblical passages it

²⁸ Yadin, *Temple Scroll*, I, 289–291.

²⁹ *Ibid.*, II, 189.

³⁰ *Ibid.*, I, 291.

³¹ S.A. Kaufman, "The *Temple Scroll* and Higher Criticism," *HUCA* 53 (1982) 35.

³² Yadin, *Temple Scroll*, I, 290.

seems that the עור is blind in both eyes and thus cannot see at all.³³ One cannot determine precisely how blindness was defined, but some passages indicate that inability to find one's way was the decisive factor, not reading as in our society.

Nonetheless, the tannaim interpreted Lev 21:19 as referring even to one blind only in one eye. Indeed, they widened the meaning of the term עור to include even those suffering from other eye ailments and deformities (*Sifra 'Emor parašah* 3:5 [p. 95b], *baraita* in *b. Bekorot* 44a) besides those mentioned in Lev 21:20. We cannot be certain how this verse was understood by the author of the *Temple Scroll*, and, therefore, what the specific definition of the blind man was. It is most probable, though, that the scroll would have accepted the greatest variety of deformities and blemishes as reasons for exclusion from priestly service in the Temple, and hence, from entry into the sacred precincts.

Deut 15:21 classes the עור as one of the deformities which excludes a first born animal from sacrifice. The difficult account of 2 Sam 5:6–8 indicates that the blind, along with the lame, were to be excluded from the Temple (הבית). This passage must have influenced our text as well. The *War Scroll* (1QM 7:4) excludes the blind from participation in the eschatological battle, and the *Rule of the Congregation* (1QSa 2:6) includes blindness in a list of deformities which preclude participation in the eschatological council of the community.

Tannaitic sources also speak of the blind in connection with the pilgrimage to Jerusalem on the three festivals. *m. Hagigah* 1:1 and *t. Hagigah* 1:1 rule that the blind man (termed סומא in rabbinic Hebrew), was not required to make the pilgrimage because he could not see as required by midrashic interpretation of Scripture (Exod 23:17, 32:23; Deut 16:16; as explained in *Mek. Rab. Ish. Mišpaṭim* 20 [p. 333], *Sifre Debarim* 143 [pp. 195f.]). Indeed, Lieberman maintains that tannaitic and Palestinian amoraic sources therefore disqualify only those blind in both eyes.³⁴ There is, however, no tannaitic ruling to the effect that the blind may not enter the Temple.

Regarding priests who are afflicted with מומים (physical imperfections) of which blindness is one (*b. Bekorot* 44a, *baraita*), *m. Kelim* 1:9 provides

³³ Lev 19:14; Deut 27:18; 28:29; Isa 42:18; 59:10, Job 29:15; cf. J. Preuss, *Biblical and Talmudic Medicine*, transl. F. Rosner (New York and London: Sanhedrin Press, 1978) 270–276.

³⁴ S. Lieberman, *Tosefta Kifšutaḥ* 10 vols.; Part V (New York: Jewish Theological Seminary of America, 1962) 1266f.

that they are prohibited from entering **בין האולם ולמזבח**, between the portico and the altar (cf. Ezek 8:16 and Joel 2:17 where NJPS translates “portico”). This area is within the court of the priests (**עזרת הכהנים**), but closer to the actual Temple building. Josephus (*War* V, v, 7 [228]) indicates that priests with physical defects were admitted into the court of the priests, but that only those priests who were without blemish “went up to the altar and the sanctuary.”

Josephus and the Mishnah agree as this was the procedure in the last years of the Herodian Temple. It is probable that as Maimonides suggests (*h. Biʿat Hammiqdaš* 6:1),³⁵ this law was derived from a reading of Lev 21:23. The very same verse underlies Josephus’ account as well. The view of Tosafot (*b. Yōma* 23b, s.v. **יש**) to the effect that the blemished priest was considered like an Israelite (**זר**) probably reflects the reasoning behind the view that blemished priests, like Israelites, could enter only the outer area of the court of the priests and even then, only for certain specified purposes (cf. *m. Kelim* 1:8).

Tannaitic tradition knew that the blind were exempt from the pilgrimage festival. For the tannaim, however, even blind (or otherwise blemished) Israelites could enter the court of the Israelites on a regular basis, and the court of the priests for certain purposes connected with cultic acts. Our scroll is much stricter than the tannaitic legislation and probably also stricter than the practice in Second Temple times, at least for the Herodian period. Note should be taken of a still unpublished Qumran manuscript of the *Ḥadokite Fragments* (CDC 15:15–17), translated by Milik, according to which “the blind [lit., those who, being weak of eye, cannot see]” are among those who may not “enter the midst of the community, for the holy angels (are in the midst of it).”³⁶

³⁵ Cf. Abraham Di-Boton, **משנה למלך**, in M. Maimonides, *משנה תורה*, ed. S. Frankel, (Jerusalem and Bene Brak; Cong. Bnei Yosef, 1993) 133 on the dispute between Maimonides and Naḥmanides regarding the extent of the area of the court of the priests from which the priest with a blemish was disqualified. Note that Maimonides’ view is strongly supported by the historical evidence of Josephus, despite the fact that the expression “between the portico and the altar” seems to support Naḥmanides’ view.

³⁶ J.T. Milik, *Ten Years of Discovery in the Wilderness of Judaea*, transl. J. Strugnell (SBT 26; London: SCM, 1959) 114.

Gonorrhea, Impurity of the Dead and צרעת

11QT 45:15–18 enumerates several additional classes of individuals excluded from the sanctified precincts until they have completed their purification rituals:

וכול איש אשר יטהר מזובו וספר לו שבעת ימים לטהרתו. ויכבס ביום השביעי בגדיו, ורחץ את כול בשרו במים חיים. אחר יבוא אל עיר המקדש. וכול טמא לנפש לוא יבואו לה עד אשר יטהרו. וכול צרוע ומנוגע לוא יבואו לה עד אשר יטהרו.

And any man who becomes pure from his issue (gonorrhoea), shall count for himself seven days for his purification, and launder his clothes on the seventh day, and wash all his flesh in living waters. Afterwards, he may enter the city of the sanctuary. And anyone who is impure by impurity of the dead may not enter it (the City of the Sanctuary) until they (*sic*) are purified. And any *sārūa*^c and one stricken may not enter it (the city of the sanctuary) until they are purified.

The classes included in this passage are the gonorrhoeac, one who had contracted the impurity of the dead, one afflicted with the various forms of disease listed in Lev 13, and one who had contracted the skin disease so often and inaccurately translated as “leprosy.” These conditions appear together in Num 5:2–4 which requires that those afflicted with them be expelled from the camp. These impurities are most probably those designated as *טומאת בשרו* in the *War Scroll* (1QM 7:4f.). Those afflicted with them were to be excluded from fighting in the eschatological battle. These persons are impure by virtue of causes other than seminal emission and are to observe the laws of purification specified in the Torah before entering the City of the Sanctuary. They are forbidden even to enter the military camp according to the *War Scroll*. It is also probable that these impurities are alluded to in the *Rule of the Congregation* (1QSa 1:25–2:11), according to which those afflicted were prohibited from participation in the eschatological council of the community.

The author of our scroll based his text regarding the purification of the gonorrhoeac (זב) on the explicit regulations of Lev 15:2, 13. He has, however added the word כול to indicate that his entire body must be fully immersed. Washing and bathing are to be performed on the seventh day.³⁷ The purification ritual for impurity of the dead is

³⁷ Yadin, *Temple Scroll*, I, 291–293.

discussed in detail in 11QT 49:5–50:9.³⁸ Purification from צרעת and related diseases was derived by the author of the scroll from Lev 14 although the lacuna at the end of column 46 precludes any further discussion.³⁹

11QT 46:16–18 prescribes three areas to the east of the city of the sanctuary for the quarantine of those afflicted with צרעת and for gonorrhoeas, as well as for those who have had emissions, as mentioned above. Yadin is no doubt correct that these areas must have been outside the entire city of Jerusalem.⁴⁰ Indeed, 11QT 48:14–15 requires that for each and every city in the land, areas should be set aside outside the city for those afflicted with צרעת and the associated skin diseases, as well as gonorrhoeas, women who are menstrually impure or who have given birth.⁴¹ Clearly the classes of women discussed here lived in the various cities, but did not live in the City of the Sanctuary, a strong argument for considering the עיר המקדש to be only the sacred precincts. It is difficult to imagine that the entire city of Jerusalem was to be free of women and celibate, despite Yadin's claims that the scroll is Essene and that this ruling accords well with their ideology.⁴² Further, 11QT 40:6, despite its fragmentary condition, intends to permit women into the Outer Court.⁴³ One who had an emission is not excluded from the other cities, only from the City of the Sanctuary, whereas the menstrually impure woman and the one who gave birth are not mentioned in connection with the Temple City.⁴⁴

Josephus (*War* V, v, 6 [227]; cf. *Apion* II, 8 [103–104]) states that those afflicted with gonorrhoea or צרעת were excluded from the city (*polis*) altogether. Menstruating women were excluded only from the Temple while men who were impure could not be admitted to the Inner Court until they were purified.

That the tannaim also forbade those afflicted with gonorrhoea and צרעת from entering the Temple precincts is a foregone conclusion based on the Torah's explicit laws in this regard. Num 5:2–3 required

³⁸ Cf. L.H. Schiffman, "The Impurity of the Dead in the *Temple Scroll*," 135–156.

³⁹ Cf. Milgrom, "Studies in the *Temple Scroll*," 514.

⁴⁰ Yadin, *Temple Scroll*, I, 307f.

⁴¹ Cf. *ibid.*, I, 305–307. For the exclusion of נדות in medieval Jewish practice, cf. Y. Dinari, "חלול הקודש על ידי נדה ותקנת עזרא," *Te'udah* 3 (1983) 17–37.

⁴² *Ibid.*, I, 293.

⁴³ *Ibid.*, II, 170.

⁴⁴ Cf. Milgrom, "Studies in the *Temple Scroll*," 515–517.

that such people be excluded from the camp. This was taken by the tannaim to prescribe that those afflicted with gonorrhoea were restricted from entering the Temple precincts, while those who contracted **צרעת** were prohibited from entering the entire city of Jerusalem, and for that matter all walled cities.⁴⁵ *m. Kelim* 1:8 (cf. *t. Kelim Baba Qamma* 1:8, 14) excludes one who is a gonorrhoeac, menstruant or woman who gave birth only from the Temple Mount itself. In other words, they were to be excluded from the camp of the Levites. To the tannaim those afflicted with **צרעת** were to be sent out of all three camps, that is, even out of the cities, and, as Albeck notes,⁴⁶ Joshua's conquest of the walled cities was assumed to render them sanctified as the camp of Israel, the third, and outermost camp. There was no question that such people could neither serve as priests nor participate in the fulfillment of the commandment of pilgrimage.

The situation is somewhat different regarding one who had contracted the impurity of the dead. Num 5:2 had classed the **טמא לנפש** with the gonorrhoeac and the person afflicted with **צרעת**. Yet the tannaim saw the **טמא לנפש** as disqualified only from entry into the Temple court (*עזרה*, *t. Kelim Baba Qamma* 1:8). Nonetheless, such a person would have been excluded from priestly service and from fulfilling the commandment of pilgrimage to the Temple. Rashi (to Num 5:2) sums this up nicely when he explains that one afflicted with **צרעת** was excluded from all three camps, the gonorrhoeac was permitted to enter the camp of Israel and excluded from the other two, and the one impure with the impurity of the dead was permitted even into the Levitical camp, but not in that of the Divine Presence. (On the pl. **מהניכם** see *baraita* in *b. Pesahim* 67a.)

SUMMARY

The following table of exclusions summarizes the analysis presented above:

⁴⁵ *m. Kelim* 1:7 and *t. Kelim Baba Qamma* 1:14, referring to those walled from the time of Joshua, in the view of C. Albeck (ed.), *ששה סדרי משנה*, 6 vols. (Jerusalem: Bialik Institute and Tel Aviv: Dvir, 1957–59) 508.

⁴⁶ *Ibid.*, VI, 508.

<i>Impurity/Affliction</i>	<i>Temple Scroll</i>	<i>Tannaim</i>
Non-priest	inner court	camp of presence
priest w/o vestments	inner court	camp of presence
Impaired priest	inner court	camp of presence
proselytes to 4th generation	middle court	no restriction
women	middle court	camp of presence
boys under twenty	middle court	no restriction
seminal emission	outer court=city of s.	Levitical camp
Blind	outer court=city of s.	Israelites—no restriction; priests—may not officiate
gonorrhea	outer court=city of s.	Levitical camp
Impurity of dead	outer court=city of s.	camp of presence
skin disease	outer court=city of s.	camp of Israel

(s.=sanctuary)

The table shows that the *Temple Scroll* has introduced restrictions regarding several classes which are not paralleled in tannaitic teaching. The tannaim know of no regulations limiting the access of boys under twenty and proselytes to the Temple, yet the scroll allowed them only into the Outer Court. Women, permitted in the tannaitic Levitical camp, were relegated to the Outer Court by the *Temple Scroll*. Nor were those with physical defects denied access by the tannaitic laws, yet the scroll excluded them from even the Outer Court. The common exclusion of the one who had contracted communicable skin diseases from the entire sanctuary, and indeed, from all the cities, is paralleled by the tannaitic exclusion from the camp of Israel.

In all cases of exclusion from the Inner Court of the scroll, the tannaim prohibited those concerned from the camp of the Divine Presence. In the cases of seminal emission and gonorrhea, the scroll excludes such people from the entire city of the sanctuary, while the tannaim excluded them from the Levitical camp. In both cases, they are being excluded from the entire *temenos*. The great stringency of the *Temple Scroll* with regard to impurity of the dead is manifested in its exclusion of those who contracted it from the entire *temenos*, yet the tannaim excluded them only from the camp of the Divine Presence.

In regard to the Inner Court, both approaches share the same regulations. Concerning the outer boundary of the *temenos*, those excluded by the tannaim from the Levitical camp (the Temple Mount) are likewise

excluded from the entire City of the Sanctuary by the author of our scroll. The Middle Court serves for the *Temple Scroll* as a demarcating line by which he can exclude from the Inner Court several classes permitted by the tannaim even into the camp of the Divine Presence, but whom he wished to distance from the sancta.

CONCLUSION

It must be remembered that the *Temple Scroll* is not a description of an actual cultic rite as practiced in the Jerusalem Temple. The author's day was that of pre-Herodian times, before the greatly expanded sanctuary of the Roman period was built. His scroll is intended to describe his views on how the Temple and its ritual ought to be conducted until the Messianic era.⁴⁷ The author had not the power to put his plan into effect. He read the Torah and studied its laws, and, basing himself on his own type of midrashic exegesis, constructed his ideal Temple and sacrificial system.

One of the dominant trends in the Judaism of this period was the desire for an expanded Temple area. Such a view is already found in Ezek 40–43 which looks forward to a Temple which would be larger than that of Solomon and the kings of Judah. When the Second Temple was built, it was of smaller size, and it was years before a proper structure replaced it. When Herod eventually totally rebuilt the Temple, he expanded the *temenos* itself, substantially enlarging the platform we know as the Temple Mount. This was in fact the fulfillment of a longstanding dream, widespread among many elements of the Jewish community, who wanted a larger sanctuary, perhaps because of the increase of population as well the prevalent trends of the Greco-Roman architectural tradition. The *Temple Scroll*, therefore, reflected the dreams of the author for an enlarged Temple complex.

The Temple plan of the Herodian Temple, and no doubt of the Temple which stood before, had two concentric enclosures.⁴⁸ The Temple area itself was enclosed by the סורג and חיל, and the entire Temple Mount was enclosed by the porticos and walls. Analysis of the structure

⁴⁷ 11QT 29:2–10; contrast the view of B.Z. Wacholder, *The Dawn of Qumran* (Cincinnati: Hebrew Union College Press, 1983) 21–32, who sees the scroll as describing a messianic Temple).

⁴⁸ Albeck, ששה סדרי משנה, V, 328 (opposite).

of the Temple complex, as set out in the scroll and as discussed in detail in Yadin's excellent reconstruction leads to a very different point of view.⁴⁹ Our author envisages three concentric enclosures. Further, comparison of the dimensions of the Temple complex as outlined in our scroll with that of Josephus and the tannaitic sources, indicates that our author intended his Middle Court to be approximately the same size as the Temple Mount in his day.

This statement requires some explanation. Josephus tells us that Herod doubled the size of the Temple Mount (*War* I, xxi, 1 [401]). For this reason the accounts in *Ant.* XV, xi, 2 [397–400] and *War* V, v, 1 [184–189] are usually taken as referring to Herod's building activity. In fact, they refer explicitly to the efforts which Josephus, perhaps mythically, attributed to Solomon. More importantly, Josephus tells us that in the years after Solomon, through great efforts and over a long period of time, the size of the Temple Mount had been substantially expanded. If Herod doubled the size of the Temple Mount, we would expect its dimensions previous to his efforts to have been approximately equivalent to those given in *m. Middôt* 2:1, 500 cubits by 500 cubits, itself following Ezek 42:20. Such an area would occupy approximately 62,500 square meters, more than doubled by Herod when he built the present enclosure which has an approximate area of 141,500 square meters. If so, the Mishnaic description of the dimensions of the Temple Mount would accord approximately with the time before Herod, in the days of the author of the *Temple Scroll*. His Middle Court, measuring 500 cubits by 500 cubits would be exactly equivalent to the dimensions of the Temple Court in his own day.⁵⁰

The Outer Court of the *Temple Scroll*, the additional one, is in fact approximately the size of what was much of the populated area of the city of Jerusalem. In his plan, it was to be 1590 cubits, or, with the outward extension of the gates and the cells, 1604 cubits square, in any case, approximately 800 meters by 800 meters. Such an enclosure, superimposed on a map of Hasmonean Jerusalem covers most of the

⁴⁹ Cf. J. Maier, "Die Hofanlagen im Tempel-Entwurf des Ezechiel im Licht der 'Tempelrolle' von Qumran," *Prophecy: Essays Presented to Georg Fohrer on his Sixty-fifth Birthday 6 September 1980* (Berlin and New York: de Gruyter, 1980) 55–67; *id.*, "The *Temple Scroll* and Tendencies in the Cultic Architecture of the Second Commonwealth," *Archaeology and History in the Dead Sea Scrolls*, 53–82.

⁵⁰ Yadin, *Temple Scroll*, I, 246. Cf. B.Z. Luria, "הערוות למגילת המקדש", *Bet Miqra* 23 (1978) 370–86; Maier, "The *Temple Scroll* and Tendencies," 77.

residential area, with the exception of the Upper City.⁵¹ This author, as opposed to the other sources of his day, proposed to expand the *temenos* to include what was in his time the city of Jerusalem. For this reason he invented the third court.

Examination of the detailed information regarding the gates of the three courts of the *Temple Scroll* tells us further that the four gates in the Inner Court were apportioned to the Aaronide priests and the three Levitical clans, Merari, Kohath, and Gershon,⁵² while those in the Middle and Outer Courts were named for the twelve sons of Jacob.⁵³ This clearly shows that the author had a concept similar to that of the tannaim. He saw the inner area as the court of the Divine Presence, where only priests might enter. The Middle Court was to be entered only by pure, male Israelites who had no disqualifications. This was equivalent to the Levitical camp of the tannaim. The outer area, which might be entered by women and youths and others was considered by him to be equivalent to the camp of Israel. Whereas the sages saw the camp of Israel as the rest of Jerusalem, outside of the *temenos*, the expanded plan of the *Temple Scroll* intended to locate the camp of Israel within the *temenos*, so to speak enlarging the entire Temple Mount to include all of what was then the city.

Because Yadin did not take note of this point, he had difficulty explaining the prohibition on excreting and having sexual relations throughout Jerusalem. In fact, there is no such problem. The author intended the *temenos* to be increased in this manner. He must, therefore, have thought that the area of general residence in his vision would be beyond the *temenos*. In other words, the City of the Sanctuary would occupy much of the Jerusalem of his day, but the citizenry would still be living outside the *temenos*.

What emerges from this is a conclusion to the debate between Levine and Yadin. Levine is correct that the עיר המקדש was the Temple and its surrounding precincts, and that these purity laws were not to be observed in the residential quarter. Yadin was correct in that the entire city of the author's day was to be included in the idealized *temenos*, so that the Temple was now to mirror all three camps of the desert period and to be greatly expanded. The camp of Israel, in the view of

⁵¹ M. Avi-Yonah, *Atlas qartā liteqūpat bayit šeni, hammišnāh wehattalmūd* (Jerusalem: Carta, 1970) map 52.

⁵² Yadin, *Temple Scroll*, I, 204.

⁵³ *Ibid.*, I, 247, 253–256.

the *Temple Scroll*, was to be an ideal structure, a court of the Temple, not a residential area in Jerusalem. The prohibitions of excretion and sexual relations, therefore, referred, as had been proposed by Levine, following Ginzberg, only to the Temple precincts, which were expected to be as large as the city itself.

The author of the *Temple Scroll* sought to extend the sanctity of the sanctuary and replicate the camp of Israel. He therefore applied those purity regulations which tannaitic הלכה imposes only on the Levitical camp—the Temple Mount—to the entire City of the Sanctuary. At the same time he restricted certain classes from entry to the camp of the Divine Presence, using the Middle Court as a barrier to exclude them. In this way, he proposed to realize through the laws of purity the very same expanded sanctuary that was to be part of his architectural plan. That ideal replica of the Israelite camp of the wilderness which was to be built of stone, was also to be erected out of the building blocks of ritual purity. Israel would worship, the author hoped, in this state of perfection until the End of Days.

CHAPTER TWENTY-FIVE

THE IMPURITY OF THE DEAD IN THE *TEMPLE SCROLL*

The appearance of Professor Yigael Yadin's thorough editions of the *Temple Scroll*, in Hebrew and in English,¹ has presented scholars dealing with this text with a goldmine of material to be utilized in its exegesis. The work is so detailed and thorough that often we must content ourselves with taking up the questions which the editor has set forth and trying in some small measure to add to the work which he did. It is in this spirit that the following study is offered.²

PROHIBITION ON ENTERING THE CITY OF THE SANCTUARY

The bottom of column 45 of the *Temple Scroll* enumerates those not permitted to enter the sacred precincts of the City of the Sanctuary (11QT 45:17):

And any who are impure with the impurity of the dead (טמא לנפש) may not enter it (the City of the Sanctuary) until they are purified.³

This prescription requires that the one who had contracted "the impurity of the dead" remain outside of the City of the Sanctuary. Yadin took the עיר המקדש to be the entire city of Jerusalem, while B. Levine,⁴ following L. Ginzberg's analysis of the *Zadokite Fragments*,⁵ took this term

¹ Y. Yadin, *Megillat Ha-Miqdash*, 3 vols. (Jerusalem: Israel Exploration Society, 1977); idem, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983).

² For lexical notes on the texts examined in this paper, see E. Qimron, "Le-Millonah shel Megillat Ha-Miqdash," *Shenaton* 4 (1980) 247, 254, 255, 262.

³ Yadin translated: 'And anyone... until he cleanses himself'. It is apparent from the plural verbs, however, that וכול must have been used in a plural sense.

⁴ B. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 14-17.

⁵ L. Ginzberg, *An Unknown Jewish Sect* (New York: Jewish Theological Seminary, 1976) 75f. Ginzberg first expresses the view followed by Yadin identifying the עיר המקדש as the entire city of Jerusalem. Then he proposes the view followed by Levine.

to include only the Temple Mount.⁶ In any case, the person in question was prohibited from these sacred precincts until he had completed the purification rituals to be analyzed below.

11Q^T 45:11–18 is a list of those who because of the impurities they had contracted were excluded from the **עיר המקדש**.⁷ Yadin⁸ calls attention to the importance of Num 5:2 for understanding this enumeration. There we find that the person afflicted with **צרעת**, the gonorrhoea, and the **טמא לנפש** (one impure from contact with the dead) are sent forth from the camp (**מחנה**). Further, verse 3 tells us that this law applies to both males and females. The words **אשר אני שכן בתוכם**, “since I dwell in their midst”, found in this verse, are the basis of 11Q^T 45:14 which reads, **כי אני ה' שוכן בתוך בני ישראל**, “for I the Lord dwell in the midst of the children of Israel”.

The expression **טמא נפש** occurs in Lev 22:4–5, which is a list of those priests who may not eat of the sacrificial offerings. Those disqualified are the ones afflicted with **צרעת**, the gonorrhoea, one who comes in contact with one afflicted with impurity of the dead (**טמא נפש**), one who had a seminal emission,⁹ and one who comes in contact with certain dead creeping things (**שרץ**), or with a (dead) person, which would render him impure.

The limited list of those excluded from the camp in Num 5:2 was widened by our author through a *midrash* based also on Lev 22:4–5. Those in the Leviticus list were added to those in the Numbers passage to produce a catalogue of those prohibited from entering the City of the Sanctuary. In so doing, the author extended the priestly legislation to all Israel. Afflictions which disqualified priests from eating of sacrifices now entirely excluded Israelites from the holy precincts.

It is this analogy to the eating of sacrifices by the priests which will explain the contrast with tannaitic sources noted by Yadin. An anonymous statement in *t. Kelim Bab. Qam.* 1:8¹⁰ rules that one afflicted with

⁶ J.M. Baumgarten, “The Phraisaic-Sadducean Controversies about Purity and the Qumran Texts,” *JJS* 31 (1980) 159 n. 11 and J. Milgrom, “‘Sabbath’ and ‘Temple City’ in the *Temple Scroll*,” *BASOR* 232 (1978) 26f., have accepted the views of Yadin.

⁷ See L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985), 301–320 (pp. 381–401 in this volume).

⁸ Yadin, *Temple Scroll*, *ad. loc.*; cf. I, 293.

⁹ 11Q^T 45 drew its reference to the seminal emission from Lev. 22:4–5. Most important are the words **עד אשר יטהר** found in this verse. This must be the basis of the phrase **עד אשר יטהרו** (11Q^T 45:17).

¹⁰ Cf. *m. Kelim* 1:8, *Sifre Bemidbar* 1, ed. H.S. Horowitz (Jerusalem: Wahrman, 1966) 2, *b. Pesahim* 66b–67a.

impurity of the dead may enter the Temple Mount. The Tosefta specifically terms this the *מחנה לוייה*, the camp of the Levites. The tannaim grappled with the exegetical difficulty of determining the meaning of the word *מחנה*, ‘camp’, in the various biblical injunctions. They solved this difficulty by assuming the existence of three concentric camps in the desert period. Based on this assumption, they divided the city of Jerusalem into three zones. The innermost was the camp of the Divine Presence. It extended from the courtyard of the Israelites and innerward. The second was the camp of the Levites, extending to the entire Temple Mount. The third and outermost was the camp of Israel, including the area within the city gates of Jerusalem.¹¹ According to the Tosefta, one afflicted with the impurity of the dead was only excluded from the Temple itself, the *מחנה שכינה*, the camp of the Divine Presence. To the author of the *Temple Scroll*, the analogy with the laws of disqualification of priests (Lev 22:4–5) taught him that such people were to be excluded from the City of the Sanctuary.¹²

THE LAW OF BURIAL

11QT 48:7–10 discusses the prohibitions on excessive mourning, based on Deut 14:1–2, Lev 19:28, and 21:5. At that point, the text turns to laws of burial. 11QT 48:10–14 commands:

And you shall not defile your land. So do not do as the nations do; they bury their dead anywhere. They even bury (them) inside their houses. Rather, set aside places within your land in which you shall bury your dead. Between (every) four cities, you shall apportion a place for burial (lit. to bury in them).

The phraseology of lines 11–12 is closely parallel to 11QT 51:19–29:

You shall not do within your land as the nations do: sacrifice, and plant Asheroth, and erect pillars.

¹¹ *t. Kelim B. Qam.* 1:12; *b. Zevahim* 116b; cf. Maimonides, *h. Bi'at Ha-Miqdash* 3:2–3.

¹² To Levine, the *עיר המקדש* is equivalent to the tannaitic *מחנה לוייה*, the Temple Mount, whereas Yadin takes the *עיר המקדש* as equivalent to the *מחנה ישראל*, the entire city of Jerusalem.

Random burial was said to defile the land in the same way as did idolatry. This concept of defilement of the land by random burial is traced by our text to Num 35:34 **וְלֹא תִטְמָא אֶת-הָאָרֶץ**. Indeed, verse 33 discusses the way in which innocent blood pollutes the land.¹³ The entire chapter deals with the Levitical cities and the cities of refuge, and is in fact a description of settlement patterns. Random burial defiles the land by causing those passing through to be rendered impure. Similar concepts no doubt lie behind the function of the **מְטַהְרֵי הָאָרֶץ**, “the purifiers of the land”, in 1QM 7:2. Ezek 39:11–16, pertaining to the battle of Gog and Magog, is the Scriptural basis for the need to cleanse the land after the Messianic war.¹⁴

Among every four cities there should be one cemetery.¹⁵ This law assumes that burial within the city limits is forbidden, and that interment is to take place only in the designated areas. The tannaim understood burial to be forbidden in walled cities,¹⁶ and the amoraim took it as forbidden within the boundaries of the Levitical cities,¹⁷ except in the case of an accidental murderer.¹⁸ Otherwise, within certain regulations, burial was permitted within city limits.¹⁹ Tannaitic Jews, therefore, were permitted to bury randomly, except that markers had to be placed to avoid the defilement of people who might pass by.²⁰ Our law from the *Temple Scroll* differs in that it attempts to avoid the defilement of the

¹³ Cf. *Sifre Bemidbar* 161 (Horovitz edn., 222).

¹⁴ Y. Yadin, *The Scroll of the War of the Sons of Light against the Sons of Darkness* (Oxford: Oxford University Press, 1962) 154, 290.

¹⁵ Yadin explained the requirement of one cemetery for every four cities as following Num. 35:7 which speaks of forty-eight Levitical cities. In Yadin's words (I, 323), “As for the number of cities (four), it seems to have been established to align with Num. xxxv:7, in other words, four cities per tribe.” Yet this interpretation is extremely difficult in light of verse 8 which explicitly states that the Levitical towns be assigned in proportion to the size of the tribe (so *Tg. Ps.-J.*). This matter is taken up by Nahmanides who follows tannaitic tradition (*b. B. Bat.* 122a) and explains that the number of cities was equal for each tribe, but that verse 8 was fulfilled because of the differing importance of the cities. On the other hand, he admits that according to Josh 21 the number of cities given to the Levites from each tribe's territory was not even. It is possible, however, that like the tannaim, the author of our scroll looked forward to a perfectly planned urbanization according to which the Levitical towns would be evenly distributed among the tribes.

¹⁶ *m. Kelim* 1:7; *t. Kelim B. Qam.* 1:14 (cf. S. Lieberman, *Tosefet Rishonim* (Jerusalem: Bamberger and Wahrmann, 1937–39) II, 135; III, 190–91; contrast H. Albeck, *Shishah Sidre Mishnah, Seder Tahorot* (Jerusalem: Bialik Institute, 1957), “Hashlamot We-Tosafot” to *m. Kelim* 1:7).

¹⁷ *p. Makkot* 2:7 (32a), *p. Erwin* 5:3 (22d), *b. Makkot* 12a.

¹⁸ *m. Makkot* 2:7; cf. Albeck, *Seder Neziqin*, “Hashlamot,” for parallels.

¹⁹ Yadin cites *t. B. Bat.* 1:11 and *p. Nazir* 9:3 (57d).

²⁰ *m. Mo'ed Qatan* 1:2.

land by restricting burial to designated cemeteries. Yadin observes that the scroll assumes that a grave conveys uncleanness just as the body itself. Evidence can certainly be seen for this in 11QT 50:11 to be taken up below.²¹

This requirement must be understood in context. Immediately following, 11QT 49:14–17 prescribes that places be set aside ‘in every city’ for those with *צרתה* or other plagues, for gonorrhoeas, and for menstruant women and those who had just given birth, so that such people would not defile the cities. All cities, not simply the city of the sanctuary, had to be maintained in a state of Levitical purity. This is a major stringency when compared to the rabbinic tradition which enjoined these laws only in the Temple itself. What is operating here, as in the previous law, is the process of extension of laws of priestly and Levitical purity to all of Israel and to the entire land as all Israel is “a kingdom of priests and a holy nation” (Exod 19:6).

THE IMPURITY OF THE HOUSE AND ITS CONTENTS

The *Temple Scroll* now treats the impurity contracted by a house in which someone died and the effects of this impurity on people, foods and vessels which are in the house. 11QT 49:5–10 provides:

When a man dies in (one of) your cities, any house in which a dead man shall die shall become impure for seven days. Anyone who is in the house and anyone who comes into the house shall be impure for seven days. And any food upon which water shall be poured shall be impure. Every drink shall be impure. And earthenware vessels shall be impure, and everything which is in them, for every pure man (person) shall be impure. But the open (vessels) shall be impure for every man of Israel, (along with) every drink which is in them.

This law is based on Num 19:14–15 and Lev 11:33–34. In order to analyze these regulations, we shall have to subdivide the law into its various provisions: (1) impurity of the house, (2) impurity of whoever is in the house, (3) impurity of foodstuffs that had been wet and of liquid foods, (4) impurity of earthenware vessels and their contents.

²¹ See R. de Vaux, *Archaeology and the Dead Sea Scrolls* (London: Oxford University Press, 1973) 45–48, 57–58 which seems to indicate that the Qumran sectarians did not follow the burial regulations of the *Temple Scroll* but rather placed their cemeteries according to convenience. Cf. E.M. Meyers, *Jewish Ossuaries: Reburial and Rebirth* (Rome: Biblical Institute Press, 1971) and bibliography.

Impurity of the House

Whenever a person dies in one of the cities, the house is to be impure for seven days. The scroll begins by following Num 19:14. Three major changes are introduced, however. First, the mention of ‘in your cities’ is added, indicating the notion of the scroll that all Israel will be settled in an orderly manner in cities throughout the land.²² Second, the word אהל, ‘tent’, of the biblical text is replaced by בית, ‘house’, as is the case in the Septuagint translation.²³ A third change is the introduction of a concept not found in either of the scriptural passages on which our law is based. Our scroll states that the house itself is impure for seven days, while Num 19:14 limits itself to the contents of the house. Since 11QT 49:11–14 provides a previously unknown rite for the purification of the house, it is certain that in our passage the scroll intends to state the impurity of the house itself, not just its contents.

The source for the notion that the house itself is impure must be Num 19:18. There it states, “A person who is clean shall take hyssop, dip it in the water, and sprinkle on the tent and on all the vessels and people who were there. . . .”²⁴ From this verse it would appear that the tent must have been rendered impure, as otherwise, why sprinkle it with the waters of purification? This must have led the author of the scroll to conclude that the tent, or house in his language (we will return to the difference below), was to be considered impure. This is nowhere stated explicitly in the Torah.

That the tent was rendered impure is also the conclusion reached in tannaitic sources from this same verse. *Sifre Bemidbar* 129²⁵ states that the tent is susceptible to impurity. This would mean that any time a person died in a tent, it would have to be purified by sprinkling with the waters of the red heifer. Indeed, the waters of purification, מי נדה, mentioned below in line 8, are the waters of the ashes of the red heifer which were employed in biblical and Second Temple times to effectuate purification from the impurity of the dead.

²² For a different explanation, see Yadin, *Temple Scroll*, I, 325.

²³ *Idem*, I, 325f.; II, 213.

²⁴ NJPS translation.

²⁵ Horowitz edn., 166. The English edition of Yadin, I, 326 has the quotation marks improperly placed, so that Yadin’s words, “even if it was fixed in the ground” became part of the quotation.

Because this ruling is followed by Maimonides,²⁶ Yadin presents it as ‘standard rabbinic law’. We shall have to ask, however, if, in fact, this was the only view among the tannaim. There is strong reason to believe that this was only a minority view. *m. ’Ohalot* 1:3²⁷ contains a dispute between Rabbi Akiva and the sages (אמרו לו, “they said to him”) in which he counts the tent in a chain of impurity, but they discount it. It may be that the dispute is about this very principle. These sages reject the notion that the tent is itself impure.²⁸ If so, the view found in the *Sifre* is simply that of Rabbi Akiva. The *Temple Scroll* has adopted the view which would later be espoused by this particular tanna.

Still to be dealt with is the *Temple Scroll’s* substitution of בית for אהל. This is clearly intended to widen the legal ramifications of the Pentateuchal legislation.²⁹ Two strands of exegesis can be observed regarding this question. Maimonides rules that these laws apply only to a tent, but in no way to a building.³⁰ Abraham ibn Ezra and Moses Nahmanides (to Num 19:14) say that it even applies to a building, with the proviso that a building, if attached permanently to the ground (מחובר), does not itself contract impurity. Whereas Maimonides placed the emphasis on the word אהל, and therefore, excluded buildings, the other commentators focused on the movable nature of the tent and so included any movable structure, even a house. Karaite literature testifies to the notion that the house is to be taken as fully identical to the biblical tent for purposes of the law of impurity of the dead.³¹

Impurity of Whoever is in the House

The next clause specifies that whoever is in the house shall be impure for seven days. The author has adapted Num. 19:14 with changes of word order and with the substitution of בית for אהל. Both the verse

²⁶ *h. Tūm’at Met* 5:12.

²⁷ Cf. *t. ’Ohalot* 1:3; *Sifre Zuta’*, ed. J.N. Epstein, *Tarbiz* 1 (1929/30) 77; Horowitz edn., 314; and S. Lieberman, *Sifre Zuta’* (New York: Jewish Theological Seminary, 1968) 22–24.

²⁸ So A. Goldberg, *Massekhet ’Ohalot* (Jerusalem: Magnes, 1955) to *m. ’Ohalot* 1:3. Cf. Albeck, *Seder Tahorot*, “Hashlamot,” *ad. loc.*, J. Neusner, *A History of the Mishnaic Law of Purities*, Part 4 (Leiden: E.J. Brill, 1974) 20–27.

²⁹ Yadin, *Temple Scroll*, I, 326.

³⁰ *h. Tūm’at Met* 5:12.

³¹ L. Nemoy, “The Pseudo-Qumisian Sermon to the Karaites,” *PAAJR* 43 (1976) 83–84 (English translation), 103–104 (Hebrew text).

and our text might be seen as dealing with either people or things. It is possible, however, to confirm that Yadin's interpretation of the text is correct from comparison with the purification ritual described below which states: "and as for persons, anyone who was in the house or anyone who entered the house shall bathe..." (11QT 49:16–17). Our author, therefore, has indicated that in his view, Num. 19:14 clearly refers to people.

There is a major difference between the interpretation found in the *Temple Scroll* and that of the tannaim. Whereas the author of our scroll assumes that both clauses in Num 19:14, כִּלְהִבֵּא אֱלֹהֵהָאֵל וְכִלְאִשֶׁר בָּאֵהֶל, refer to people, the sages take the first clause to refer to people and the second to refer to both people and things.³² Indeed, the reversal of the word order by the author of the *Temple Scroll* may be intended to make the point that he takes even the second clause, כִּלְאִשֶׁר בָּאֵהֶל (second in the Bible and first here) to refer exclusively to people. Indeed, this analysis is confirmed by the manner in which he rearranged the phrases in lines 16–17 as well.

Impurity of Foodstuffs

The text next indicates that any foodstuffs upon which water has been poured and any liquids (מוֹשְׁקָה) shall be impure.³³ This passage is dependent on Lev 11:34 and 38. These verses concern what the Mishnah calls the שְׁמוֹנֵה שְׂרָצִים, "the eight creeping things" (*m. Šabbat* 14:1). If these fall on certain items, they render them impure. In the list are included foodstuffs that had been moistened and any potable liquid (מִשְׁקָה) which was in a vessel. Further on in verse 38 we are told that even seed grain, if moistened with water, becomes susceptible to this form of impurity.³⁴

The parallel with this verse forces us to conclude that the מוֹשְׁקָה of our passage is equivalent to the מִשְׁקָה of Leviticus. Our passage indicates that solid food is susceptible to impurity of the dead if it has been moistened, and that liquids which are drunk are also susceptible

³² *Sifre Bemidbar* 126 (Horovitz edn., 161–62).

³³ On יוֹצֵק, cf. Yadin, II, 213. The 'Mishnah' of Qumran he refers to is now known to be 4QMMT, E. Qimron and J. Strugnell, *Qumran Cave 4.V-Miqsat Ma'ase ha-Torah*, DJD 10 (Oxford: Clarendon Press, 1994). On this passage, cf. Baumgarten, "Pharisaic-Sadducean Controversies," 163f. Yadin, *Temple Scroll*, II, 213f. (cf. also II, 203 to 11QT 47:6–7) states that the מוֹשְׁקָה is food which has become moistened. This seems unlikely since the scroll does not repeat itself as a rule.

³⁴ These laws are treated in 11QT 50:20–51:5. Cf. Yadin, *Temple Scroll*, I, 338–41.

to impurity.³⁵ Indeed, Yadin's desire to see מושקה as foodstuffs which have been moistened is a result of the parallel with rabbinic sources. In rabbinic *halakhah* there are seven liquids (משקין) which are seen as functioning in the same way as water. These are: dew, water, wine, oil, blood, milk, and bees' honey.³⁶ In other words, rabbinic law widens the possibility for susceptibility for impurity to include additional liquids in the moistening process. It is impossible to tell from our text if the author took water literally, or if he widened its interpretation to include other liquids. In any case, he certainly included drinks as susceptible to impurity. Yadin's interpretation would mean that drinks were to be excluded from the purview of this law, and this is highly unlikely.

Rabbinic exegesis requires that in order to be susceptible to impurity, the solid foods must be in a vessel (cf. Lev 11:33). The same is taken to be the law for liquid foods, which must be in a vessel to be rendered impure. Rabbinic exegesis derived from here that once food has become moistened, it is forever susceptible to impurity even if dry. Further, the very same liquids susceptible to impurity themselves could render a solid susceptible if it were moistened with them.³⁷

Impurity of Earthenware Vessels and their Contents

The text next prescribes that earthenware vessels which are in the house, as well as their contents, shall be rendered impure. The contents of such a vessel shall be impure for the "pure man", the איש טהור. Yadin observed that the biblical term 'pure man' (Num 19:9, 18) is used here to refer to one who observed the laws of Levitical purity and impurity in his daily life, what the tannaitic sources term a חבר. In the case of open vessels, the liquids in them shall be impure for all Jews. These laws apply only as long as the dead body itself is in the house, since the purification rites are to begin immediately upon its removal.

It is probable that the first clause refers even to a closed vessel, and that our text means to say that even the contents of a closed vessel are impure for the 'pure man'. On the other hand, for the average Jew, impurity is only contracted in the case of an open vessel, and applies to both solid and liquid food. Indeed, the force of the first phrase would

³⁵ Note that Lev 11:34, "which are in a vessel", has been omitted by the scroll.

³⁶ *m. Makširin* 6:4–5, *m. Terumot* 11:2–3, cf. *Sifra* to Lev 11:34.

³⁷ Rashi to Lev 11:34.

be *even* liquid. Alternately, in Yadin's view this refers to food which had been moistened.

The first prescription, regarding the closed vessel, derives from Lev. 11:33 dealing with cases in which the source of impurity (the שרץ) actually fell into the vessel, and so its contents were rendered impure. Our text, however, takes as equivalent the case of a vessel which was in a building with a dead body, probably since corpse impurity was assumed to be of the highest degree. The clause regarding the open vessels is derived from Num 19:15, which says that an open vessel becomes impure when in the tent with a dead person. Our author expands this to mean that not only is the vessel impure, but its contents are as well. Yadin has noted that our passage agrees with *Sifre Bemidbar* 126³⁸ in taking this verse to refer to earthenware vessels.

PURIFICATION OF THE HOUSE

The scroll now turns to the rites for purifying the house (11QT 49:11–13):

And on the day on which they take the dead body out of it, they shall sweep³⁹ the house of all defilement of oil, wine and moisture of water. Its floor, walls and doors they shall scrape. Its locks, doorposts, thresholds and lintels they shall wash with water.

This section represents original composition by the author. Nonetheless, this material is based on Num 19:18 which provides that the tent (here the house) is to be sprinkled along with the vessels and those people who were in the tent. Our author apparently took the requirement to sprinkle as indicating washing of certain key areas of the house. Only these are to be washed, however. The rest, it is sufficient to sweep and to scrape.

It is probable that the notion of scraping was borrowed by the author from the treatment of the house found to have been infected with a plague. Such a house is to be scraped (Lev 14:41), although the terminology used there is different (the *hif'il* of קצע). The purification of the house in that passage served as a partial analogue for our author.

³⁸ Horovitz edn., 163. Cf. *m. Eduyyot* 1:14 and Yadin, *Temple Scroll*, I, 327.

³⁹ On the use of כבד in the sense of sweep, see *m. Berakot* 8:4 (Yadin).

Confirmation comes from the use of **קירת הבית** in Lev 14:37 which was the basis of **וקירותיו** in 11QT 49:12.⁴⁰

Specifically to be swept out is the defilement (**תגאולת**) of oil, wine and moisture of water. The root **גאל** is used in the *Temple Scroll* to denote ‘the uncleanness conveyed by liquids’.⁴¹ In this sense its meaning is very similar to that of **טמא**, the usual root for impurity. Yadin concludes that the house was to be purified because “it was made unclean by liquid elements spread in it, whose degree of uncleanness is very high”. In other words, he suggests that the author of the scroll understood the reason for this ritual to be that liquids within the house would spread the impurity of the dead throughout. This reasoning is in consonance with the concept known in tannaitic law as well as in the Dead Sea sectarian corpus to the effect that liquids are more susceptible to impurity and convey impurity more easily than do solids. Yadin further notes the essential agreement of our passage with the difficult CD 12:15–18 and its confirmation of the emendation to **שמון**.⁴²

Those parts of the house to be scraped are the floor, walls, and doors. Thus, that which is, in the words of the tannaim, **מחובר לקרקע**, “attached to the ground,” is considered susceptible to uncleanness.⁴³ Whereas the tannaim explained the impurity and need to sprinkle the tent in Num 19:18 as resulting from the movable nature of the tent, as opposed to a permanent house which to them could not be rendered impure, our text interprets the tent as totally equivalent to the house. Indeed, *Sifre Bemidbar* 126,⁴⁴ based on Num 31:20, specifically excludes straw, branches, wood, stones and earth from contracting impurity because they are considered to be attached to the ground. Our text, however, considers that which is attached to the ground to be susceptible to impurity.

L. Ginzberg, in commenting on CD 12:15–18, discusses at length the history of the tannaitic law which exempts that which is attached

⁴⁰ Cf. Yadin, *Temple Scroll*, II, 215.

⁴¹ Idem, I, 329.

⁴² J.M. Baumgarten, *Studies in Qumran Law* (Leiden: E.J. Brill, 1977) 88–97 (“The Essene Avoidance of Oil and the Laws of Purity,” *RevQ* 6 [1967] 183–193). Contrast S.B. Hoening, “Qumran Rules of Impurities,” *RevQ* 6 (1969) 559–564. M.R. Lehmann has called attention to the traditional Jewish custom of pouring out water which was in a house in which death occurred. He sees this as a survival of the view of our scroll (“The *Temple Scroll* as a Source of Sectarian Halakhah,” *RevQ* 6 (1979) 584f.).

⁴³ *m. Sebu'ot* 6:6, cf. *m. Kelim* 12:2.

⁴⁴ Horovitz edn., 162.

to the ground from becoming impure. Ginzberg shows that some tannaim saw the impurity of the dead as applicable even to that which was attached to the ground. He suggests that this issue may be at the heart of the Pharisee-Sadducee controversy of *m. Yadayim* 4:7. The view that only that which was not attached to the ground was susceptible to impurity applied only to impurity of the dead.⁴⁵

Tg Ps.-J (Palestinian Targum) to Num. 19:14 sides with the minority opinion that Ginzberg had discovered in tannaitic sources. The author of the *Temple Scroll* apparently held the very same view: the impurity of the dead applied even to that which was attached to the ground. For this reason, he could consistently substitute house for tent, and rule as in our law that the very floor, walls and doors were themselves in need of purification.⁴⁶ In addition, Karaite sources also attest to the application of the laws of impurity of the dead to stationary houses, and to the wood, stone, and earth of which they are constructed.⁴⁷

The text prescribes that the locks, doorposts, thresholds and lintels be washed with water. Yadin finds difficulty with the notion that the first list would indicate things to be scraped while the second lists those to be washed. He therefore suggests that the import of the text is that the first group should also be scraped and that everything should then be washed with water. He is motivated to interpret the text in this manner since otherwise, “It is hard to see why the author differentiated between the items in l. 12, which require only scraping, and those in l. 13, which need only washing”.⁴⁸ There is enough reason to dispel Yadin’s view on the grounds of syntax alone. Furthermore, scraping is appropriate to the house itself, by analogy with the house afflicted with a plague in Lev 14:34–53. Yet the furnishings listed in the latter clause require washing, since they are considered like vessels (בלים, cf. lines 15–16), in that they are not considered “attached to the ground”, to borrow the tannaitic terminology.

⁴⁵ Ginzberg, *An Unknown Jewish Sect*, 81f., 146f., 351–355.

⁴⁶ Yadin, *Temple Scroll*, I, 328f. Yadin notes that purification of the gates and city wall occurs in Neh 12:30.

⁴⁷ Judah Hadassi, in Hoenig, “Rules,” 565, cf. S. Hoenig, “The Sectarian Scrolls and Rabbinic Research,” *JQR* New Series 59 [168/9], 64–66.

⁴⁸ Yadin, *Temple Scroll*, II, 215.

PURIFICATION OF THE CONTENTS OF THE HOUSE

11QT 49:13–16 discusses the purification of certain items inside the house which were exposed to the impurity while the dead body was there:

On the day on which the dead body shall leave it, they shall purify the house and all its vessels, (including) millstones and mortar, all vessels made of wood, iron and bronze, and all vessels which may be purified. And clothing, sacks and skins shall be washed.

This law takes up the second element of the list in Num 19:18, “all the vessels”, and spells out their appropriate regulations. The first vessels listed as needing purification are the stone vessels, millstones and mortar (cf. Num 9:8 for the combination of these two types of vessels). Yadin notes that these are actually the two most common types of stone vessels which would be found in the house. He assumes the millstones to be of the hand mill.⁴⁹ Most important, this is in marked contrast to tannaitic halakhah, according to which stone vessels do not contract impurity.⁵⁰ CD 12:15–18 considers stones (or stone vessels) to be susceptible to impurity of the dead (טומאת האדם).

The remaining items are based on a list in Num 31:20–25. This passage describes the purification rituals associated with the booty from the Israelite victory in the battle against Midian. Immediately beforehand (verse 19) the purification of the soldiers from the impurity of the dead is described. A similar list appears in Lev 11:32 in reference to the impurity of ‘creeping things’ (שרצים). The author of the *Temple Scroll* constructed his combined list out of Num 31:20–25 and Lev 11:32–33, drawing the metals from Numbers and the sacks from Leviticus. Vessels of wood, clothing and leather appear in both passages. The author omitted from his list the מעשה עזים of Num 31:20. Note, however, that he includes it in the list in 11QT 50:16–17 which omits “sack”. Our author did not bother to enumerate all the metals, leaving out the tin and lead of Numbers, as well as the silver and gold. Of the six metals in Num 31:22 our text mentions only iron and bronze, presumably because these were the ones found in most households. No doubt, the writer would also take the others to be susceptible to impurity as the

⁴⁹ On which cf. *m. 'Ohalot* 8:3.

⁵⁰ *m. Kelim* 10:1, *m. 'Ohalot* (Albeck, *Seder Tahorot*, 14), and a *baraita* in *b. Šabbat* 58a quoted secondarily in *b. Menahot* 69b).

Torah indicates. His mention of “all vessels which can be purified” is probably a reflex of Lev 11:32 “every vessel with which work can be done”, although this may intend to exclude the earthenware vessels (Lev 11:33) which must be shattered.⁵¹ Later on, in discussing the case of a woman in whose womb there was a dead fetus, the text specifically indicates that such vessels are to be broken (11QT 50:17–19). This generalization is no doubt a summary of Num 31:23.

How were these items to be purified? Num 31:22–23 indicates that metals were to be purified by passage through fire and then submerged in the waters of purification (מֵי נְדָה).⁵² Those metals which could not be passed through fire, presumably because of softness, like silver and gold, were to be purified only by means of water. Rabbinic tradition saw this passage as describing the process for rendering vessels kosher which had been used for non-kosher foods.

The purification ritual for vessels of wood appears only in Lev 11:32, which prescribes that such vessels are to be immersed in water, and then at sunset they are considered pure. Leviticus prescribes the same ritual for clothing, leather or sack. Yet the context of Num 31:20 which commands the purification of clothing, leather and products of goat’s hair, seems to indicate that their ritual is the same as that for people, involving ablutions on both the third and seventh days. Our author followed the literal sense of the Torah which indicated to him that the one-day ritual was for the impurity of “creeping things” (שָׂרִץ), yet the impurity of the dead required a week long ritual of ablutions on the third and seventh days. It is probable that as in the case of purification of humans, he also required that ablutions take place on the first day as well. Further, Leviticus required immersion while Numbers required sprinkling. Our author required washing (יִתְכַבֵּסוּ).

PURIFICATION OF PERSONS

The scroll now outlines the rites of purification for people who were in the house with the dead body. 11QT 49:16–21 states:

And as for persons, anyone who was in the house or anyone who entered the house shall bathe in water and wash his clothes on the first day. And on the third day, they shall sprinkle over them waters of purification,

⁵¹ Yadin, *Temple Scroll*, I, 330.

⁵² Cf. Num 19:9, 13; cf. Ibn Ezra to Num 31:23.

and they shall bathe and wash their clothing and the vessels which are in the house. And on the seventh day they shall sprinkle a second time, and they shall bathe and wash their clothes and their vessels. And by evening they shall become pure of the impurity of the dead so as to be permitted to touch all their pure stuff (food).

The scroll prescribes that the requirement of purification applies both to those who were in the house when the death occurred, as well as to anyone who entered the house while the dead body was still in it. The purification ritual is as follows: on the first day he must bathe and launder his clothes; on the third day he is sprinkled with the waters of purification of the red heifer and he is to wash his clothes as well as any vessels in the house; on the seventh day, sprinkling, bathing and washing of clothes and vessels take place. By evening, the person is ritually pure.⁵³

Yadin calls attention to the fact that the first stage, the need to immerse and wash on the first day, is “not explicit in the biblical passages referring to the uncleanness of the house of a dead person”. The purification rites for one who comes in contact with a dead body are found in Num 19:11–12. Verse 14 specifies that the very same law applies when a person dies in a tent. In other words, it tells us that the purification ritual of verses 11–12 applies in this case as well. Verses 11–12 prescribe a period of seven days of impurity. Purification is to take place on the third and seventh days. From verse 18 we learn that the waters are to be sprinkled with hyssop. Further evidence for this procedure comes from the battle narrative of Num 31:19 and 24. Yadin suggests that the author prescribes immersion on the first day in order to allow the impure person to purify himself of any old impurities so as to “prepare himself for purification by sprinkling etc. on the third and seventh days”.⁵⁴ Purification on the morrow after battle is enjoined in 1QM 14:2–3. Yadin alluded there to Num 31:21ff. He explains the contradiction between the one-day ritual of the scroll and the seven-day rite of the Torah as follows: The scroll refers to the return from the battlefield to the camp while the Torah refers to return to the

⁵³ On the ceremony of the red heifer, see J. Milgrom, “The Paradox of the Red Cow (Num xix),” *VT* 31 (1981) 62–72. J. Milgrom, “Further Studies in the *Temple Scroll*,” *JQR* New Series 71 (1980/1) 98f. suggests that the sprinkling of clothes and vessels also took place on the third and seventh days in accord with Num 19:18; cf. 31:32. His citation of the Karaite *Keter Torah* actually argues against his view that such sprinkling of objects is the only possible literal sense of the Bible.

⁵⁴ Yadin, *Temple Scroll*, I, 333f.

camp of Israel.⁵⁵ A one-day purification period is sufficient to reenter the military camp, but to enter the camp of Israel, purification must last seven days.

Yadin catalogues the various impurities from which one is purified in the evening, after washing one's clothes and bathing (cf. Lev 11:25, 14:8–9, 15:5–11). He suggests that these provide the basis for the author's conclusion that by analogy immersion was required on the first day in our case as well.⁵⁶ This, however, is only part of the explanation. Num 19:18, immediately before the commandment of ablutions on the third and seventh days, commands sprinkling on the tent, vessels, and people in it. In view of the provisions of verse 19, verse 18 seems redundant. Our author took it as referring to the first day, that day on which impurity had been contracted. Verse 18, then, provided him with scriptural warrant for ablutions on the first day. From the sources (suggested by Yadin) our author learned that washing, and not sprinkling, was to be the form of the ablutions.

J. Milgrom has investigated the extra ablutions commanded on the first day in this and other laws in the *Temple Scroll*. Milgrom's view is that the purpose of this immersion is "to remove a layer (or degree) of impurity and would suffice to re-establish non-sacred contacts with persons and objects outside the city of the sanctuary".⁵⁷ In Milgrom's words, it serves to "diffuse the impurity of its contagious power and allow its bearers to remain in the city".⁵⁸ In the case of the Temple City, however, Num 5:2–3 required the expulsion of the impure. That one who had contracted the impurity of the dead was permitted to remain in the other cities was derived by an exegesis of Num 19:14–22. Baumgarten, writing even before the publication of 4Q Ord^c, pointed to the possibility that Milgrom's suggestion might be confirmed by this text. This text has since been published.⁵⁹ M. Baillet has interpreted the text to deal with the problem of food for a man undergoing the seven-day rites of purification. The text, in Baillet's view, requires an initial immersion after which he may already partake of pure food. This interpretation does indeed seem possible from examination of

⁵⁵ Yadin, *War Scroll*, 226. Cf. J. Milgrom, "Studies in the *Temple Scroll*," *JBL* 97 (1978) 514.

⁵⁶ Yadin, *Temple Scroll*, I, 332.

⁵⁷ In the words of Baumgarten, "Pharisaic-Sadducean Controversies," 160.

⁵⁸ Milgrom, "Studies," 515.

⁵⁹ 4Q514, M. Baillet, *Qumrân Grotte 4, III*, DJD 7 (Oxford: Clarendon Press, 1982) 296–298.

this text, although a thorough study of the materials relating to ritual purity and impurity in DJD, 7 is a desideratum.

Sprinkling, bathing, and the washing of garments are required on the third and seventh days. Num 19:19, however, required that only sprinkling take place on the third and the seventh days (cf. Num 31:19). Bathing and the washing of clothes were only required on the seventh day. Exod 19:10–15 prescribes a three-day purification period preparatory to the revelation at Mt. Sinai. Included in this ritual is the washing of clothes. There the clause **וּכְבְּסוּ שְׂמֹלֵתֵם**, ‘Let them wash their clothes’,⁶⁰ occurs, the basis of **וַיִּכְבְּסוּ סְלֻמוֹתַמְ[ה]** in our text. Indeed, there are other influences of this passage on the laws of the scroll (cf. Num 31:19).⁶¹ The author must have understood **וּקְדַשְׁתֶּם** in v. 10 to refer to the washing of the body. The Exodus passage, then, would have included both bathing and the laundering of clothes on the third day.

A number of observations made by Yadin bear repeating here.⁶² The concept of **טְבוּל יוֹם**, one who immersed during the day, does not exist in the scroll. According to tannaitic halakhah, there was an entire class of people who immersed during the day and became pure only at sunset. The **טְבוּל יוֹם**, one who had immersed but for whom the final day of purification would not be complete until sunset, was considered only slightly impure. He was still denied access to sancta, the eating of **תְּרוּמָה** and sacrificial offerings, until sunset, but otherwise considered pure after immersion. To the author of the *Temple Scroll*, purification of any kind was only achieved at sunset. This is emphasized by the statement that by evening they become pure. The law in CD 11:21–22 outlawing the entry of the **טְמֵא כְבוֹס**, one who became impure and who required immersion, into the house of prostrations (**בֵּית הַשְּׁתַּחֲוֹת**), perhaps a designation for the Temple or a house of worship, may be in agreement with that of the *Temple Scroll*. If so, CD 11:21–22 would refer to one who had immersed, but who still awaited sunset.⁶³ In any case, the *Temple Scroll* rejects the concept of **טְבוּל יוֹם**, designed as it was to help married men, immediately after immersion, to have access to

⁶⁰ NJPS.

⁶¹ Yadin, *Temple Scroll*, II, 217.

⁶² Idem, I, 332–334.

⁶³ It may be that Josephus (*War* 2:129) ascribes this view to the Essenes, but this passage is inconclusive.

the “non-sacrificial purities abounding in Jerusalem”.⁶⁴ Finally, Yadin notes that the requirement of rites on the first day means that the rites of the third and seventh must actually take place on those days, unlike tannaitic halakhah which allows the rites to commence on any day following the contraction of impurity.

IMPURITY OF THE DEAD IN AN OPEN FIELD

A fragmentary passage at the beginning of column 50 must have discussed those who had had contact with a dead body itself, following Num 19:11–13. Thereafter, the scroll turns to the problem of contact with impurity of the dead in the open (11QT 50:4–9):

And any man who touches in the open field the bone of a dead man, or one slain with a sword, or a corpse, or the blood of a dead man, or a grave shall cleanse himself according to the statute of this regulation. But if he does not purify himself according to the regulation of this law, he is impure—his impurity is still within him. Therefore, any man who touches him shall wash his garment(s), bathe, and become pure by evening.

Two matters are dealt with here: first, one who himself comes in contact with the dead and the purification rituals appropriate to him; second, one who comes in contact with a person who has contracted the impurity of the dead. The intention of the words “according to the statute of this regulation” is to apply to this law the same purification ritual as applied when the impurity was contracted by being in a house with a dead body (11QT 49:16–21).⁶⁵

These laws are taken from Num 19:13, 16–22. Based on these passages, the author has created a list of the sources of impurity of the dead. From verse 16 he took the person who was killed (slain by the

⁶⁴ Baumgarten, “Pharisaic-Sadducean Controversies,” 159. Most significantly, Baumgarten counts this among a number of laws in which the Qumran scrolls show agreement with the views attributed to צדוקים in tannaitic sources. See my “The *Temple Scroll* and the Systems of Jewish Law of the Second Temple Period,” *Temple Scroll Studies. Papers presented at the International Symposium on the Temple Scroll, Manchester, December 1987*, ed. G. Brooke (Sheffield: JSOT Press, 1989) 247 and “*Miqsat Ma'ase Ha-Torah* and the *Temple Scroll*,” *RevQ* 14 (*The Texts of Qumran and the History of the Community. Proceedings of the Groningen Congress on The Dead Sea Scrolls 3, 1990*): 435–57 (pp. 123–147 in this volume).

⁶⁵ We cannot accept the view of B.Z. Wacholder, *The Dawn of Qumran* (Cincinnati: HUC-JIR, 1983) 18f. that this phrase refers to “the title of the work as a whole”. Rather, it is a reflex of similar usage of תורה in the priestly literature.

sword), one who died naturally, the bone and grave. In verse 13, he interpreted **בנפש האדם** as referring to blood. The author based this on Lev 17:14 and Deut 22:23.⁶⁶ In this case the *Temple Scroll* agrees with later rabbinic tradition.⁶⁷ The author added the word **מת** in regard to the bone, specifying that it must be of a dead man. Yadin explained that the author's purpose was to indicate that this law does not apply to the bone of a living person. Indeed, *Tg Ps.-J* to Num 19:16 understands it to mean that this applies even to the bone of a live man as does *Sifre Bemidbar* 127.⁶⁸

The text then turns to one who does not purify himself according to the stated regulations. This passage is based on Num 19:12–13 and 20. Such a person himself becomes a source of impurity.

The final provision regards one who touches the person who had contracted impurity of the dead, either in a building or in the open field, and who has not yet completed the required purificatory rituals. This passage is based in Num 19:22.⁶⁹ Again, the author underlines that purification is not complete until sunset. Further, so as to remove any doubt that the correct procedure will be followed, he stresses the need to bathe and wash one's clothes.

THE WOMAN CARRYING A DEAD FETUS

The scroll now addresses the question of a woman who is carrying a dead fetus in her womb (11QT 50:10–19):

And if a woman is pregnant and her child dies in her womb, for as long as it is dead within her, she shall be impure like a grave. Any house which she enters shall be impure, as well as all its furnishings, for seven days. And any one who comes in contact with it shall be impure⁷⁰ until the evening. And if he comes into the house with her, he shall be impure for seven days. And he shall wash his clothes, and bathe on the first day. And on the third day he shall be sprinkled and wash his clothes and bathe. And on the seventh day he shall be sprinkled a second time and launder his clothes and wash, and when the sun goes down he will be pure. And (as for) all the furnishings and clothes and skins and all work of goats'

⁶⁶ Cf. Joseph Caro, *Kesef Mishneh* to *h. Tūm'at Met* 2:12.

⁶⁷ *Baraita*' in *b. Hullin* 72a.

⁶⁸ Horovitz edn., 165. Cf. the Rabbinic sources cited in Yadin, *Temple Scroll*, I, 334.

⁶⁹ Cf. Rashi.

⁷⁰ E. Qimron, "New Readings in the *Temple Scroll*," *IEJ* 28 (1978) 171 reads **אטמ** for Yadin's **אמט**.

(hair), you shall do to them according to the regulation of this law. But every earthenware vessel you shall break, for they are impure and they can never be purified again.

Several matters are taken up in this law. After the initial statement that the woman carrying a dead fetus in her womb imparts impurity of the dead like a grave, we learn that she renders a house impure like a dead body, and, therefore, that those who enter the house must undergo the same purification rituals as were described for cases of impurity of the dead above. One who touches the house is to be impure until the evening. Further, the furnishings of the house must be purified in the same way.

The details of the purification rites are identical to those described above, except in some minor details in formulation which were already mentioned. What is important here is the basic principle, the notion that the fetus imparts impurity like a dead body even though surrounded by its mother. The text specifically explains that the mother functions like a grave, in which the body, although surrounded and closed in, still imparts impurity. Allusion to the grave calls to mind Num 19:16, discussed in the previous section. It is because of the derivation of this law from that verse that it is placed immediately after the law referring to one who comes in contact with a grave in an open field.

Yadin has noted the similarity to our law of a clause in *m. Hullin* 4:3, *האשה שמת ולדה בתוך מעיה*, “the woman whose fetus has died in her womb”. The anonymous Mishnah rules that if a midwife touches that dead fetus, she contracts impurity of the dead. The mother, on the other hand, remains pure until the fetus is expelled. Commentators on the Mishnah have sought to explain that the impurity of the midwife is only a rabbinic ordinance, to guard against error if the fetus is partially expelled, in which case it definitely imparts impurity. They have relied on the amoraic principle that an enclosed source of impurity (*טומאה בלועה*) does not impart impurity.⁷¹

Sifre Bemidbar 127⁷² records a dispute regarding the interpretation of the words *על־פני השדה*, “on the surface of the field”, in Num 19:16. Rabbi Ishmael concludes from these words that a dead fetus in its mother’s womb does not impart impurity. Rabbi Akiva understands

⁷¹ Cf. Albeck, *Sefer Qodashim*, “Hashlamot,” *ad. loc.*

⁷² Horovitz edn., 164. Cf. Moses David Abraham Treves Ashkenazi, *Sifre ‘im Perush Toledot ‘Adam*, Be-Midbar (Jerusalem: Mossad Harav Kook, 1972) *ad. loc.* for the interpretation followed below.

these words in an entirely different way. The formulation of the argument as a dispute leads to the conclusion that Rabbi Akiva, at least in the view of the redactor, did not accept the view of Rabbi Ishmael. Hence, we can suggest the existence of an alternate view according to which the fetus did impart impurity even when in its mother's womb. Indeed, *b. Hullin* 72a attributes such a view to Rabbi Akiva, based on the dispute we have cited. Our scroll takes the same view.

Although the later commentators saw the impurity of the midwife in this Mishnah as rabbinically derived, the *Sifre Zuta*⁷³ quotes the Mishnah almost verbatim, and says this law is biblically derived from Num 19:11f.⁷³ According to this view, the Bible specifically went out of its way to point out that one who touched a dead fetus while in the womb was rendered impure with impurity of the dead.

The sources surveyed show that in tannaitic times the ability of such a fetus to impart impurity was viewed as derived from biblical exegesis. Rabbi Ishmael saw it as a biblical injunction that the fetus did not impart impurity whereas the anonymous source of the *Sifre Zuta* understood the impurity of the midwife who touched the fetus to be biblically derived also. From the *Sifre* we gather as well that a view such as that of our scroll, according to which the fetus was a source of impurity even to those who came in contact with the mother (like a grave), was also known. Such may actually have been the view of Rabbi Akiva.

CONCLUSION

Regarding the impurity of the dead, the *Temple Scroll* sought to extend the priestly legislation of the Bible to all Israel. At the same time, the scroll employed its brand of analogical biblical exegesis to construct a detailed system of purification rituals which went beyond what the Bible itself seemed to require. In comparing the *Temple Scroll* with tannaitic sources, we often found it to take views considered and rejected by the tannaim later on. While several parallels with the sectarian scrolls from Qumran were noted, the laws of impurity of the dead are devoid of any particular characteristics which would be associated with sectarian life as known from the other documents. The stringencies of our text could as well have been part of the life of any of the various sects of the Second Commonwealth period.

⁷³ Horovitz edn., 306.

CHAPTER TWENTY-SIX

PHARISAIC AND SADDUCEAN *HALAKHAH* IN LIGHT OF THE DEAD SEA SCROLLS: THE CASE OF *ṬEVUL YOM*

The halakhic term *טבול יום*, literally “one who was immersed on that day,” is used in tannaitic literature to describe a person who has immersed but who has yet to experience the setting of the sun (nightfall) on the final day of his or her purification period. Such individuals were considered to be in an intermediate state between purity and impurity, such that they retained some of the restrictions of their impure state, while acquiring already some of the rights of one who had completed the purificatory rites.¹ We will first establish the definition of this category in rabbinic halakhah and then proceed to discuss the manner in which Qumran legal texts deal with this issue. We will see that this question is in reality a Pharisee-Sadducee debate, and this conclusion, in turn, will reflect on the antiquity of the various tannaitic teachings we discuss.

At the outset it is important to clarify the use of the terms “Pharisaic” and “Sadducean” in this study. We use these terms to designate two trends in Jewish law in the Second Temple period. By Pharisaic we mean views which the later tannaitic sources ascribed to the Pharisees whom they regarded as predecessors of the rabbis. By Sadducean, we refer to rulings ascribed by those same sources to the “the Zadokites”. We are well aware of the differences between these Zadokites/Sadducees and the Sadducees as described by Josephus. Josephus, however, describes a later period, and apparently a different subgroup of what had been a larger priestly movement.

m. Neg. 14:3, speaking about one afflicted with a skin disease which leads to ritual impurity, contains a schematized outline of a definition of the *טבול יום*:

¹ See L. Finkelstein, *The Pharisees* (Philadelphia: Jewish Publication Society, 1966) vol. 2, 661–692; J.M. Baumgarten, “The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts,” *JJS* 31(1980) 157–158; and “*טבול יום*,” *Encyclopedia Talmudit*, ed. S.Y. Zevin (Jerusalem: Talmudic Encyclopedia, 1986), vol. 18, 374–404.

ביום השביעי מגלח... כבס בגדיו וטבל... והרי הוא טבול יום, אוכל במעשר. העריב שמשו, אוכל בתרומה. הביא כפרתו, אוכל בקדשים.

On the seventh day he shaves (his entire body). (Once) he has washed his clothing and immersed... he is like a **טבול יום**: He eats of (second) tithe.² When his sun has set, he may eat of heave-offering. When he has offered his sacrifice, he may eat of sacrificial offerings.³

What emerges here is that one who is a **טבול יום** is permitted to eat of the second tithe produce, that separated in the first, second, fourth, and fifth years of the Sabbatical cycle and eaten by its owner in Jerusalem.⁴ Further, the **טבול יום** does not impart impurity to non-sacral pure food with which he or she comes in contact. But such a person is prohibited from eating heave-offering or sacrificial offerings until the sun has set and his purification period has come to a close. While it goes without saying that he may eat of non-sacral food (**חולין**), he is, as we will note again below, considered sufficiently pure to participate in the ritual of the Red Heifer.⁵

Tannaitic sources trace this halakhah to scripture. *Sifra Emor* 4:8,⁶ interpreting Lev 22:7, states:

"ובא השמש וטהר." ביאת שמשו מעכבתו מלאכול בתרומה ואין כפרתו מעכבתו מלאכול בתרומה.

"And when the sun sets, he shall be pure" (Lev. 22:7). The setting of his sun prevents him from eating of the heave-offering; but the offering of his sacrifice⁸ does not prevent him from eating of the heave-offering.⁹

By implication, we can see that once he has immersed, he is only prohibited from heave-offering, not from second tithe.¹⁰ While this passage takes this law as a Torah prescription, *m. Zabim* 5:12 lists the

² Cf. *m. Kel.* 1:5 quoted below.

³ All translations of Qumran and rabbinic texts in this article are the author's.

⁴ Cf. J.M. Baumgarten, "The First and the Second Tithes in the *Temple Scroll*," *Biblical and Related Studies Presented to Samuel Iwry*, ed. A. Kort and S. Morschauser (Winona Lake, IN: Eisenbrauns, 1985) 10–15.

⁵ *Enc. Tal.* 18, 374; cf. C. Albeck, *סדר טהרות* (Jerusalem: Bialik Institute; Tel Aviv: Dvir, 1959) 457.

⁶ *Sifra de-Ve Rav*, ed. I.H. Weiss (New York: Om Publishing, 1946) 96d.

⁷ Following the emendation of Weiss based on the version of the *baraita* which appears in *b. Ber.* 2a.

⁸ Technically, the sprinkling of its blood, which is the *כפרה*.

⁹ Cf. also the Babylonian amoraic halakhic *midrash* in *b. Yebam.* 74b.

¹⁰ The very same ruling is applied to vessels as well; cf. *Sifra Shemini* 8:9, Weiss edn, 53c.

טבול יום among other impurities which render heave-offering unfit by rabbinic decree.¹¹

This law, we will see, is a dividing point between the halakhic systems of the Pharisees and the Sadducees. We will show that the various halakhic documents of the Qumran corpus almost consistently follow the approach attributed in rabbinic sources to the Sadducees. In so doing they reject over and over the principle of טבול יום. The Pharisaic-rabbinic tradition, however, consistently follows this principle in all matters of halakhah. Further, this case, like other such examples, testifies to the accuracy and reliability of tannaitic descriptions of Pharisee-Sadducee disagreements, while at the same time showing that traditions attributed to tannaim, named or anonymous, often represent views which can be proven to date back as far as the early Hasmonean period or, depending on one's view of the sources of Qumran halakhic traditions, to the earlier Hellenistic period.

1. THE RED HEIFER

We will first address the case of the Red Heifer which makes clear the Pharisaic and Sadducean views on this topic. Our survey of Qumran sources begins with the still controversial 4Q*Miqsat Ma'ase ha-Torah* (4QMMT), the "Halakhic Letter," which may be regarded as a foundation document of the Qumran sect. It was most probably composed shortly after 152 B.C.E. when the Hasmoneans took over the high priesthood and began to follow temple practices identified as Pharisaic by later tannaitic sources in their effort to purify the sanctuary of the Hellenistic excesses of the Sadducean Zadokite priests who had participated in the Hellenistic Reform and the sacerdotum of Alcimus (162–160 or 159 B.C.E.).¹²

The attitude of the authors of the "Halakhic Letter" to the טבול יום can be seen in 4QMMT B13–16 which discusses the Red Heifer used in the ritual of purification from impurity of the dead described in Num 19.¹³ This text provides that:

¹¹ Cf. Albeck, סדר טהרות, ששה סדרי משנה, סדר טהרות, 600.

¹² See L.H. Schiffman, "The New 'Halakhic Letter' and the Origins of the Dead Sea Sect," *B4* 53 (1990) 64–73. 4QMMT is published now in E. Qimron and J. Strugnell, *DJD* 10 (Oxford, 1994).

¹³ Although the translations of 4QMMT provided here are our own, Strugnell and Qimron's draft translation was available to us.

ואף על טהרת פרת החטאת, השוחט אותה, והסורף אותה, והאוסף [א]ת אפרה, והמזה את [מי] החטאת, לכול אלה להעירי[בן]ת השמש להיות טהורים. בשל שא יהיה הטהר מזה על הטמה.

And also concerning the ritual purity of the (Red) Heifer of the sin offering, he who slaughters it, he who burns it, he who gathers its ashes, and he who sprinkles the [water of] purification, all these will be pure (only) at sunset, so that one who is (totally) pure shall sprinkle on one who is impure.

According to 4QMMT, those who slaughter and burn the Red Heifer, and the one who gathers its ashes, are considered to be impure until the setting of the sun, at which time they become ritually pure. The actions connected with the ritual of the Red Heifer are described in biblical language drawn from Numbers 19. The term **העריבות השמש**, “sunset,” is parallel to the tannaitic usage **העריב שמשו**, “his sun set,” i.e. he experienced sunset, which we have already encountered above, rather than to biblical **ובא השמש**.

While the *Temple Scroll* (48:10–50:19) includes an extensive treatment of the laws of impurity of the dead based primarily on Num 19, this text does not go into the details of the sacrifice of the Red Heifer.¹⁴ This topic is also dealt with in 4Q277 (Toh B^b, PAM 43.316 bottom). There is no direct reference to this issue but the text does mention an **איש טהור מכול טמאת** “a priest who is pure from all impurities,” also referred to as **איש כוהן טהור**, “a pure priest.”¹⁵ From the preserved fragments there is no way to be certain if this text would also have required that the officiants have experienced the sunset after their purificatory rituals.

m. Parah 3:7, cited by the editors of 4QMMT in their commentary, indicates that there was controversy regarding the one who burned the Red Heifer. There it states:

¹⁴ Cf. Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) vol. I, 321–343; L.H. Schiffman, “The Impurity of the Dead in the *Temple Scroll*,” *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman, JSPSup 8, (Sheffield: JSOT Press, 1990) 135–156 (pp. 403–423 in this volume).

¹⁵ J. Baumgarten, DJD 35:116.

וזקני ישראל היו מקדימים ברגליהם להר המשחה, ובית טבילה היה שם. ומטמאים היו את הכהן השורף את הפרה, מפני הצדוקים, שלא יהו אומרים: במערבי השמש היתה נעשת.

Then the elders of Israel would arrive early¹⁶ at the Mt. of Olives, for there was an immersion house (ritual bath) there. And they would render impure the priest who was to burn the (Red) Heifer, because of the Sadducees, so that they would not say: It (the burning of the Red Heifer) was only performed by those who had experienced sunset (at the end of their purification period).

This Mishnah tells us that the Sadducees (mentioned there by name) did not accept the notion of the sages (the elders of Israel) that this officiant (the high priest according to *m. Parah* 3:8) might be a **טבול יום**. The Sadducees insisted that only one who had completed the last day of his purification period was considered pure for the purposes of the performance of this ritual. Most probably, the phrase **זקני ישראל** “the elders of Israel,” refers to the Pharisees. The Mishnah pictures the sages as rendering the priest impure and then immersing him before his burning of this sacrifice, all to make their point that this ritual may be performed by a **טבול יום**. Note, however, that this Mishnah discusses only one who burns the offering, and does not deal with one who gathers its ashes or sprinkles the water of purification about whom 4QMMT also polemicizes.

Tannaitic exegesis derived the notion that a **טבול יום** was permitted to perform the gathering of the ashes from Num 19:9.¹⁷ The word **טהור**, “pure,” was taken to mean that the gatherer of the ashes might have previously been impure, and that he might still be in the process of completing his purificatory period. Such a person is a **טבול יום**. A parallel exegesis also occurs in amoraic sources¹⁸ and the medieval Tosafot understand this biblical passage as the source for the halakhah

¹⁶ Literally, “get there early with their feet.”

¹⁷ *Sifre Num.* 124, ed. H.S. Horovitz (Jerusalem: Wahrmann, 1966) 157–158). The text must be emended in two places. The attribution to Rabbi Ishmael must be deleted or replaced with that of Rabbi Akiva, since Rabbi Ishmael’s alternative exegesis of the word **טהור** is given above in the *Sifre* and this is clearly the view of Rabbi Akiva. Further, **מכלל** must be emended to **מכל**. See the comments of Horovitz, and Moses David Abraham Treves Ashkenazi, *במדבר עם פירוש תולדות אדם*, (Jerusalem: Mossad Harav Kook, 1972) 243 who also explains that the view of Rabbi Nathan disagrees only as regards the exegetical technique through which this ruling is derived, not with the ruling.

¹⁸ *b. Yoma* 43b, *b. Yebam.* 73a, and *b. Zebah.* 17a.

that a **טבול יום** may perform all the rituals associated with the Red Heifer.¹⁹

2. צרעת

The matter of **טבול יום** is taken up again in the “Halakhic Letter.” In 4QMMT B65–72 there is a detailed discussion of the laws relating to those afflicted with **צרעת**, the skin disease usually incorrectly translated as “leprosy,” and other skin ailments.²⁰ In lines 71–72 the law of **טבול יום** is mentioned:

[ואף בהיות להמה טומאות נגע] אין להאכילם מהקון [ד]שים עד בוא השמש
ביום השמיני.

[And also when they have (i.e. are afflicted with) impurities of a skin ailment,] one may not allow them to eat from the sacrificial offerings until the setting of the sun on the eighth day.

Here it is stated that after the seven-day period of purification, the **צרוע** is still considered impure until sunset on the eighth day, even after he has already shaved, laundered his clothes, and immersed on the seventh day (Lev 14:9). Yet in the view of 4QMMT, he remains prohibited from eating sacrificial offerings until the end of the eighth day. The polemical text of 4QMMT implies that the opponents of the sect allowed such people all privileges, including even the eating of sacrifices (**קודשים**), once their offerings had been presented on the eighth day, even before sunset.

This law is certainly based on an exegesis of the Torah’s laws pertaining to the purification of the **צרוע**. After shaving and laundering his garments on the seventh day of his purification period, the afflicted individual is described in Lev 14:9 as pure (**וטהר**). Then the Torah prescribes the sacrifices of the eighth day (vv. 10–21). Upon completion of the sacrificial rituals, the text again pronounces the afflicted

¹⁹ Tosafot to *b. Yoma* 43b and *b. Yebam.* 73a, emending the former in light of the latter.

²⁰ Such diseases are also discussed in CD 13:4–7, on which see L.H. Schiffman, *The Halakhah at Qumran* (Leiden: E.J. Brill, 1975) 39–40, and in the cave 4 manuscripts of the *Zadokite Fragments*, on which see J.T. Milik, “Fragment d’une source du Psautier (4Q Ps 89) et fragments des Jubilés, du document de Damas, d’une phylactère dans la grotte 4 de Qumran,” *RB* 73 (1966) 105 and J.M. Baumgarten, “The 4Q Zadokite Fragments on Skin Disease,” *JJS* 41 (1990) 153–165.

one to be pure. In the view of the tradition represented by 4QMMT, it is only this latter reference which indicates the permissibility of eating even second tithe, let alone sacrificial portions (or even heave-offering) which they accuse their opponents of allowing such people to eat. To them, he is fully impure until after the sacrifice on the eighth day and, indeed, until sunset.

It is precisely this question which is the subject of the text we have cited from *m. Neg* 14:3 in providing a basic definition for the **טבול יום**. This passage deals with one afflicted with skin disease and rules precisely the opposite of that from 4QMMT. According to the Mishnah, the concept of **טבול יום** is operative.

Lev. 22:4 states, "Any man of the descendants of Aaron who is afflicted with **צרעת** or gonorrhoea may not eat of the sacrificial offerings until he is purified." *Sifra 'Emor* 4:1²¹ comments on this passage as follows:

אוכלים הן ישראל במעשר טבולי יום.

Israel may eat of the (second) tithe in the state of **טבול יום**.

This passage provides direct tannaitic allusion again to the notion that one afflicted with the specified skin ailments, while in the process of purification, may indeed eat of the second tithe. Again, this tannaitic passage presents the law of **טבול יום**, which we have found that the Sadducees and the Qumran texts reject, as derived explicitly from the Torah.²²

3. SEMINAL EMISSION

The *Temple Scroll* also consistently rejects the concept of **טבול יום**. This document is essentially a rewriting of the legal portions of the Torah, from the end of Exodus through Deuteronomy, stressing the author/redactor's ideal for a perfect temple, sacrificial ritual and government. In its final form, this document may be seen as an anti-Hasmonean polemic, completed in the early Hasmonean period. Its sources, in our view, some of which survive in fragments associated with 4QReworked

²¹ Weiss edn, 96c.

²² Cf. *b. Yebam.* 74b.

Pentateuch, are to be identified as Sadducean.²³ This scroll also requires that those who have undergone purification rituals, including immersion, be considered totally impure on the last day of their impurity until sundown. This ruling is repeated several times.²⁴

Talking about one who is impure as a result of a seminal emission, who in the view of the scroll is to launder and immerse on the first and third days, 11QT 45:9–10 prescribes:

ביום הראישון וביום השלישי יכבס בגדיו ורחץ ובאה השמש, אחר יבוא אל המקדש. ולוא יבואו בנדת טמאתמה אל מקדשי וטמאו.

On the first day and on the third day he shall launder his clothes and immerse, and when the sun sets,²⁵ afterward,²⁶ he may enter the Temple. And let them not enter My Temple in their impurity and defile it.

The author of this text has added the extra stringency of three-days purification for seminal impurity based on the three-day preparatory period for the revelation at Sinai, whereas Lev 15:18 and Deut 23:12 required only one day.²⁷ It is significant that Deuteronomy allows the purificant to enter the camp only after sunset. In any case, the author of our text explicitly requires that sunset has taken place before the man undergoing purification be allowed to enter the Temple. What interests us here is not the prohibition against the entry of a **טבול יום** into the Temple. In general, the tannaim also prohibited the **טבול יום** from entering the Temple and ruled that if they did they were liable for excision (**כרת**).²⁸ Regarding the **בעל קרי**, one who has had a seminal emission, the *Sifre Deut* 256, based on Deut 23:12, “when the sun sets he may enter the camp,” rules:²⁹

ביאת שמשו מעכבתו ליכנס לפנים מן המחנה ואין זיבתו מעכבתו ליכנס לפנים מן המחנה.

²³ See my “The *Temple Scroll* and the Nature of its Law: The Status of the Question,” *The Community of the Renewed Covenant, The Notre Dame Symposium on the Dead Sea Scrolls*, ed. E. Ulrich and J.C. VanderKam (Notre Dame, IN: University of Notre Dame Press, 1994) 37–55 (pp. 33–51 in this volume).

²⁴ Cf. the discussion of these passages in Baumgarten, “Pharisaic-Sadducean Controversies,” 159–161.

²⁵ Taking **באה** as the participle, accented (in Masoretic Hebrew) on the second syllable. Alternately, it may be a perfect tense, “has set,” with the accent on the first syllable.

²⁶ The word **אחר** is not translated in Yadin, *Temple Scroll*, II, 192, nor in the parallel phraseology in 11QT 51:2–5 (II, 226).

²⁷ Cf. *ibid.*, II, 285–289.

²⁸ *Enc. Tal.* 18, 380–381.

²⁹ Finkelstein edn, 281.

Following the proposed emendation of Finkelstein of the difficult **זיבתו** to **זבחו**, we translate:

His experiencing the setting of the sun prevents him from entering within the (Levitical) camp, but (the absence of) his sacrifice (since none is required) does not prevent his entry into the camp (i.e. the Temple).

This text would then indicate that the **בעל קרי** may not enter the Temple, termed here the Levitical camp,³⁰ until the sun has set on what for the tannaim was a one-day impurity period. Yet, the text points out, no sacrifice is required for purification from this impurity.

This view is not far from that of the *Temple Scroll* which likewise prohibits entry of one impure with a seminal emission into the Temple when he is still a **טבול יום** (on the third day in the scroll's view). We should note, however, that some interpret this tannaitic law to refer only to the camp of the Divine Presence, allowing the **טבול יום** into the Levitical camp.³¹ But, what interests us here is the scroll's characterization of those who might enter the Temple as being totally ritually impure. This is the force of **גדת טמאתם... וטמאו**. In this respect, the scroll would also have prohibited such men from eating of the second tithe, let alone of sacrificial offerings. This is certain in light of the consistent application of this principle in the various sources which underlie the *Temple Scroll*.

4. THE IMPURITY OF THE DEAD

In 11QT 49:19–21, regarding the impurity of the dead, there occurs a similar injunction:

וביום השביעי יזו שנית וירחצו ויכבסו בגדיהמה וכליהמה. ויטהרו לערב
מהמת לגעת בכל טהרתמה.

And on the seventh day they shall sprinkle for a second time, and they shall bathe and wash their clothes and their vessels. And by evening they shall become pure of impurity of the dead so as to be permitted to touch all their pure stuff (food).³²

³⁰ On the three "camps" in tannaitic halakhah, see Schiffman, "Exclusion," 308.

³¹ *Enc. Tal.* 18, 382.

³² Cf. L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code*, BJS 33 (Chico, CA: Scholars Press, 1983) 162–167 regarding **טהרה** as the pure, solid food of the Qumran community.

This text requires that at the end of the seven-day period of purification from impurity of the dead,³³ the final purification does not take place until sundown, even though the other requirements have been completed. This is again a denial of the principle of **טבול יום**. Until the sun has set, one impure with the impurity of the dead is prohibited from touching all pure food. In rabbinic sources, the permissibility of such a person's touching non-sacral pure food is assumed throughout. Here we see the opposite view according to which even such food may not be touched by the **טבול יום**.

Tannaitic law is here diametrically opposed, as it rules that a **טבול יום** may touch non-sacral food without rendering it impure. This is made clear in *m. Ṭ. Yôm* 2:2.

קדרה שהיא מלאה משקים, ונגע בה טבול יום, אם היה משקה חליץ
הכל טהור.

If a bowl was full of liquid foods (which were susceptible to impurity), and a **טבול יום** came into contact with it, ... if the liquid was non-sacral, (then) everything is pure.

This passage shows that to the tannaim, the case discussed in this passage from the *Temple Scroll* would not involve the contraction of impurity. Yet to the scroll, devoted as it was to polemicizing against the concept of **טבול יום**, and indeed to what it regarded as the correct interpretation of the Torah, the **טבול יום** was unacceptable in all circumstances.

5. IMPURE CREEPING THINGS (שרצים)

A final example from the *Temple Scroll* is 11QT 51:2–5. Referring to the impure creeping animals of Lev 11:29–38,³⁴ the text states:

[וכול הנוגע בהמה ב]מותמה יטמא ע[ד ה]ערב וכבס בגדיו ורחץ [במים
ובאה] השמש וטהר. וכול הנושא מעצמותמה ומנבלתמה עור ובשר וצפורן,
וכבס בגדיו ורחץ במים. ובאה השמש אחר יטהר.

[And anyone who touches them when] they are dead shall be impure un[til the] evening. Then he shall launder his clothes and immerse [in

³³ This text is discussed in detail in Schiffman, “The Impurity of the Dead in the *Temple Scroll*,” 146–148.

³⁴ Eight specific rodents and reptiles. As noted by Levine, the impurity of such animals “is even more consequential than that of land, water and sky creatures”. B.A. Levine, *The JPS Torah Commentary, Leviticus* (Philadelphia, New York, Jerusalem: Jewish Publication Society, 1989) 69.

water, and when] the sun [goes down]³⁵ he shall be pure. And anyone who carries any part of³⁶ their bones, or of their carcass, (whether) hide, meat or nail, shall launder his clothes and immerse in water. When the sun sets, afterwards³⁷ he will be pure.

Here the *Temple Scroll* is following the text of Lev 22:7³⁸ in ruling that one who touches the eight impure creeping things which have died (cf. Lev 11:29–30) is impure until after sunset. The use of אחר, “afterwards,” in line 5 (as in 11QT 45:9–10) shows that the author of the scroll is again emphasizing his opposition to the concept of טבול יום.³⁹

Yet for the rabbis this very verse served as a source for the notion of טבול יום. Above we quoted *Sifra 'Emor* 4:8 for which the law of טבול יום is implicit in this verse. A Babylonian amoraic halakhic midrash makes this explicit in *b. Yebam.* 74b, in interpreting *m. Neg.* 14:3, cited above:

אמר רבא אמר רב חסדא: תלתא קראי כתיבי. כתיבי, "ולא יאכל מן הקדשים כי אם רחץ בשרו במים," הא רחץ, טהור וכתיבי, "ובא השמש ואחר יאכל מן הקדשים." וכתיבי, "וכפר עליה הכהן וטהרה." הא כיצד? כאן למעשר, כאן לתרומה, כאן לקדשים.

Rava said (that) Rav Hisda said: Three verses have been written (in the Torah). It is written, “And he may not eat of the sacrifices unless he has immersed his body in water” (Lev. 22:6), which seems to mean that if he immersed, he is pure (immediately after the immersion).⁴⁰ And it is (also) written, “And when the sun sets, (then) he is pure, and afterwards he may eat of the sacrifices” (22:7), and it is written, “And after the priest performs the expiation (sacrifice) on her behalf, she is pure” (Lev. 12:7; according to which the woman who gives birth is not pure until she brings her sacrifice). How can this be? One is for (second) tithe (which is permitted immediately after immersion), one is for heave-offering (which may not be eaten until after sunset), and one is for sacrificial offerings (which also may not be eaten until after sunset and the offering of the requisite sacrifice).

This passage may be approached from many perspectives. What interests us is the understanding of Lev 22:7 here, that same verse which for the scroll was used to prove that the notion of טבול יום did not apply

³⁵ See n. 25.

³⁶ Partitive *mem*, see GKC §119w and n. 2.

³⁷ See n. 26.

³⁸ Yadin, *Temple Scroll*, II, 226.

³⁹ Cf. Yadin, *Temple Scroll*, I, 340.

⁴⁰ The Tosafot note that this verse continues, “and it will be impure until the evening,” explaining that these words must be taken to refer only to *terumah* and sacrificial offerings.

to the law of impure creeping things, as, in the view of the scroll, the entire notion was unacceptable. This same verse, in our amoraic *midrash halakhah*, is used to derive the notion that only after sunset is the **טבול יום** permitted to eat of the heave-offering. But the implication of this derivation, indeed its underlying assumption, is that which was derived from v. 6 of the same passage, that the **טבול יום** is permitted to eat the second tithe. It is clear, therefore, that both traditions share the notion that this verse refers to the issue of **טבול יום**, but the conclusions drawn from the passage are radically different. To the *Temple Scroll*, the passage excludes the possibility of the **טבול יום**; to the amoraim, the same passage is the source of the legal force of this concept.

6. זבה, THE WOMAN WITH A BLOOD FLOW

We pass now to a different text, the *Zadokite Fragments* (Damascus Document). This text was first discovered in the Cairo genizah and later turned up in ten Qumran manuscripts. It is precisely in the portions of the text preserved only at Qumran that the parallels with Sadducean practice occur.

Among these is the law of the woman with a blood flow outside the usual menstrual period (זבה). In 4Q266 (currently numbered 4QD^a) frag. 9, col. ii, lines 1–4 we read:⁴¹

וואיש כי ישכב אותה תהיה עון וזן נדה עלו. ואם ראתה [עו]ד והיאה לו[א]א⁴²
 [עת נדתה, טמא]שבעת ימים. והיאה אל תוכל קודש ואל ת[בו]ן אל המקדש
 עד בו השמש ביום השמיני.⁴³

[And if a man has sexual relations with her (with a menstrually impure woman), a penalty (i.e. the impurity) of menstrual impurity will be upon him. And if she has experienced (a blood flow) [st]ill (afterwards), when it is no[t] the time for her (normal) menstrual period, (and he has relations

⁴¹ B.Z. Wacholder and M.G. Abegg have published a reconstruction of J.T. Milik's preliminary edition of the "unpublished" Qumran fragments, *A Preliminary Edition of the Unpublished Dead Sea Scrolls, The Hebrew and Aramaic Texts from Cave Four*, Fascicle I (Washington: Biblical Archaeology Society, 1991). The following text appears in Wacholder-Abegg, *Preliminary Edition*, vol. 1, 13. Some restorations could not be located in the *Preliminary Concordance* and seem to be original to the *Preliminary Edition*. Cf. the reading of J.M. Baumgarten, DJD 18:55.

⁴² Spelling without *alef* is characteristic of the manuscript and so it is possible that this restoration is unnecessary. Note the use of **בו** and the restored **ת[בו]ן** below. In any case, we are clearly dealing with the negative here.

⁴³ A *vacat* follows, indicating the end of a section.

with her,) then he shall be impure] for seven days. And she may not eat of sacrificial offerings, nor may she ent[er] the Temple, until the setting of the sun on the eighth day.

The first part of this fragment presents the concluding section of the law of menstrual impurity of Lev 15:19–24, paralleling v. 24 which indicates that a man who has sexual relations with a woman who is menstrually impure contracts the same seven-day impurity. The fragment then continues to discuss the case of the woman who has a non-menstrual discharge, the **זבה**, described in Lev 15:25–32. It parallels the first part of that passage, vv. 25, and 27–28. Here we learn that if he has relations with her during the period of impurity resulting from this flow, he must also purify himself for seven days, as must she.

Then the passage turns to the portion which is relevant for this study. She is specifically enjoined from eating of sacrificial portions or entering the Temple until the sun sets on the eighth day. This means that even after she has offered her sacrifice at the end of the purification period, according to the *Zadokite Fragments* she must wait until sunset of the eighth day before eating of holy offerings or entering the Temple.

We have already seen that the **טבול יום** is forbidden from eating of sacrifices. This law is explicit in *m. Kel.* 1:5:

...טבול יום, אסור בקדש ובתרומה, ומותר במעשר...

...a **טבול יום**, he is forbidden (to eat) sacrificial offerings and heave-offering, and he is permitted (to eat second) tithe.

The Mishnah, then, appears to some extent to reflect the very same view as the *Zadokite Fragments*. After all, to the tannaim a **טבול יום** was also to be kept away from sancta. We have already discussed the prohibition of entry into the Temple by the **טבול יום** and again, we have here some agreement between the tannaim and the Qumran text. But one should not misunderstand this text. By implication, we can assume that this fragment, like the other Qumran materials discussed here, would also have prohibited the **טבול יום** from coming into contact with pure, non-sacral food and from eating second tithe before the setting of the sun. Even if this cannot be proven, it is most likely in light of what we know of the Qumran/Sadducean disdain for the concept of **טבול יום**.⁴⁴ Further, in requiring that the restrictions be observed until

⁴⁴ It is possible that 4QTahorot^a ignores the issue in presenting the law of the **זבה**, but this depends on how the text is restored.

sunset of the eighth day, this passage is much more extreme than the rabbinic parallels.

7. PURE FOOD

We have already touched on the question of the eating of pure, non-sacral food. This was permitted to the **טבול יום** by the tannaim. In a fragmentary Qumran text, 4QOrdinances^c col. I, there is a sentence which through some scribal error is repeated twice.⁴⁵ When reconstructed, the text states as follows:⁴⁶

וכול טמאי הימים, ביום טהרתם ירחצו וכבסו במים וטהרו, ואחר יאכלו
את לחמם במשפט הטהרה.

And (as to) all those who are impure (so as to have to count) days, on the day of their (final) purification, they shall immerse, launder (their garments) in water, and be purified, and afterwards they may eat their bread according to the procedure for purification.

This text is susceptible of two interpretations. It is possible that this is simply a statement that after the seven-day period, even before sunset (which is nowhere mentioned), it is permissible to eat pure food. This notion would contradict what is generally thought about the regulations of Qumran halakhah, but we are increasingly aware that the Qumran corpus is not uniform in all respects, and that many of the texts were existent way before the sect was formed.

On the other hand, it is possible that this entire text deals with first day ablutions which are necessary to remove the first layer of impurity, according to lines 4–5 and 8 of our text, before it was permitted to eat at all after contracting impurity. Such ablutions are also required by the *Temple Scroll*.⁴⁷ Rabbinic tradition knows of no such idea as first day ablutions, not even to argue against it. On the other hand, if this text permits the eating of non-sacral pure food without waiting for sunset, it would agree in this respect with tannaitic law.

Finally, it should be noted that 4Q512 (Purification Ritual), frag. 50, specifically alludes to the period after sunset:

⁴⁵ The text is badly edited by M. Baillet, DJD 7, 296. See the edition and commentary by J. Milgrom in his *Leviticus 1–16*, AB 3 (New York: Doubleday, 1991) 972–976.

⁴⁶ We present a composite of the text in lines 5–7 and its exact doublet in lines 8–9.

⁴⁷ See J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978) 512–18.

ואחר [בוא ה] שמש היום ח[ושך]

And after [the setting of the] sun the day [grows] d[ark]⁴⁸

This passage has no context, so it is impossible to draw conclusions from it.

CONCLUSIONS

In drawing conclusions from this material it is possible to speak on two levels. We will first approach the issue of the relevance of this material in the context of the Qumran corpus. Then we will deal with its importance for the study of Talmudic literature and tradition.

Our survey of the material in 4QMMT, the *Temple Scroll*, and the *Zadokite Fragments* has show that the rulings preserved in these texts are in accord with the view of the Sadducees who denied the Pharisaic category of טבול יום. It is clear from this and other examples like it that Qumran law reflects the view of the Sadducean school or approach, and that it often polemicizes against that of the Pharisees.⁴⁹ These examples have to be seen in the context of a growing list of such laws. In many of these cases, we can observe the confluence of Qumran texts and Sadducean evidence. This is to be expected from a group which traces its origins to the pious Zadokites who left the Temple service in the aftermath of the Hasmonean takeover of the high priesthood.

From the point of view of Talmudic literature, important conclusions also emerge. In none of our cases was the tannaitic view labelled as Pharisaic. Yet we see the Qumran documents polemicizing against specific applications of the law of טבול יום which are only documented in later tannaitic strata. We can conclude, then, that these later strata testify to earlier Pharisaic traditions against which the authors of 4QMMT, the *Temple Scroll*, the *Zadokite Fragments* and other documents argue. This situation can be observed in regard to many laws referred to in the Qumran texts. Accordingly, a larger and larger corpus of definitely Pharisaic *halakhot* are emerging from our study of the Dead Sea Scrolls.

⁴⁸ Baillet, DJD 7, 276. The restoration at the end of the line is mine.

⁴⁹ M.R. Lehmann, "The *Temple Scroll* as a Source of Sectarian Halakhah," *RevQ* 9 (1978) 579; Baumgarten, "Pharisaic-Sadducean Controversies," 157–170; Y. Sussman, "חקר תולדות ההלכה ומגילות מדבר יהודה, הרהורים תלמודיים ראשונים לאור מגילת 'מקצת מעשי התורה'," *Tarbiz* 59 (1989/90) 11–76.

PART SIX

OTHER HALAKHOT

CHAPTER TWENTY-SEVEN

THE DEUTERONOMIC PARAPHRASE
OF THE *TEMPLE SCROLL**

That there is a specific character to the section at the end of the *Temple Scroll* which we term the Deuteronomic Paraphrase was already clear to the first editor of the scroll, Y. Yadin. In discussing the "Formulation of the Text in the First Person," Yadin referred to the "Extended Quotations from Deut. xii–xxiii:1" in 11QT 53–58 and 60–66. In these texts, Yadin noted, the "author" (his term) consistently changed from the third person designation of God to the first, except where syntactic difficulties prevented him from doing so. He notes that the author made such changes in the text of Deuteronomy while retaining the original formulation of the commands of Exodus, Leviticus and Numbers.¹

The notion that this Deuteronomic section ought to be regarded as a source and that the *Temple Scroll* was actually a composite work was put forward by A.M. Wilson and L. Wills in 1982.² They delineated this source as including 11QT 51:11–56:21 and 60:1–66:17. The interruption was constituted by the section usually termed the Law of the King which was described by them as "laws of polity."³

* This paper was prepared during my tenure as a Fellow of the Institute of Advanced Studies of the Hebrew University of Jerusalem, Israel. I am indebted to the staff of the Institute and to my colleagues for their help and advice. Translations of the *Temple Scroll* are mine, except in one case where noted.

¹ Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983), I, 71f., cf. 406f., and B.A. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 17–21. Cf. B.Z. Wacholder, *The Dawn of Qumran* (Cincinnati: Hebrew Union College, 1983), 13–17.

² "Literary Sources in the *Temple Scroll*," *HTR* 75 (1982) 275–88. The exceptions to the change to first person in the Deuteronomic Paraphrase are listed by them, p. 276 n. 4. Cf. also H. Stegemann, "The Literary Composition of the *Temple Scroll* and its Status at Qumran," *Temple Scroll Studies*, ed. G.J. Brooke (Sheffield: Sheffield Academic Press, 1989), 123–45 (although we can in no way accept his historical conclusions and his dating of the scroll) and P. Callaway, "Source Criticism of the *Temple Scroll*: The Purity Laws," *RevQ* 12 (1985–86) 213–22.

³ P. 275; cf. the full listing of the laws of this section on pp. 281–3.

More recently, this matter has received thorough study in the dissertation of M.O. Wise.⁴ His view of the scope of this source is quite different. He sees it as including 11QT 2:1–15, 48:1–10a, 51:11–18, 52:1–12, 53:1–56:21, 60:12–63:14a, 64:1–6a, 13b–66:9b and 66:10–12a.⁵ He argues further that the author of the scroll did not work directly from Deuteronomy but rather from an intermediary document. Regarding the last part, that parallel to the Deuteronomic source isolated by Wilson and Wills, he sees the interpolated passages as part of a second source he calls the “the Midrash to Deuteronomy.” This source he understands to contain 57:1–59:21 (the Law of the King), 60:2–11, and 64:6b–13a. Extremely important is his claim that these additions to the Deuteronomic section are drawn from a single, distinct source.⁶

This paper will examine the distinctly Deuteronomic material at the end of the scroll, attempting to explain how this section was adapted into the *Temple Scroll* and how it relates to the canonical Deuteronomy. Specifically we shall want to know the following: (1) What is the extent of this literary unit? (2) Was it a version of the book of Deuteronomy or some otherwise reworked Deuteronomic or Pentateuchal document? (3) How did the author or redactor of the *Temple Scroll* use this material? What did he excise, add or replace? (4) What presuppositions or legal traditions lay behind such adaptations and reworkings on his part? (5) How are the minor variations to be accounted for? Are they textual matters or do they relate to the peculiar legal views of the scroll? (6) Ought we extend the scope of this source to include earlier material from the scroll (as does Wise)? (7) Finally, what purpose does the document or source we will have reconstructed and studied play in the overall literary plan and creation of the *Temple Scroll*?

To address these questions some overall concept of the structure of the *Temple Scroll* is necessary. It must be understood that the *Temple Scroll* is by no means just a compilation of biblical excerpts from texts showing textual variations with MT. Rather, the scroll represents a complete reediting and recasting of the canonical Torah. The scroll begins with

⁴ “The *Temple Scroll*: Its Composition, Date, Purpose and Provenance” (Chicago: University of Chicago Dissertation, 1988). The Dissertation has been published, M.O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (SAOC 49; Chicago: Chicago University Press, 1990).

⁵ P. 56. For full discussion see pp. 51–64.

⁶ Wise, 149f.

the commandment to build a Temple adapted from the Tabernacle texts in Exod. 28. From there the scroll proceeds through the Temple plan, turning at intervals to the sacrifices and purity laws relevant to the various Temple structures discussed. In this context the author dealt with such topics as the Festival Calendar and laws of purity, perhaps already available to him as sources. After completing the section on the purity of the Temple, he then presented the Deuteronomic Paraphrase. This section he composed himself, placing within it the Law of the King which was available to him. His purpose in writing the Paraphrase was to conclude his text with Deuteronomy.⁷

Accordingly, the author clearly intended to present an entire Torah in which he presented his views on the ideal Temple, sacrificial and purity laws, political system, and numerous other topics of Jewish law. It was the purpose of the author/redactor to cast his plan for the revision of Jewish society, worship and law as the Torah revealed by God to the Jewish people.

He therefore adapted and reedited (or better: re-redacted) the Torah so as to present a unified formulation of the principles of law which he espoused. To do this he gathered together diverse materials on a single subject and recast them as a single whole. In this process he often relied on midrashic exegesis to resolve apparent contradictions in the Pentateuch. It is this pattern of harmonization and reediting which we seek to isolate here.

1. EXTENT AND CHARACTER OF THE "PARAPHRASE"

We shall begin with a working definition of this section of the scroll which will allow us to describe its contents, and eventually to delineate its scope. We define this Paraphrase as the sections of the *Temple Scroll* which follow the order of Deuteronomy and in which the Deuteronomic text serves as the basic text for the legal exposition of the scroll. Further, we refer to a block of text in which several sections of Deuteronomy appear in the same order as they do in the canonical book. After all, the presumption here is of a Paraphrase which follows the order of Scripture, not simply of a law or laws based on Deuteronomy.

⁷ It may be that the author did his work hastily. For this reason, the second half of the "Paraphrase" tends to have the greatest number of passages closest to the canonical Deuteronomy.

It is for this reason that we cannot accept the additional sections proposed by Wise as part of the “Paraphrase.” They simply do not have Deuteronomy as their basic text. 11QT 2:1–15 is based on Exod 34:10–16 and the Deuteronomic material is used to supplement it. 11QT 48:1–10a is a harmonization of Lev 11:13–25 and Deut. 14:11–3, 11–21, yet Leviticus 11 provides the basic form of the passage and Deuteronomy 14 serves to supplement. Yet, his claim that a separate midrashic source was before the author must be given serious consideration in light of the arguments he has presented.⁸

The material in the latter part of the *Temple Scroll* can be classified into at least seven categories, in regard to relationship to the canonical book of Deuteronomy. Indeed, most passages in the scroll exhibit a combination of such characteristics. First, some of the material constitutes verbatim repetition of Deuteronomy, with only orthographic or linguistic variations. Second, there is material which in addition exhibits minor variations attributable to textual history. Many of these variants are known to us from the ancient versions. Third, some differences result from the harmonizing tendencies of the redactor of the scroll or his *Vorlage*.⁹ Fourth, some sections include also modifications of exegetical character, designed to eliminate inconsistencies or ambiguities in the Deuteronomic text. A fifth group also involves variants of a “halakhic” character, intentionally introduced, we think, by the redactor of the scroll. Sixth, there are sections in which midrashic interpretations, some intended to harmonize entire biblical passages, are introduced by the scroll which was throughout concerned with bringing together and homogenizing if necessary various Pentateuchal commands on a given subject. Seventh, and finally, there are additions of original character, designed to supplement the Torah with laws not found in the canonical text of Deuteronomy.¹⁰

⁸ Wise, 150–62.

⁹ We speak here of harmonizations on the level of words or phrases. Harmonizations of entire passages are a form of midrashic exegesis. See E. Tov, “The Nature and Background of Harmonizations in Biblical Manuscripts,” *JSTOT* 31 (1985) 3–29.

¹⁰ See Yadin I, 73–82; S.A. Kaufman, “The *Temple Scroll* and Higher Criticism,” *HUCA* 53 (1982) 29–43; G. Brin, “Ha-Miqra’ Bi-Megillat Ha-Miqdash,” *Shnaton* 4 (1979/80) 182–225; P.R. Callaway, “Extending Divine Revelation: Micro-Compositional Strategies in the *Temple Scroll*,” *Temple Scroll Studies*, ed. G.J. Brooke (Sheffield: Sheffield Academic Press, 1989), 149–62; and J. Milgrom, “The Scriptural Foundations and Deviations in the Laws of Purity of the *Temple Scroll*, *Archaeology and History in the Dead Sea Scrolls*, ed. L.H. Schiffman (Sheffield: Sheffield Academic Press, 1990), 83–99.

In what follows we will present examples of these phenomena. These examples are drawn from a complete study of the Paraphrase which we have conducted. In most cases, examples illustrate a combination of several of these aspects. For clarity of both method and exposition, this study begins with texts agreeing closely to the Masoretic Text of Deuteronomy and proceeds to passages which diverge more extensively, finally discussing a passage exhibiting additions of the author's own original composition.

To begin with, it is important to indicate the nature of the start of the Paraphrase, although we must admit the obscurity of its conclusion at the end of the scroll. After the section regarding the impurity of the dead¹¹ the scroll turns to the conclusion of the section of purity laws. Such conclusions occur at the end of various sections of the scroll. 11QT 51:5–10 constitutes such a conclusion, taking up the perorative themes of the revelation at Sinai and the dwelling of God among the people of Israel.¹² There then appears an open space (*petuḥah*). At this point the scroll addresses the appointment of judges beginning with Deut 17:18.¹³

Yadin's comments already raise questions about where this Paraphrase ought to begin. He notes that the scroll had already dealt with Deut 14:1–21 elsewhere and that 12:22f. on tithes was already dealt with, and that it and 15 and 16 were skipped because entire sections of the scroll had been devoted to these topics already.¹⁴ This analysis tends to support our view that the author/redactor of the *Temple Scroll* composed the Paraphrase.¹⁵ For this reason he included only those aspects of Deuteronomy which had not been dealt with already.¹⁶ Had the Paraphrase been in existence before, it would be hard to explain why it in no way overlapped with the rest of the scroll.

¹¹ On these laws, see L.H. Schiffman, "The Impurity of the Dead in the *Temple Scroll*," *Archaeology and History in the Dead Sea Scrolls*, ed. L.H. Schiffman (Sheffield: Sheffield Academic Press, 1990), 135–56 (pp. 403–423 in this volume).

¹² Cf. 11QT 29:7–10.

¹³ Note that none of the requirements for judges discussed in CD 10:4–10 are even hinted at here. Cf. L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, California: Scholars Press, 1983), 22–54.

¹⁴ Yadin II, 227f.

¹⁵ L.H. Schiffman, "The King, his Guard and the Royal Council in the *Temple Scroll*," *PAJR* 54 (1987) 238f (pp. 487–504 in this volume).

¹⁶ Noteworthy is the omission from the *Temple Scroll* of the passages of the *Shema*, Deut 6:4–9, 11:13–21 and Num 15:37–41, and the Ten Commandments, Deut 4:6–18 and Exod 20:1–14.

We shall now outline the basic organization and character of the Paraphrase as a whole: Beginning in 11QT 51:11 the scroll follows Deut 16, starting with verse 18. After considerable reshaping of verses 21 and 22, the text continues directly with Deut 17:1. Thereafter, the scroll turns to Deut 15:19–23 starting in 11QT 52:7. It next quotes Deut 25:4 and then 22:10. From there the scroll moves to Deut 12:6–7 which is not directly quoted but which serves as the basis for the author's composition. From 11QT 53:19 the scroll continues to follow Deut 12 loosely, primarily based on verses 15–19. Thence, the text turns to Deut 12:20–26, then diverging to include extensive material on oaths and vows from Num 30:3–17. In 54:8 the text returns again to Deuteronomy 13. It follows Deut 13:2–19 closely, then moving because of the subject matter back to chapter 17. From 55:15 the scroll addresses Deut 17:2–20. Verses 14–20 of Deuteronomy 17 are the Law of the King which led the author to insert so much original material, most probably from a preexistent source. When the author/redactor concluded this section, beginning in 60:1–5 he addressed priestly emoluments, essentially an exegesis of Deut 18:1–5 and continuing into 18 to verse 22. Starting in 11QT 61:6, he then followed Deut 19:15–21:21. Deut 21:22–23 is extensively reworked and interpreted in 11QT 64:6–13. The text then continues directly with Deut 22 in its entirety. Deut 23:1 serves for the scroll as an occasion to turn to Leviticus 18 and 20 from which it derives laws of consanguineous marriages. The scroll ends soon thereafter, and we do not know if the Deuteronomic Paraphrase should, therefore, be considered as ending in 66:12 or if it may have continued further on.¹⁷

The chart which follows presents a tabular survey of the Paraphrase:

11QT	Deuteronomy													
	12	13	14	15	16	17	18	19	20	21	22	23	24	25
51:11–18					XX									
51:19–52:3					XX									
52:3–5						XX								
52:6–7													XX ¹⁸	

¹⁷ From the literary point of view, the transition to Leviticus here can be seen as analogous to the turn to Numbers 30 in 11QT 53:14 and, therefore, need not mean that the "Paraphrase" has come to an end. On the other hand, the following column, 67, was certainly intended to close the scroll. See Yadin II, 300f.

¹⁸ Secondary reference. The first half of the law is quoted from Lev 22:28.

Table (*cont.*)

11QT	Deuteronomy														
	12	13	14	15	16	17	18	19	20	21	22	23	24	25	
52:7-12				XX											
52:12														XX	
52:13													XX		
52:13-21	XX														
53:07-8	XX														
53:9-10	XX														
53:11-54:7														XX ¹⁹	
54:8-18		XX													
54:19-55:07		XX													
55:2-14		XX													
55:15-56:04						XX									
56:05-11						XX									
56:12-59:21						XX ²⁰									
60:1-5							XX								
60:6-11							XX								
60:12-15							XX								
60:16-61:01							XX								
61:02-61:5							XX								
61:6-61:12								XX							
61:12-62:16									XX						
63:01-04									XX						
63:05-8										XX					
63:10-64:03										XX					
64:04-1										XX					
64:2-6										XX					
64:6-13										XX					
64:13-65:03											XX				
65:03-07											XX				
65:2-5											XX				
65:5-7											XX				
65:7-66:04											XX				
66:05-07											XX				
66:07-8											XX				
66:8-11											XX				
66:11-12											XX ²¹				

¹⁹ After quotation of Deut 23:22-24 there occurs an extensive exegesis of Num 30:3-17.

²⁰ This section, the Law of the King, contains extensive composition by the author of the Paraphrase.

²¹ There follow commands from Lev 18 and 20 with which the preserved scroll ends.

2. RELATIONSHIP TO DEUTERONOMY

Basic to this study is the notion that different elements of the Paraphrase exhibit various relationships to MT. In what follows, we shall attempt to illustrate these relationships, showing also how the various characteristics we discussed above operate together.

To be sure, it would seem that a study such as this must make reference to two additional bodies of Qumran material: the manuscripts of Deuteronomy and the so-called “expanded Torah scrolls,” 4Q364, 365, 366 and 369. A number of Deuteronomy manuscripts have been edited by S.A. White.²² These manuscripts demonstrate the state of the Deuteronomic text at Qumran, and evidence the same kind of variations with MT as are found in the textual base, that is the *Vorlage*, used by the author of the *Temple Scroll’s* Deuteronomic Paraphrase. Such variations in the *Temple Scroll* were studied in detail by E. Tov.²³ On the other hand, the aggregate of readings in these texts does not allow us to assume any specific relationships, or for that matter recensions which could be dependent on one another. Our study of the Deuteronomy manuscripts edited by White indicates that in many cases the Deuteronomic texts available to 11QT were not the same as those in the manuscripts found at Qumran. Although few passages found in the manuscripts she published are reflected in the present paper, there is ample material elsewhere in the Paraphrase to require a thorough study of the relationship of her manuscripts to the Deuteronomic substratum of the Paraphrase.

As regards the expanded Torah scrolls, I am indebted to Professors J. Strugnell and Emmanuel Tov for permission to examine not only the photographs of these “para-biblical” texts but also their preliminary transcriptions and notes. These manuscripts represent texts of the Pentateuch with textual variations with MT and harmonistic and exegetical tendencies, similar to those observed in the first few examples from the

²² She was kind enough to allow me access to her edition, “A Critical Edition of Seven Manuscripts of Deuteronomy: 4QDt^a, 4QDt^c, 4QDt^d, 4QDt^f, 4QDt^g, 4QDtⁱ, and 4QDt^h,” (Cambridge: Harvard University Dissertation, 1988.) The manuscripts are now published in DJD 14. Additional Deuteronomic material appears in the various phylacteries discovered at Qumran and in the manuscripts from Cave 1 referred to below.

²³ “‘Megillat Ha-Miqdash’ U-Viqoret Nusah Ha-Miqra’,” *Eretz-Israel* 16 (1981/2) 100–111.

Deuteronomic Paraphrase to be examined below. A few extended additions are found in these manuscripts, most of which are in a style similar to that of the *Temple Scroll* and some of which have been seen by Yadin as part of the scroll.²⁴ Yet unfortunately, there are not preserved in these manuscripts any passages from those sections of Deuteronomy which served as the basis of the Deuteronomic Paraphrase at the end of the *Temple Scroll*.

We ought to briefly mention a possibility which had to be considered from the methodological point of view. The assertion that the Paraphrase is dependent on the canonical Deuteronomy is not the only possibility. For this reason, we took into account the possibility that the canonical Deuteronomy could theoretically be seen as adapted from a version of Deuteronomy which would have looked something like our Paraphrase. This possibility was then tested to see if such an hypothesis would allow us to explain how the canonical text might have come into being. The result of this test was abject failure. There simply is no way in which the reverse process we are studying in this paper could have occurred. It is impossible to explain the development in any other sequence than that we have proposed. The canonical Deuteronomy with textual variations lay before our author/redactor when he composed the Paraphrase. It preceded the *Temple Scroll* chronologically beyond any shadow of a doubt.

In what follows we present a series of examples selected only after a study of the entire Paraphrase:

1. *Verbatim Paraphrase*

The largest number of verbatim paraphrases occurs in the section of the Deuteronomic Paraphrase after the Law of the King, i.e. in 11QT 60:2–66:12. An example of almost exact correspondence is 11QT 65:2–5 and Deut 22:6–7:²⁵

(2) [I]f you happ[en to come upon] a bird's [nest], while on your way, in any tree or on the ground, (3) (with) young birds or eggs, (4) and the mother (bird) is sitting on the young birds or eggs, you may not take the mother together with the children.²⁶ You must send forth the mother (bird)

²⁴ Cf. the detailed study of Rockefeller 43.366 in Wise, 65–89.

²⁵ Cf. Brin, 204f.

²⁶ I.e. either the eggs or young birds.

and (5) (only then) may you take the children for yourself, in [or]der that it may go well with you²⁷ and that you may live long.²⁸

This passage is virtually identical with MT. It exhibits only the following variations: orthographic variation, including the second person pronominal suffix and *plene* and defective spelling of certain words, addition of **את** to verse 6 (**את האם**). Otherwise, this is a verbatim quotation. The variations with MT can be accounted for by the history of transmission and the history of the Hebrew language. There is no evidence of any conscious changes here on the part of the scroll's author/redactor or of his *Vorlage*. In such a case we see the scroll as simply quoting Deuteronomy.²⁹

2. *Verbatim Paraphrase with Variation*

A second type of verbatim quotation which occurs in the Paraphrase involves the inclusion of a passage in a manner at variance with MT. This is the case with 11QT 65:5–7 which corresponds to Deut 22:8:

(5) When you build a new house, (6) you must construct a parapet (railing) for its roof, so that blood-guilt not be brought upon your house if someone falls (7) from it.

In addition to the usual orthographic variations, this text exhibits one, and possibly two, significant textual variants. MT's **לגגך**, "for your roof," is replaced here by **לגגו**, "for its roof," i.e. the roof of the house. This reading seems to correspond somewhat to the LXX, "for your house" (*τω δοματι σου*).³⁰ If the reading of Yadin is accepted, the replacement of MT **תשים** with **תשום** would be such a variant, although it is probable that the scroll should be read here in accord with MT. In any case, this passage seems to exhibit variation with MT which is not the

²⁷ E. Qimron, "New Readings in the *Temple Scroll*," *IEJ* 28 (1978), 169f. argues convincingly for the reading **יטב** rather than **וטב** as read by Yadin (II, 238). His view is adopted by Tov, 102 and 104 in two other passages.

²⁸ Part of Deut 22:6–7 is preserved in 4QDtⁱ, Fragments 3–5, published in White, 249–52. This fragment is orthographically and linguistically much closer to MT than to 11QT.

²⁹ Cf. J. Maier, *The Temple Scroll, An Introduction, Translation and Commentary*, trans. R. White (Sheffield: JSOT Press, 1985), 134f. who sees the placement of this law as indicating that the author of the scroll saw this prohibition as "designed to maintain the usefulness of the birds for fellow Israelites." Yet the context in 11QT is clearly dictated here by Deuteronomy 22.

³⁰ LXX appears to agree with *Sifre Devarim*, 229 (ed. L. Finkelstein [New York: Jewish Theological Seminary, 1969], 261).

result of interpretative activity by our author or his source. Rather, these variations result from the nature of the text of Deuteronomy which was before him. In such passages it is clear that the author intended to quote Deuteronomy, except that he did so in accord with a version somewhat different from MT. We must remember, then, that in passages in which the redactor has introduced intentional changes to the text, there still may be a substratum of textual variations which were in evidence in the author's Deuteronomy text.

Even in verbatim, or almost verbatim quotations, the placement of the passage in the scroll can also be significant. This is the case with 11QT 52:13 which deals with the prohibition on plowing with diverse animals of Deut 22:10:³¹

(13) And you may not plow with an ox and a donkey (yoked) together.

This verse is in fact repeated verbatim, with the only change the addition at the beginning of the verse of the conjunction, "and," common in the scroll's reworking of biblical texts.³²

The author has taken the law about plowing with diverse animals out of its context, in connection with diverse plantings (Deut 22:9) and clothing (22:11), which appear in 11QT 65:05–07,³³ and connected it with the laws regarding animals which appear in 11QT 52:4–53:8.³⁴ The moving of Deut 22:10 to a position in the *Temple Scroll* immediately after Deut 25:4 (the prohibition on muzzling of animals which appears in 11QT 52:12) was designed most probably to indicate the author's view regarding the significance of this restriction. He took the view that the prohibition on plowing with an ox and a donkey related not to the violation of the order of nature, as he thought the prohibitions on sowing diverse kinds or wearing clothes of linen and wool did, but rather to the requirement of preventing the suffering of animals.³⁵ In this case, then, the positioning of a Deuteronomic law in the scroll says much about the author's view of it, although its text is in virtually complete agreement with MT.

³¹ Cf. Brin, 208.

³² See, e.g., 11QT 52:3 (last word) and Deut 17:1. Although this variation is not noted by Yadin, see his commentary, II, 232, which indicates that the scribe must have added the *waw* intentionally in order to connect this law to the preceding.

³³ According to the restoration of Yadin II, 292.

³⁴ Yadin II, 234.

³⁵ In this respect he agreed with those taking the view that abstention from cruelty to animals was required by the Torah. Cf. *b. B. Meši'a* 31a–33a.

3. HARMONIZATION

11QT 52:3–5 follows Deut 17:1:

(4) And you shall (5) not sacrifice to Me an ox or a sheep in which there is any serious blemish, for they are an abomination (6) to Me.³⁶

The addition of the conjunction *waw*, not found in MT, at the beginning of this text is probably not an actual variant. We have already noted that such additional conjunctive *waws* are common in the *Temple Scroll* and represent the work of the author/redactor. The replacement of the third person for God with the first is the usual pattern in this text.

Harmonistic tendencies were certainly at work in the author's change of MT **אשר בו כול מום רע** to **אשר יהיה בו מום כול דבר רע**. The author was influenced by **כול מום רע** in Deut 15:21.³⁷ Here the efforts were clearly directed at removing the potential ambiguity of MT. As it stands it is not clear from MT that the **מום** and **דבר רע** are one and the same. Indeed, tannaitic exegesis used **דבר רע** to widen considerably the prohibition beyond actual blemishes.³⁸ Our text here is not simply harmonizing but rather clarifies the law that the prohibition concerns only a serious blemish, but no other **דבר**.

This text is an example of the type of law in this paraphrase in which the text virtually follows the MT except for minor modification of language to eliminate ambiguity. We do not deal here with true textual variants. In this case, harmonization was effected for exegetical reasons.

4. EXEGETICAL VARIATIONS

11QT 54:8–18 is essentially a quotation of Deut 13:2–6 but it exhibits textual transmissional variations, harmonizations and exegeses as well:³⁹

(8) If there shall arise among you a prophet or a dreamer (or: seer) who had (previously) given you a sign or (9) wonder and this sign or wonder

³⁶ This translation follows Yadin, II, 232–3 exactly.

³⁷ Yadin II, 232 also compares Lev 22:20–21 which does not seem to us to have had any direct influence on our passage.

³⁸ *Sifre Devarim*, 147 (ed. Finkelstein, 201f.).

³⁹ Parts of this passage are preserved in 1Q Deuteronomy (first exemplar), published in D. Barthélemy, J.T. Milik, *Qumran Cave I*, DJD 1 (Oxford: Clarendon Press, 1955), Fragments 7 and 8, p. 55. Comparisons with this manuscript are found in the notes below. On this passage in the scroll, cf. Brin, 211f.

had come to pass for you, and he shall say: (10) “Let us go and worship other gods” which you had not known, do not (11) listen⁴⁰ to the word of that prophet or to that dreamer. For (12) I am testing you to determine whether you love the Lord, (13) the God of Your fathers, with all your heart and with all your soul. You should follow (lit. walk after) the Lord (14) Your God and worship (only) Him, and revere (only) Him, obey His voice (15) and cleave to Him.⁴¹ And that prophet or dreamer must be put to death because he spoke rebelliously (16) against the Lord your God Who took you out of the land of Egypt, and I have redeemed you (17) from the house of bondage, (for that prophet intends) to push you aside from the way in which I commanded you to walk (go). In this way shall you purge (18) the evil from among you.

For MT כִּי 11QT has אַם, a modernizing linguistic variation known from elsewhere.⁴² In line 9 the scroll adds אֱלִיכָה.⁴³ It is difficult to understand any reason for this plus, but in light of the occurrence of this word further on in the verse, this seems not to be a genuine textual variant but an expansion on the part of the scroll or a *Vorlage*.

The substitution in 11QT of האות או המופת (the ‘alef of או is a correction suspended above the line) for MT האות והמופת is both harmonizing (with verse 2) and exegetical, since it clarifies that the Torah intends either a sign or a miracle, not both together. In the latter part of verse 3 the scroll has moved ונעבדם from the end of the verse to the direct discourse of the idolatrous prophet. This is to remove the ambiguity of MT regarding what the prophet said. In MT it seems that he would have stated the entire verse 3b (from נלכה). The 11QT version makes clear that the words אשר לא ידעתם are not to be included in the direct discourse of the false prophet. Accordingly, this is an exegetical change made intentionally by the author or his *Vorlage*. Further, this constitutes a harmonization with Deut 13:14, a similar verse.⁴⁴

11QT דבר for MT דברי in verse 4 may be a genuine variant as may be 11QT לחולם for MT אל חולם, although this difference may also

⁴⁰ So MT, and Samaritan. 1QDeut^a, LXX and Targum Pseudo-Jonathan have the plural.

⁴¹ Cf. 4QDt^c, Fragment 20 in which parts of Deut 13:5–6 appear, published in White, 60f. Note that this MS has תלכן which agrees with 11QT as opposed to MT תלכו. The same reading is found in 1QDeut^a. Where MT and 11QT have תדקכן 1QDeut^a has a word ending in what appears to be a *resh*, leading the editors to restore [תשמ]ר. It is not clear why they restored a defective form.

⁴² See 11QT 55:2. Brin, 214–217 argues that this is a linguistic modernization on the part of the author, but Yadin II, 247 rejects this view.

⁴³ Omitted in the translation in Yadin II, 244 and 399. 1QDeut^a does not have this addition.

⁴⁴ Deut. 13:14 appears in 11QT 55:4.

be the result of sloppiness. Spelling **מנשה** with *sin* rather than *samekh* is simply a linguistic variation.⁴⁵

In line 12 11QT switches from the third to the first person, as is usual, but in 13 it preserves the third person usage of the biblical text with the substitution of **אלוהי אבותיכמה** for MT **אלהיכם**. This may be a variant but may also be influenced by Exod 3:16.⁴⁶ In verse 5 the scroll switched the order of some of the clauses and deleted, perhaps by mistake, the reference to observing the commandments. The omission by the scroll of the second **ההוא** in verse 6 must be an error since it is required to make sense there. In line 16 **אלוהיכה** appears in the scroll for plural, **אלהיכם** in MT to verse 6. The reading in the scroll of **אשר הוציאה** for MT **המוציא אתכם** is designed to avoid the ambiguity of the participle which is replaced by the past, again an exegetical variation. Note also the shift from plural object in MT to singular in 11QT. In these cases of the shift from plural to singular the scroll agrees with LXX and the Samaritan. In this case, it is probable that the variations were in the author's Deuteronomy text. These changes seem to be intended to eliminate the awkward shift in MT with **הפדך**⁴⁷ to the singular object from the plural. Our scroll, like the LXX and the Samaritan, has smoothed this out. But the scroll also shifts here to the first person creating a more glaring awkwardness. At the end of verse 10 there is another shift from the third person to the first.

In this passage, there seems to be evidence of genuine textual variants which, however, are of minor contextual significance. At the same time, several harmonizations and exegetical variations or changes to eliminate ambiguity have been introduced into the text. In some of these cases, the LXX and Samaritan shared the same traditions.

5. HALAKHIC VARIATION

11QT 55:2–14 generally follows Deut 13:13–19:

(2) If you hear regarding on[e of your cities which] I give you [in which] to dwe[ll], (3) the following:⁴⁸ “Some worth[less] peo[p]le among you have gone out and have led astray (pushed away) all the [in]habitants of

⁴⁵ For other examples see Yadin II, 244.

⁴⁶ Yadin II, 244.

⁴⁷ So also 1QDeut^a, **והפודך**.

⁴⁸ This is the meaning of **לאמור** in this context.

(4) their city, saying, 'Let us go and worship gods' which you have not known," (5) then you must ask, inquire and investigate carefully.⁴⁹ If the accusation turns out to be true and correct, (6) (and) this abominable thing has been done (or: abominable transgression has been committed) in Israel, you must kill all the inhabitants of (7) that city by the sword, destroying⁵⁰ it and all (the people) that are in it. And (8) all its domesticated animals⁵¹ you must kill by the sword. Then you must gather all the spoil (taken) from it into (9) its town square and burn the city and the spoil (taken) from it with fire as a whole burnt offering to the Lord (10) your God. It shall be an eternal mound (*tel*) never to be rebuilt. None of the property to be destroyed should remain (11) in your hand (possession). (You shall do all this⁵²) in order that I shall turn (be appeased) from My anger and show you (12) mercy, and have compassion on you and increase you as I promised to your forefathers, (13) provided that you obey My voice to observe all My commandments which I command you (14) this day so as to do what is right and good before the Lord your God.

The scroll substitutes אַם for MT כִּי as part of its "modernizing" tendency twice, in lines 2 and 13. Further, the text in general switches to the first person, as usual, however preserving the third person in lines 9–10 and 14. Interesting is the shift in the meaning of the first person in Deut 13:19 from Moses to God in the scroll. This shift in meaning results from the change in context occasioned by the move to first person direct, divine discourse.

11QT adds כּוֹל indicating that all of the inhabitants must worship idols (line 3) and again that all the inhabitants be killed (line 6). This is clearly a halakhic modification and in both cases agrees with the LXX. In line 8 the scroll even adds כּוֹל again to say that all animals must be destroyed.⁵³ But the parallel with LXX proves that these changes can have taken place in the *Vorlage* of the author, and may not be original to him.⁵⁴

The omission in 11QT of אַחֲרֵיהֶם from verse 14 is no doubt an error in our text. In 11QT the order of verbs is שָׁאֵל, דָּרַשׁ, חָקַר, whereas

⁴⁹ הִטִּב here modifies all three verbs, not only the first as in Yadin's translation (II, 247, 401).

⁵⁰ Taking הַחֲרֵם as an infinitive absolute used in the gerundive sense, rather than as an imperative.

⁵¹ I.e. permissible, edible animals.

⁵² This clause applies not simply to the avoidance of the *herem*, as in Yadin's translation (II, 248), but rather this section (verses 18b-19) applies to the entire procedure outlined in Deut 13:13–19.

⁵³ LXX omits וְאֵת בְּהֵמַתָּה לְפִי חָרַב.

⁵⁴ Yadin II, 247 suggests influence of Gen 18:24–25.

in MT it is **שאל, חקר, דרש**. This is most likely an editorial change designed to place the steps in investigation in the order of intensity, in which “asking” is clearly an earlier stage than detailed investigation. The occurrence of **בישראל** in 11QT for MT **בקרובך** may be simply a contamination or harmonization based on Deut 17:4.⁵⁵ It is certainly not a midrashic variation, as no attempt is made by our scroll to make any analogy between the idolatrous city and the idolatrous individual of Deut 17:2–7 the laws of which will follow immediately in the *Temple Scroll*.

The addition of **תכה** in line 8⁵⁶ seems intended to increase clarity, but this variation can simply be a textual variant. The addition of the preposition *le-* to **תל** seems to be explanatory. Substitution of the root **דבר** for MT **שבע** in the *nif'al* can be a case of synonymous variance⁵⁷ and may be a textual variant in the author's *Vorlage*. 11QT **והטוב** which is not in MT but which is found in LXX and Samaritan seems to be a harmonizing variation influenced by Deut 6:18 and 12:28. It may have already appeared in the author's *Vorlage*. 11QT **לפני** for MT **בעיני** may be a move away from anthropomorphism. The very same variation exists in 11QT 53:8.⁵⁸ In any case this does seem to be an exegetical variation.

While this passage shows the types of variations we have observed above, it also contains changes introduced by the author, or readings adopted by him, to indicate specific Jewish legal rulings. This is what we mean when we refer to halakhic variations. Further, this and the following examples involve a variety of types of modifications of the biblical text which combine to express the scroll's particular views.

6. MIDRASHIC INTERPRETATION

11QT 53:07–8, dealing with non-sacral slaughter, is parallel to Deut 12:20–25. This passage evidences midrashic exegesis as well as the characteristics we have already observed in the previous examples:

⁵⁵ Yadin II, 248.

⁵⁶ Not noted by Yadin.

⁵⁷ Maier, 122 suggests that it may be an attempt to avoid anthropomorphism. J. Milgrom, “Further Studies in the *Temple Scroll*,” *JQR* 71 (1980–81)100 notes, however, that these uses are synonymous in Deuteronomy itself.

⁵⁸ So Brin, 218–20. Contrast Yadin II, 238 who suggests that this change was effected to introduce **לפני ה'** because it is more common in sacrificial context.

(07) [When I enlarge your territory (1) as I promised you, and if the place which I have chosen there to place My name is too far] (2) and you say, “I should (like to) eat meat,” for you] desire to eat m[eat,(3) you may] eat as much m[eat as you desire. You may] sl[laughter] any of your sheep and goats or cattle, according to My blessing which I will give (4) to you. You shall (or: must) eat it in your gates, (it may be eaten by both) the pure and impure among you together (or: alike), as though it were a gazelle (5) or a hart. Only be certain (lit. strong) that you not eat the blood. You must spill it on the ground like water and you must cover it (6) with dirt.⁵⁹ For the blood is the life-essence, and you may not eat the life-essence with the meat. (All this you must do) in order that (7) it should be good for you⁶⁰ and for your children after you for ever. For you shall do what is right and good (8) before Me; I am the Lord your God.

On the surface, this passage looks like a simple quotation, with only minor variations, but matters are far more complex. First, the author must have changed to the first person in the restored sections. It is most likely that the text gathered together **כִּי יִרְחַק**... and **כִּי יִרְחִיב** (Deut 12:20 and 21) into one opening sentence. This again seems to be the result of secondary editorial activity, and does not represent any biblical *Vorlage*. As restored, the scroll seems to have had perfect **אוֹתָהּ** for MT imperfect **תֵּאוּהָ**. This is an example of linguistic modernization to the norms of post-biblical tense usage. 11QT **מִצְוֹאֲנָהּ וּמִבְקָרֶיהָ** represents two changes, a reversal of the order of the words and the replacement of a plural form in the case of **בְּקָר** for the outdated MT singular collective. Perhaps, **צוֹאֲנָהּ** here should be vocalized as the plural, **צוֹאֲנִיכָהּ**. Regarding the order, the switch can be either the result of a genuine variant or of sloppiness on the part of the author. Such reversals have been observed to be typical of quoted texts.⁶¹ There is in any case no exegetical relevance to this variation.

At this point the scroll introduces a midrashic harmonization with verse 15.⁶² From verse 21 the author gets the command to slaughter the sheep and goats, and the cattle, with the reversal of word order we

⁵⁹ Hebrew **עֹפָר** is “dirt, soil, dust, earth.” *m. Hul.* 6:7 lists those substances regarded as **עֹפָר** by the tannaim for the purpose of fulfilling this command.

⁶⁰ See above, n. 27. On this entire passage see now E. Tov, “Deut. 12 and 11QT Temple LII–LIII. A Contrastive Analysis,” *RevQ* 15 (*Mémoires Jean Starcky* 1991) 169–173.

⁶¹ M. Zeidel, “Maqbilot ben Sefer Yeshaya‘ Le-Sefer Tehillim,” *Sinai* 38 (1955) 150. For reversals which indicate later dating, see A. Hurvitz, “‘Kiasmus Diaqroni’ Be-‘Ivrit Ha-Miqra’it,” *Ha-Miqra’ Ve-Toledot Yisra’el, Mehqarim Le-‘Ikkhro shel Y. Liver*, ed. B. Uffenheimer (Tel Aviv: Tel Aviv University, 1971/2), 248–55.

⁶² Yadin I, 316f.; II, 237.

have just noted. He then turns to verse 15 for **כברכתי אשר אתן לכה** which is an adaptation of the words of Deuteronomy **כברכת ה' אלהיך אשר נתן לך** with the change from third to first person. The scroll, however, changes from the past tense to the future. The transition from verse 21 to verse 15 is aided by the presence of **אשר נתן... לך** in both verses. This common element provides the transition back to verse 21 from which our text takes **ואכלת בשעריך**. Then the author makes a combination of the end of verse 22 and verse 15. First, he presents the “pure” and “impure,” reversing the order in both verses in MT. This is probably simply a synonymous variation or sloppiness. The addition of **בכה** to verse 22 is attested in LXX and Samaritan and was probably in the author’s *Vorlage*. **יחדיו** comes from verse 22 while **יאכלנו** is common to both passages, and it serves as the transition back to verse 15 for **כצבי וכאיל**.⁶³ Note that some unnecessary clauses were omitted from the version of our scroll. Otherwise, the combined text would have been awkward. The omission of these phrases again testifies to the operation of a purposeful editorial process here, not just random textual variation. We will see below that this harmonization served the author’s halakhic purposes. It was not simply an attempt to eliminate the duplication of language which appears to be present in Deuteronomy 12.

There then follows the beginning of verse 23, **רק חזק לבלתי אכול הדם**, then the end of verse 25, **על הארץ תשופכנו כמים**. The words **וכסיתו** and **בעפר** are then added based on Lev 17:13, **וכסהו בעפר**. This addition is clearly a halakhic one. The rite of covering the blood, called *kissui ha-dam* in Rabbinic literature, was understood by the Rabbis to apply only to the blood of undomesticated animals (*hayyot*) and fowl (*‘ofot*),⁶⁴ in accord with Lev 17:13. Our scroll understands this law to apply as well to domesticated animals (*behemot*).⁶⁵

The reason for spilling (and in the author’s view covering) the blood is now quoted from verse 23, **כי הדם הוא הנפש ולא תאכל הנפש עם**, **הבשר**. (The addition of **את** before **הנפש** in the scroll may reflect a

⁶³ Cf. the analysis of Yadin II, 238.

⁶⁴ *m. Hul.* 6:1.

⁶⁵ It appears from our text and 11QT 52:12 that the scroll, like the rabbis, applied Lev 17:13 only to non-sacrificial slaughter, as does appear to be its literal meaning. Cf. *m. Hul.* 6:1.

variant text but is probably a correction by the author of a text like MT which omitted it.) The rearrangement of the order is also a halakhic variation, intended to emphasize the purpose of the commandment of spilling and covering the blood. Further, this revision of verses 23–24 brings them into harmony with verse 16.⁶⁶

The scroll concludes with an adaptation of the blessing in the second part of verse 28 (...למען). Here several changes occurred. The expression **עד עולם** was added under the influence of verse 28, either a case of harmonization or of true textual variation in the *Vorlage*, which, however, may itself have been a result of harmonization. Finally, at the end, **לפני אני ה' אלוהיכה** is replaced by **בעיני ה' אלהיך**. This involves both the change from the third person of the Torah to the first person usually used in the scroll, and the addition of the second divine name based on verse 29, again evidence of the harmonizing tendency of either our text or the author's *Vorlage*.

We have contended that this passage represents an intentional, indeed midrashic, harmonization of the material in Deut 12:20–25, our primary text at this point in the scroll, with the commands of Deut 12:15–16. This claim can only be sustained if an explanation can be offered of the legal and exegetical ramifications of this editorial and exegetical process. The rabbis also had trouble dealing with the existence of these two passages. Deut 12:15–16 actually appears to be a doublet of the material in 20–25. The rabbis took Deut 12:15 as referring to sacrifices disqualified by permanent blemishes which could be redeemed and eaten.⁶⁷ The author of our scroll wanted to eliminate the confusion regarding these two passages which he believed concerned one and the same matter, the slaughter of animals beyond the distance of three days' journey from Jerusalem. He, therefore, harmonized the two passages and created one consistent whole, as was his wont in such cases.

This subject as a whole was extremely important for him. In 11QT 52:13–21 this law is stated directly. Further, it is the basis for the law pertaining to the hides of animals in 11QT 47:7–18. This aspect is

⁶⁶ Yadin, *ibid.*

⁶⁷ Cf. *Sifre Devarim*, 71 (ed. Finkelstein, 134f.; Yadin I, 316).

also dealt with in *4QMiqsat Ma'ase Ha-Torah*.⁶⁸ Our passage here is the author's third allusion to this matter and we must presume, therefore, that the elimination of non-sacral slaughter within three days of Jerusalem, apparently practiced by Pharisaic Jews and perhaps by the populace at large, was a central theme of the author/redactor of the *Temple Scroll*. Accordingly, we can understand why he went to such lengths to deal with a passage in the Torah which could be understood differently.

Why was it so important for him to show that both passages referred indeed to the same case, non-sacral slaughter beyond the three-day limit? The answer is clear from investigation of the text of Deut 12. The material in verses 20–25 alludes twice to distance from the sanctuary as the reason for permitting non-sacral slaughter. Yet in verses 15–16 the context is different. After discussing sacral slaughter in 13–14 and the requirement that it be performed in the central sanctuary, the text turns to 15–16. No mention of distance occurs, but non-sacral slaughter is discussed and is permitted. This would have led to the conclusion that non-sacral slaughter was in fact permitted anywhere, and that the distance aspect is simply relevant to 20–25. One might have thought that three cases were discussed: (1) Jerusalem, where only sacral slaughter could be performed, (2) areas proximate to Jerusalem, within three days' journey, where either sacral or non-sacral slaughter was permitted, or (3) those at a distance from Jerusalem where only non-sacral slaughter was possible as no other option existed. Our author wanted to be certain that no hint or remnant of any possibility of non-sacral slaughter in the vicinity (i.e. within three days' journey) of the Temple existed, so he had to interpret this passage as he did, as a duplicate of verse 20–25. Hence he harmonized the two.

⁶⁸ Cf. L.H. Schiffman, "Miqsat Ma'ase Ha-Torah and the *Temple Scroll*," F. García Martínez (ed.) *The Texts of Qumran and the History of the Community* (Paris: Gabalda, 1990) II: 435–457 (pp. 123–147 in this volume).

7. ORIGINAL COMPOSITION

The law of judges of 11QT 51:11–18⁶⁹ exhibits all of the relationships to the canonical Deuteronomy which we have observed above as well as original composition by the author:

(11) You shall appoint judges and officers (or: bailiffs) in all your gates⁷⁰ and they shall judge the people (12) with righteous judgment. They may not show favoritism⁷¹ in judgment, nor take a bribe, nor 13) (pervert justice. For (the taking of) a bribe perverts justice and subverts the cause of righteousness,⁷² and blinds the (14) eyes of the wise, thus causing great guilt, and defiling the Temple (literally, “house”)⁷³ with the sinful (15) transgression. Justice, and only justice, shall you pursue, in order that you may live and come to inherit (16) the land which I am giving you to inherit (or: to possess) forever. But the man (17) who takes a bribe and perverts righteous judgment shall be put to death, and you shall not be afraid 18) of putting him to death.⁷⁴

This law basically follows Deut 16:18–21. In adapting verse 18, our author excised the words, **אשר ה' אלהיך נתן לך לשבטיך**. This is a difficult omission to explain. The author of the scroll had an ideal plan according to which the tribes of Israel would dwell in cities arranged around the central sanctuary in Jerusalem. Accordingly, we would have expected him to assume that there would be a central court of justice for each tribe. Apparently, unlike the rabbis⁷⁵ our author felt the tension between the requirement of appointment of tribal courts (**לשבטיך**) and those in the cities (**בכל שעריך**), and decided to follow

⁶⁹ See the left column of the fragment Rockefeller 43.978 published in Yadin II, 225 and III, Supplementary Plates, Plate 39*:6. Although the fragment preserves only the rightmost part of the column, it confirms the presence of the non-biblical addition in 11QT 51:16–18.

⁷⁰ Yadin, “towns.”

⁷¹ Yadin II, 228 notes that **יכירופנים** is written as one word in the MS. of 11QT (see III, Plate 66). His suggestion that the scribe considered this a “legal term” is unlikely as there are so many other such terms which are not combined in the scroll. His alternative suggestion that the scribe first wrote the singular **יכיר פנים** and then added the *waw* is much more likely, since the singular is found in MT.

⁷² Yadin’s translation “of the righteous” is of MT **צדיקים**, not of 11QT.

⁷³ Maier, 120 is imprecise when he speaks of “pollution of the Land.” The passage speaks of the Temple.

⁷⁴ Lit. “afraid of him from putting him to death.” For the reading **ממנו** in the scroll, see Yadin II, 229.

⁷⁵ *Sifre Devarim*, 144 (ed. Finkelstein, 197f., *b. Sanh.* 16b, but note the questions of *Tosafot*, ad loc. and Nahmanides to Deut 16:18.

a system of setting up courts by location and district, rather than by tribal identification.

This conclusion was reached despite the assumption of the scroll that the biblical tribal definitions would exist in the ideal society which the complete scroll envisaged.⁷⁶ It is possible that this is an example of disagreement between the Deuteronomic Paraphrase and other sections of the scroll. Such a disagreement has been observed between the laws of war in the Paraphrase and the Law of the King.⁷⁷ Yet it is probable that the scroll interpreted **לשבטיך** here to refer to the geographic entities for each tribe in which the cities were, of course, to be located.

The three prohibitions on showing favoritism, taking bribes, and perverting justice, appear here in a different order from that in Deut 16:18 in the MT.

MT	11QT
pervert justice	show favoritism
show favoritism	take bribes
take bribes	pervert justice

Since both MT and 11QT continue with an explanation of the reasons why the taking of bribes is forbidden, MT flows more smoothly since it places this offense last. Further, the perversion of justice can be taken as a general category in MT, specified by the following cases. There is no question, then, that MT presents a superior text. But how did 11QT's version come into being? The only possibility is that the author sought to indicate that the prohibition **לא תטה משפט** in Deuteronomy referred to bribery,⁷⁸ and, hence, the author changed the order purposely. Otherwise, we would have to reckon with a textual variant or simply an error. This interpretation would favor a translation as follows: "Nor take a bribe lest you pervert justice, for..."

In addition, 11QT phrases these three prohibitions (or two according to the second translation) in the plural, in agreement with the LXX as

⁷⁶ Cf. L.H. Schiffman, "Architecture and Law: The Temple and its Courtyards in the *Temple Scroll*," *From Ancient Israel to Modern Judaism, Intellect in Quest of Understanding, Essays in Honor of Marvin Fox*, eds. J. Neusner, E. Frerichs, N.M. Sarna (Atlanta: Scholars Press, 1989), I, 267–84 (pp. 215–232 in this volume).

⁷⁷ See L. H. Schiffman, "The Laws of War in the *Temple Scroll*," *RevQ* 13 (*Mémorial Jean Carmignac*, 1988) 302 (pp. 505–517 in this volume).

⁷⁸ Yadin II, 228.

opposed to MT which has the singular. Yet this is not simply a matter of textual variation. While Deut 1:17 (לא תכירו פנים במשפט)⁷⁹ may certainly be an influence here,⁷⁹ more important is the author's successful attempt to smooth over the shift in number and person between Deut 16:18 and 19. The end of 18 is phrased in the third person plural, referring to the judges and officers. Yet verse 18 in MT is in the second person singular, the language of so many biblical apodictic commands. Our scroll has smoothed this inconsistency over by making both verses agree, stating the entirety in the third person plural, so that it is clear that it is the officials of verse 18 (not some nebulous "you") who must fulfill the commands of verse 19. Again, we deal with exegetical variants here, but in this case the LXX represents the same interpretation. Our author may have been encouraged to make his change by the existence of versions of the text in the plural.

The author has inserted the words כי השוחד מטה משפט. This addition is to emphasize the very same interpretation he made before, namely that the Torah's statement at the start of verse 19, לא תטה משפט, was intended to refer to taking of bribes, and not to be a general statement. In formulating this clause he must have been influenced by Exod 23:6, לא תטה משפט אבינדך בריבו.⁸⁰ In any case, this addition is certainly exegetical.

In adapting Deut 16:19b, the author again reversed the order for exegetical reasons. He wanted to make the point, following his addition, that bribery leads to perversion of justice, continuing his general understanding of the passage. Hence, he wanted to put the clause regarding סלף, the subverting of righteousness, before that discussing the "blinding" of the wise. In other words, he sought to complete his discussion of the perversion of justice before moving on to "blinding" of the judges. Only then, after this reversal, does he proceed to mention the "blinding" of the eyes of the wise.⁸¹

In the process, another difference with MT is introduced. 11QT has דברי הצדק for MT דברי צדיקים, which is parallel to עיני חכמים.⁸² Accordingly, it is likely that the reading of MT is accurate and that an intentional change was introduced into 11QT. Further, MT is supported

⁷⁹ Yadin II, 228.

⁸⁰ Yadin II, 228.

⁸¹ Cf. the similar explanation of Yadin II, 228.

⁸² Note the enigmatic interpretation of these words in *Sifre Devarim* 144 (ed. Finkelstein, 199): *'en yose yede 'olamo 'ad she-yoreh sedeq be-hora'ato.*

by the parallel in Exod 23:8.⁸³ Yet the author of the Paraphrase seeks to explain **דברי צדיקים** in the text he had before him as referring to righteousness, not to the words of righteous people. In this interpretation he is in agreement with a number of sources⁸⁴ including the LXX to Exod 23:8.⁸⁵ We see these sources as representing exegesis as well, not as preserving a variant textual tradition. This modification again seems to be exegetical, and the suggestion that it is to be linked with the prominent use of **צדק** in sectarian texts⁸⁶ seems to be unfounded. A true textual variant here would be difficult to imagine because of the parallel in Exodus and in the previous phrase in the Deuteronomic verse.

In both clauses the text of 11QT has a participle where MT and Exod 23:8 have the imperfect. While it is difficult to be certain, the author seems to have been motivated to change the tenses by the desire to emphasize that this is not a matter of question, i.e. that acceptance of such bribes or gifts may have a deleterious effect, but, rather, that it must have this effect.

At this point the scroll includes an entire sentence which despite some biblical parallels⁸⁷ is of original composition by the author of the scroll or of the Paraphrase. This sentence further explains the reason why bribery is forbidden as it leads to great guilt and defiles the Temple. Here the author is again emphasizing his basic theme of the evil of injustice.

The text then returns to Deut 16:20 which appears here with a number of variations from MT. **ובאתה** has been introduced under the influence of Deut 6:18. This addition may represent a harmonizing tendency. Another possibility is that it may be a reflection of an earlier harmonization on the part of some *Vorlage*. The change from the mention of God in the third person to the first person is typical of the scroll and has been discussed in detail. For MT **לך**, singular,

⁸³ Exod 23:8, however, has **פקחים** for Deuteronomy's **החמים**.

⁸⁴ Targum Onkelos and Pseudo-Jonathan (cf. Palestinian Targum) to Deut 16:19, Saadyah Gaon in Ibn Ezra to Exod 23:8, cited in Yadin II, 228.

⁸⁵ But LXX to Deut 16:19 **λόγους δικαίων**, "words of the righteous."

⁸⁶ Yadin II, 228. Cf. J.M. Baumgarten, "The Heavenly Tribunal and the Personification of Šedeq in Jewish Apocalyptic," *Aufstieg und Niedergang der Römischen Welt* II. 19, Judentum: Allgemeines Palästinisches Judentum, ed. W. Haase (Berlin and New York: Walter de Gruyter, 1979) 219–39.

⁸⁷ Yadin II, 229. The parallels to sectarian literature which Yadin cites are somewhat overdrawn since the phrases in question are themselves based on the Bible.

the scroll has לַכְּמָה, plural.⁸⁸ The entire clause may be derived from Deut 5:28... אֲשֶׁר אֲנִי נֹתֵן לָהֶם לְרִשְׁתָּהּ, with the change from the third person to the second, required by our text, based on the use of לָכֶם in Deut 4:1, 11:17, and 11:31. Certainly, we are dealing here with an author who has reworked the text following Deuteronomistic style. However, the author did not systematically weave these passages together. Rather, he derived his style from the Deuteronomistic idiom in making these additions.

Associative stringing together of Deuteronomistic language led the author to add כּוֹל הַיָּמִים. After all, Deut 12:1 has לְרִשְׁתָּהּ (then a pause, *'etnahta'* in Masoretic accentuation), followed by כּוֹל הַיָּמִים. Again this is a matter of harmonization and expansion based on Deuteronomistic language, not a case of textual variation.

At the end of this section, the author (or his source) again introduces his own legal statement, mandating the death penalty (וְהָאִישׁ אֲשֶׁר... לְהַמִּיתוֹ) for one who takes a bribe. This addition is consistent with the view of the scroll that the main point of Deut 16:18–20 is the prohibition of bribery. The very same idea appears in the original section of the Law of the King in 11QT 57:19–21 and may be a reflection of the complaints of the author or his source with the state of affairs in Judea in the Hellenistic period.⁸⁹ Here the author sides with the view that these prohibitions refer to the judges, rather than to the witnesses.⁹⁰ Josephus (*Apion* II, 207) also says that a judge who accepts bribes is subject to the death penalty, but no indication of the derivation of this law appears there.⁹¹

The author has concluded by midrashic exegesis that perversion of justice is a capital offense. Deut 1:17 uses לֹא תִכְרֹוּ מִפְּנֵי אִישׁ regarding the avoidance of favoritism in judgment (*ibid.* לֹא תִכְרֹוּ פָּנִים בַּמִּשְׁפָּט). Our author compared this command midrashically to לֹא תִגּוֹר מִמֶּנּוּ (LXX pl. תִּגּוֹרוּ) regarding the obligation to execute the false prophet in Deut 18:22.⁹² Accordingly, he concluded that just as the death penalty

⁸⁸ LXX has the singular, σοι, Vulgate, *tibi*.

⁸⁹ Cf. Schiffman, "The King," 253–5.

⁹⁰ See the detailed discussion in Yadin I, 383–5 regarding Qumran parallels and rabbinic traditions. On the death penalty for perjury, see S. Belkin, *Philo and the Oral Law* (Cambridge: Harvard University Press, 1940), 147–9 and B. Revel, "'Onesh Shevu'at Sheqer Le-Da'at Pilon We-Ha-Rambam," *Horev* 2 (1934/5) 1–5.

⁹¹ Cf. M. Kister, "'Ollelot Mi-Sifrut Qumran," *Tarbiz* 57 (1987/8) 316f.

⁹² Yadin II, 229. Rabbinic passages regarding bribery and suggested Qumran parallels are dealt with in Yadin I, 382–5.

was required for the false prophet, so it was for judges who accepted bribes. In this exegesis the verse designed to encourage judges to go ahead with the execution of the false prophet is made to refer to corrupt judges. Further, **להמיתו** may have been taken from the law of the idolatrous prophet in Deut 13:10.⁹³

Indeed, we have seen two types of midrashic exegesis. In one, that dealing with non-sacral slaughter, biblical passages dealing with the same subject are harmonized into a composite whole. In the second, that which resulted in the death penalty for corruption, one biblical passage was interpreted in light of another. This is the classic form of midrash.

CONCLUSION

The Deuteronomic Paraphrase of the *Temple Scroll* must indeed be taken as including the section of 11QT 51:11–66:11. The additional materials which Wise has included in his delineation of this section are not in fact based on Deuteronomy but rather have as their main text other Pentateuchal materials. The entire section we have investigated is based on adaptation of the canonical Deuteronomy with the addition of the material in the Law of the King, apparently a preexistent source, and other smaller pieces of original composition, written either by the author or a source. Further, most of the variations from MT in the Paraphrase result from intentional activity, harmonistic, exegetical, halakhic or midrashic, and most of these variations are the result of the efforts of the author/redactor.

Indeed, this is to be expected in light of the manner in which the *Temple Scroll* was composed. It is not simply a selection of biblical quotations. Rather, it is a carefully undertaken reworking of the biblical text through which the author/redactor seeks to express his own unique message. The scroll as a whole must be seen as an exegetical work.

We have argued elsewhere that the author/redactor created this section to allow him to complete his new Torah, the *Temple Scroll*, and that he incorporated into it the preexistent material in the Law of the King, most probably one of the sources from which he compiled the *Temple Scroll*. The present study accords completely with those initial

⁹³ Brin, 204.

conclusions since it shows how the author/redactor would have gone about creating this Paraphrase from a Deuteronomy which, while not exactly the same as MT, differed only in minor, textual variations of the kind known to us from the ancient versions and the Qumran biblical manuscripts.

Hence, the Paraphrase also indicates to us that the canonical Deuteronomy served as the guide and authority of our author in preparing the Deuteronomic Paraphrase. This should in no way surprise us in light of the many Deuteronomic passages known to us in the manuscripts of Deuteronomy and the phylacteries from Qumran. There is no question that the author of our scroll worked from a Deuteronomy similar to that preserved in the canonical Deuteronomy.

In the main, then, the Deuteronomic Paraphrase is a work of exegesis, having much more in common with the rest of the *Temple Scroll* than often recognized. It illustrates the extent to which what may at first glance appear to be variant biblical texts may be the result of purposeful exegetical activity which took place throughout the Second Temple period.

CHAPTER TWENTY-EIGHT

LAWS CONCERNING IDOLATRY IN THE *TEMPLE SCROLL**

The section of the *Temple Scroll* which extends from column 53–66 has been described by us elsewhere as the Deuteronomic Paraphrase.¹ This section was included by the author/redactor of the complete scroll in order to give it the character of a complete Torah, covering much of the legal material appearing in the Pentateuch. In this section, the author worked through large parts of Deuteronomy 12–23, the legal section of Deuteronomy. In constructing the complete scroll, he used this material, as well as various other sections which he composed, along with a number of sources which were at his disposal. These sources, we maintain, were to some extent of Sadducean character.² The author/redactor's general intent was to bring this material together in order to express his own unique vision of Israel's Temple, its ritual, the Land of Israel, its government and the laws by which the Jewish people were to live. It was through this medium that the author sought to propose an ideal society and ritual which he hoped would become reality in the present, pre-messianic age.

That the topic of idolatry was a central concern of the scroll is apparent from the opening column of the preserved portion of the scroll. In column 2 the author adapts Exod 34:10–17 with additions from Deut 7:5, 25–26. He states there the obligation to destroy idolatrous cult objects and to avoid idolatrous worship. He emphasizes that covenants with the inhabitants of the land will result in idolatry and intermarriage. This passage is probably to be read in the historical context of early Hasmonean times in which the author/redactor sought to strengthen

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¹ "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992) 543–567 (pp. 443–469 in this volume).

² L.H. Schiffman, "The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect," *BA* 53 (1990) 64–73.

the separation of Jews from pagan worship and intermarriage. At the same time, we will see that actual pagan worship did not constitute a *major* issue in the legislation of the scroll.

In the context of the Deuteronomic Paraphrase, with which he concluded his scroll, our author dealt with the various laws regarding idolatry which are included in Deuteronomy.³ Specifically, the scroll treats these matters in five passages: (1) 11QT 51:19–52:3 prohibits various idolatrous practices. (2) 11QT 54:8–18 deals with a prophet who incites idolatrous worship. We will term him, for convenience, the idolatrous prophet. (3) 11QT 54:19–55:1 deals with an individual who entices others to idolatrous worship. He shall be designated here the enticer (rabbinic *mešit u-mediah*). (4) 11QT 55:2–14 deals with an idolatrous city (rabbinic *‘ir ha-nidahat*). (5) Finally, 55:15–56:04 discusses the idolatrous individual.

Essentially, the scroll presents us with five laws dealing with idolatry in one form or another. While the first is located independently, the last four constitute a collection, only three of which appear together in Deuteronomy.⁴ The first section, that prohibiting idolatrous practices, is clearly placed where it is (51:19–52:3) because of the source of parts of this law immediately after the command to establish judges (Deut 16:18–20, 11QT 51:11–18). The second, third and fourth sections proceed from the text of Deuteronomy 13 and appear in the same order as in Deuteronomy. The final law, from Deuteronomy 17, is placed here because the author wanted to group this law with the others pertaining to idolatry.⁵

In the study which follows, we will undertake the detailed study of

³ Num 15:22–31 was taken by the tannaim to refer to idolatry (*Sifre Be-Midbar* 111–112, ed. H.S. Horowitz [Jerusalem: Wahrmann, 1966], 116–122; *m. Hor.* 1:5). This passage from Numbers is not represented in the *Temple Scroll*, but is utilized in 4Q375. See J. Strugnell, “Moses-Pseudepigrapha at Qumran: 4Q375, 4Q376 and Similar Works,” *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin*, ed. L.H. Schiffman (Sheffield: Sheffield Academic Press, 1990), 224–34. We omit from consideration here 11QT 59:2–4, the rebuke to the king which mentions idolatry, and 11QT 60:16–61:01 which prohibits magical and superstitious practices.

⁴ The Deuteronomic laws pertaining to idolatry are seen as a corpus by A. Rofé, *Mavo’ Le-Sefer Devarim* (Jerusalem: Akademon, 1988), 60–65.

⁵ This decision led the author to continue in col. 56 with other laws from Deuteronomy 17, culminating in the substantial original composition, The Law of the King (11QT 56–59). On this section of the scroll, see L.H. Schiffman, “The King, his Guard and the Royal Council in the *Temple Scroll*,” *PAAJR* 54 (1987) 237–59 (pp. 487–504 in this volume).

each of these laws, placing emphasis on its relationship to the Deuteronomic texts on which it is based. In addition, where appropriate, we will compare these laws with the interpretations on these issues in rabbinic literature.⁶

THE PROHIBITION OF IDOLATROUS PRACTICES

In the context of the scroll's brief treatment of Deuteronomy 16,⁷ 11QT 51:19–52:3 deals with the outlawing of idolatrous practices and is basically an expansion and reshaping of Deut 16:21–22:

Do not do in your land as the nations do: Everywhere⁸ they sacrifice, and plant for themselves Asherot,⁹ and erect for themselves pillars, and set up for themselves figured stones to bow down to (or: on) them. And they build for themselves [...] You may not plant [for yourself any tree as an Asherah next to my altar which you shall (or: must) make for] yourself. Nor may you erect for yourself a pillar [which I despise], n[or] shall you make for yourself (anywhere) in your entire land a [fi]gured [st]one to bo[w] down to (or: on) it.

The text begins with an opening formula which although having biblical parallels is essentially a composition of the author or his source. This material (לוא...המה) has a parallel in 11QT 48:11 in which almost identical phraseology applies to laws of burial. This text appears to be based on Lev 22:24, 18:3, and Ezek 8:13.¹¹ Yet nonetheless, the correspondence is not close enough to classify this clause as anything but the

⁶ For rabbinic attitudes to idolatry, cf. E.E. Urbach, "Hilkhot 'Avodah Zarah We-Ha-Meši'ut Ha-'Arkhe'ologit We-Ha-Historit Ba-Me'ah Ha-Sheniyah U-Va-Me'ah Ha-Shelishit," *Me-'Olamam shel Hakhamim* (Jerusalem: Magnes, 1988), 125–78 and S. Lieberman, *Hellenism in Jewish Palestine* (New York: Jewish Theological Seminary of America, 1950), 115–38. In the course of this study, no relevant material was found in Philo and Josephus.

⁷ The bulk of this chapter dealing with festivals was not included in the scroll which drew its festival calendar (11QT 13:10–29:10) primarily from Numbers 28–29.

⁸ The words **בבול מקום** were omitted in the translation in Y. Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: The Israel Exploration Society, The Institute of Archeology of the Hebrew University, The Shrine of the Book, 1983) II, 230 and 393.

⁹ Cf. 11QT 2:7 where the destruction of **אשריהמה** is commanded, in accord with Exod 34:13.

¹⁰ The lacuna consists of some seven lines (01–07), and in the first readable line (1), there is a lacuna sufficient for approximately nineteen letters. The initial section should probably be restored with the word **במות**, as suggested by Yadin II, 231 who compares 2 Kings 17:8–11.

¹¹ Yadin II, 209.

author's own.¹² The opening words, **לוא תעשו בארצכמה**, are dependent on Lev 22:24, **ובארצכם לא תעשו**, words dealing in their original context with the offering of animals whose genitals have been mutilated. The connection of **לוא תעשו** with **הגואים עושים** is based on Deut 12:2–4 and 30–31, which do in fact concern idolatrous worship.

In verse 8 we hear that sacrifice throughout the land was to be prohibited in the Land of Israel. The discussion in that chapter of Deuteronomy of the centralization of sacrificial worship indicates that the words **בכול מקום** (11QT 51:19) are to be understood with the following, rather than the previous words. These words are taken from Deut 12:2, where the Israelites are commanded to destroy **כל המקמות אשר עבדו שם הגוים**, and verse 3, where they are to extirpate the names of the pagan gods **מן המקום ההוא**. Note that in Ezek 8:13 the subject is the elders of Israel whose abominations (תועבות גדלות) are described as **אשר המה עשים**. Lev 18:3 supplied the notion of not following the ways of the gentiles, and the formulation: **לא תעשו...לא תעשו וכמעשה ארץ כנען...לא תעשו**. In this section we are dealing with free composition in biblical style which seems to have as its base Deuteronomy 12 and other materials which the author reworked extensively.

At this point, however, the text turns back to its basic source, Deuteronomy 16. Whereas there verses 21 and 22 are prohibitions, the *Temple Scroll* author first borrows them to create a description of the pagan worship of “the nations;” they plant Asherot and erect pillars. In creating this list of idolatrous practices, he moves to create a harmonization of his base text in Deut 16:21–22 with Lev 26:1¹³ which also includes mention of figured stones or pavements.¹⁴ Despite the fact that both of these verses list the pagan cult objects in the singular, our author switched to the plural, since his point was that they do this throughout the land (**בכול מקום**).¹⁵

¹² For this reason Yadin II, 130 seeks to find here historical reference to the Hellenistic period. See below, pp. 25f.

¹³ Cf. G. Brin, “Ha-Miqra’ Bi-Megillat Ha-Miqdash,” *Shaton* 4 (1979/80), 207; E. Tov, “Megillat Ha-Miqdash’ U-Viqoret Nusah Ha-Miqra’,” *Eretz Israel* 16 (1981/2), 103.

¹⁴ Cf. Yadin II, 230 and G. Blidstein, “Prostration and Mosaics in Talmudic Law,” *Bulletin of the Institute of Jewish Studies* 2 (1974), 19–39.

¹⁵ For the plural, cf. Num 33:52 (Yadin II, 231).

Somewhere at the top of column 52 which is not preserved, the scroll turns to the prescriptive laws relating to idolatry and again takes up Deut 16:21–22. These verses are now repeated verbatim (although partly restored) as in MT except that the first person is introduced for God (מִזְבְּחִי, and as restored, שְׁנֵאתִי). It is here that we see that without a doubt the changes and abridgements included when this same text was used above (51:20) were exegetical and do not constitute actual textual variants.¹⁶ Thereafter the scroll again turns to the harmonization with Lev 26:1. Here 11QT only copies in the second half of the verse, following the singular as in this verse (מִשְׁכִּית) and agreeing with the use of the singular in Deuteronomy which it has copied as well. The author avoided the plural in constructing his negative commandment, as the plural would be misleading, creating the impression that only more than one pagan cult object was forbidden.

A few minor variations are also introduced. 11QT has תַּעֲשֶׂה לְכָה in 52:3 for Lev 26:1 תַּתְּנֶנּוּ, and בְּכֹל אֲרָצָה for MT plural, בְּאֲרָצֶיכֶם. 11QT תַּעֲשֶׂה may be the result of the occurrence of this word in Deut 16:21.¹⁷ While these variants are not attested otherwise, we cannot be certain that these are not textual variants of the synonymous variety. The end of Lev 26:1, “for I am the Lord your God,” is omitted here as it is unnecessary in light of the rewriting of the prohibition as first person, divine discourse.

It is impossible to claim that there is a textual tradition lying behind the diversions from MT in this law. Rather, these changes are exegetical and harmonistic, with the exception of two possible minor examples for which we cannot be certain. We have found no proof that there was a source for this law other than the canonical Pentateuch itself. The text does not introduce a single exegetical or halakhic detail not found in the Torah. The activity of the author/redactor is entirely literary in that he has created a new text.

¹⁶ This text is preserved partly in 4QDt^c Fragments 30 and 32 with no sign of variation (S. White, “A Critical Edition of Seven Manuscripts of Deuteronomy: 4QDt^a, 4QDt^c, 4QDt^d, 4QDt^e, 4QDt^f, and 4QDt^g” [Harvard University Doctoral Dissertation, 1988], 80–83. See now DJD 14, 26–27.

¹⁷ Tov, 103.

THE IDOLATROUS PROPHET

In 11QT 54:8–18 the *Temple Scroll* paraphrases the law of the prophet who advocates idolatrous worship¹⁸ found in Deut 13:2–6.

If there shall arise among you a prophet or a dreamer (or: seer) who had (previously) given you a sign or wonder, and this sign or wonder had come to pass for you, saying: “Let us go and worship other gods” which you had not known, do not listen¹⁹ to the word of that prophet or to that dreamer. For I am testing you to determine whether you love the Lord, the God of your fathers, with all your heart and with all your soul. You should follow (lit.: walk after) the Lord your God and worship (only) Him, and revere (only) Him, obey His voice and cleave to Him.²⁰

And that prophet or dreamer must be put to death²¹ because he spoke rebelliously against the Lord your God Who took you out of the land of Egypt—and I have redeemed you from the house of bondage—for that prophet intends) to lead you astray from the way in which I commanded you to go. In this way shall you purge the evil from among you.

For MT כִּי 11QT has אִם, a modernizing linguistic variation known from elsewhere in the scroll.²² In line 9 the scroll adds אֱלִיכָה.²³ It is difficult to understand any reason for this plus. In light of the occurrence of this word further on in the verse, this seems not to be a genuine textual variant but an expansion on the part of the scroll or a *Vorlage*.

The substitution in 11QT of הָאוֹת אוֹ הַמוֹפֵת (the ‘alef of או is a correction suspended above the line) for MT הָאוֹת וְהַמוֹפֵת is both harmonizing (with verse 2) and exegetical, since it clarifies that the Torah intends either a sign or a miracle, not both together. The very

¹⁸ This “prophet” is not to be confused with the false prophet of Deut 18:20–22 (cf. Rofé, 62). Targum Pseudo-Jonathan to Deut 13:2 conflates these two types of “prophets” incorrectly.

¹⁹ So MT, and Samaritan. 1QDt^a (D. Barthelemy, J.T. Milik, *Qumran Cave I*, DJD 1 [Oxford: Clarendon Press, 1955], 55), LXX and Targum Pseudo-Jonathan have the plural.

²⁰ Cf. 4QDt^c Fragment 20 in which parts of Deut 13:5–6 appear (White, 60f.). Note that this M^S has תִּלְכּוּן which agrees with 11QT as opposed to MT תִּלְכוּ. The same reading is found in 1QDt^a. Where MT and 11QT have תִּדְבֹקוּן, 1QDt^a has a word ending in what appears to be a *resh*, leading the editors to restore [תִּשְׁמַר]. It is not clear why they restored a defective form.

²¹ According to *Sifre Devarim* 86 (ed. L. Finkelstein [New York: Jewish Theological Seminary of America, 1969], 151), execution was to be by strangulation.

²² Brin, 214–217 (followed by Tov, 101) argues that this is a linguistic modernization on the part of the author, but Yadin II, 247 rejects this view.

²³ Omitted in the translation in Yadin II, 244 and 399. 1QDt^a does not have this addition.

same reading is found in the LXX.²⁴ In the latter part of verse 3 the scroll has moved וְנֹעַבְדִם from the end of the verse to the direct discourse of the idolatrous prophet. This is to remove the ambiguity of MT regarding what the prophet said. In MT it seems that he would have stated the entire verse 3b (from נִלְכָה). The 11QT version makes clear that the words אֲשֶׁר לֹא יִדְעֶתֶם are not to be included in the direct discourse of the false prophet. Accordingly, this is an exegetical change made intentionally by the author or his *Vorlage*. Further, this constitutes a harmonization with Deut 13:14, a similar verse.²⁵

11QT דָּבַר for MT דְּבָרִי in verse 4 may be a genuine variant as may be 11QT לְחֹלִים for MT אֵל חֹלִים, although this difference may also be the result of sloppiness. Spelling מְנַשָּׁה with *sin* rather than *samekh* is simply a linguistic variation.²⁶

In line 12 11QT switches from the third to the first person, as is usual, but in 13 it preserves the third person usage of the biblical text with the substitution of אֱלוֹהֵי אֲבוֹתֵיכֶם for MT אֱלֹהֵיכֶם. This may be a variant but may also be influenced by Exod 3:16.²⁷ In verse 5 the scroll switched the order of some of the clauses and deleted, perhaps by mistake, the reference to observing the commandments.²⁸ The change in word order may have been present already in the author's *Vorlage*, as this reading is in evidence as well in 1QDt^a.²⁹ The omission by the scroll of the second הוּא in verse 6 must be an error since it is required to make sense there.³⁰ In line 16 אֱלוֹהֵיכֶם appears in the scroll for plural, אֱלֹהֵיכֶם, in MT to verse 6. The reading in the scroll of אֲשֶׁר הוּצִיאָכֶם for MT הַמוּצִיא אֶתְכֶם is designed to avoid the ambiguity of the participle which is replaced by the past, again an exegetical variation.

Note also the shift from plural object in MT to singular in 11QT. In these cases of the shift from plural to singular, the scroll agrees with LXX and the Samaritan Pentateuch. In this case, it is probable that the variations were in the author's text of Deuteronomy. These changes seem to be intended to eliminate the awkward shift in MT with הַפְדֶּךָ³¹ to the singular object from the plural. Our scroll, like the LXX and

²⁴ Tov, 106. Tov notes that the Samaritan here agrees with MT.

²⁵ Deut 13:14 appears in 11QT 55:4, which will be taken up below.

²⁶ For other examples see Yadin I, 32 and II, 244 (to 54:12).

²⁷ Yadin II, 244.

²⁸ Tov, 103 sees this as omission as the result of intentional shortening.

²⁹ Tov, 109.

³⁰ Cf. Tov, 103.

³¹ So also 1QDt^a, [וְהַפְדֶּךָ].

the Samaritan, has smoothed this out. But the scroll also shifts here to the first person, creating a more glaring awkwardness. At the end of verse 10 there is another shift from the third person to the first.³²

In this passage, there seems to be evidence of genuine textual variants which, however, are of minor contextual significance. At the same time, several harmonizations and exegetical variations or changes to eliminate ambiguity have been introduced into the text by the author of the *Temple Scroll* or his source. In some of these cases, the LXX and Samaritan Pentateuch shared the same traditions. Yet absolutely no halakhic details have been included. Again, the text of the scroll follows the biblical legislation exactly.

THE ENTICER TO IDOLATRY

11QT 54:19–55:1 includes the law of Deut 13:7–12 regarding one who attempts to entice others to perform idolatrous worship (*mesit u-mediah*). The text and restoration proposed here make use of the recently published fragment from cave 11.³³

And if your brother, the son of your father or the son of your mother, or your son or your daughter, or the wife of your bosom,³⁴ or your neighbor who is like you,³⁵ shall entice you secretly saying, “Let us go and worship other gods,”³⁶ which you have not (previously) known, you [and your fathers, from among the gods of the nations which are around you, whether near you or far away from you, from one end of the earth to the other end of the earth, you shall not agree with him nor shall you listen to him. You (lit.: your eye) shall not have pity on him nor be merciful to him, nor cover up for him. Rather, you must put him to death. Your hand³⁷ shall be first to execute him, and the hand of the entire people

³² Cf. Brin, 211f.

³³ A.S. van der Woude, “Ein Bisher unveröffentlichtes Fragment der Tempelrolle,” *RevQ* 13 (*Mémorial Jean Carmignac*, 1988), 89–92. This fragment was published earlier by J.P.M. van der Ploeg, “Les manuscrits de la grotte XI de Qumran,” *RevQ* 12 (1985), 10. There it was incorrectly identified as a fragment of Deuteronomy. This fragment is described by van der Ploeg, p. 90 as in the same hand as 11QT^b, but somehow he failed to properly identify it. Apparently the fragment of Lev 13:58–59 presented by him on p. 10 should also be ascribed to 11QT^b.

³⁴ Rashi notes that this means the wife with whom you sleep.

³⁵ Targum Pseudo-Jonathan translates: דחביב עלך כנפשך “who is as dear to you as yourself.”

³⁶ From the parallel in 11QT 54:10 it is certain that the author understood the statement of the enticer to end here. Cf. above, pp. 476–477.

³⁷ Here and below in this verse, LXX has the plural, οἱ χεῖρές σου. This reading is most probably the result of an exegetical tendency on the part of the LXX which saw Hebrew יד here as a collective noun.

shall be last. You shall stone him to death with rocks. For he attempted to lead you astray from the Lord your God, Who took you out of the land of Egypt, from the house of bondage. And all Israel shall listen and see and not continue to do (anything) like this evil thing in your midst.]

This text essentially follows Deut 13:7–12 verbatim. **ואם** has replaced MT **כי** as part of the process of linguistic updating.³⁸ The conjunction, “and,” is used here by the scroll because this law, both in Deuteronomy and in the *Temple Scroll*, connects directly to that which precedes it in context.

The spelling of **ישיתכה** with *šin* for MT *samekh* is a linguistic variant (orthographic),³⁹ as is the pausal (lengthened) **ונעבודה** for MT **ונעבדה**. The presence in 11QT of **בן אביכה או**, not found in MT, is in agreement with 4QDt^c,⁴⁰ LXX and the Samaritan Pentateuch,⁴¹ and it seems likely that in Hellenistic times the fuller reading was most widespread. The spelling **ריעיכה** in 11QT must reflect a singular as in MT **רעך**, as a plural would make no sense.⁴² MT singular **ידעת** is here replaced by **ידעתמה**, the plural. This is an attempt to correct the Deuteronomic text to bring about agreement with the plural, **אתה ואבותיכה**, to follow.⁴³

Column 55:01–1 (eight lines) was restored by Yadin according to Deut 13:7 (starting with the last word in the verse)–12. The restoration can now be reevaluated in light of the recently published fragment from 11QT^b (11QT 20).

The fragment is as follows:

your] father or the son of⁴⁴ [your mother
w]ho is like you secre[tly
your fa]thers, from among the gods[
from y]ou, from the ends⁴⁵ of the earth and to[
your] eye upon him nor be merciful t[o him
f]irst to execute him and the hand[
to lead]you astray[

³⁸ See above, n. 22.

³⁹ See above, n. 26.

⁴⁰ Fragments 21 and 22, White, 62f.

⁴¹ Tov, 106; van der Woude, 91. Philo, *Special Laws* I, 316 has simply *αδελφος*, “brother,” with mention of neither parent.

⁴² Cf. Yadin I, 31.

⁴³ Yadin II, 245.

⁴⁴ Van der Woude, 91 is certainly correct that this line is not to be restored **ישית]כה** **אח]יכה**. Yet he does not note that such a restoration is impossible since the partial letter at the end of the first line cannot be a *het* since it slants too far to the right as it descends. This can only be a *waw*. His restoration in line 1 of **אמכה** must be corrected to **אמכה**.

⁴⁵ Van der Woude, 91 notes that **מקצי**, plural, appears here while MT has **מקצה**, singular.

This fragment indicates several things about the text and restoration proposed by Yadin. First, it confirms the reading of 11QT which includes mention of the father in line 19, in agreement with other ancient witnesses, as opposed to MT which contains only reference to the mother. Second, the clear *ayin* in line 5 indicates that the text added **עליו** after **תחמל**, as found in the LXX but not in MT or the Samaritan.⁴⁶ Yadin's restoration of 55:03–04 should most probably be revised in this light. In this connection, we must also consider the possibility that in Yadin's line 06 we should not restore the divine reference in the third person, as in MT, but rather in the first, as is characteristic of this scroll. But such a restoration would result in difficult syntax and the need for extensive change. The text would have had to read: **מעלי אשר אנוכי הוצאתי אותכה**. The author of the Deuteronomic Paraphrase, in such cases, usually leaves the third person intact.⁴⁷ Hence, Yadin's restoration of line 06 is most probably correct.

Here again the *Temple Scroll* follows the Deuteronomic text, diverging only in minor textual variations. No significant halakhic or exegetical activity can be ascribed to the scroll in this passage.

THE IDOLATROUS CITY

11QT 55:2–14, dealing with the city that becomes idolatrous (*ir ha-nidahat*), generally follows Deut 13:13–19:

If you hear regarding on[e of your cities which] I give you [in which] to dwe[ll], the following:⁴⁸ “Some worth[less] peo[p]le among you have gone out and have led astray all the [in]habitants of their city, saying,⁴⁹ ‘Let us go and worship gods’ which you have not known,”⁵⁰ then you must ask, inquire and investigate carefully.⁵¹ If the accusation turns out to be true (and) correct, (that) this abomination has been performed (or: abominable transgression has been committed) among (the people of) Israel, you must

⁴⁶ Van der Woude, 91.

⁴⁷ Brin, 210–12.

⁴⁸ This is the meaning of **לאמור** in this context.

⁴⁹ 1QDt^a preserves Deut 13:13–14 in fragmentary form (DJD 1, 55). No variants with MT except those occasioned by Qumran orthography can be found there.

⁵⁰ See above, pp. 476–77.

⁵¹ **היטב** here modifies all three verbs, not only the first as in Yadin's translation (II, 247, 401).

kill all the inhabitants of that city by the sword, destroying⁵² it and all (the people) that are in it. And all its domesticated animals⁵³ you must kill by the sword.⁵⁴ Then you must gather all the spoil (taken) from it into its town square and burn the city and the spoil (taken) from it with fire as a whole burnt offering to the Lord your God. It shall be an eternal mound never to be rebuilt. None of the property to be destroyed should remain in your possession. (You shall do all this)⁵⁵ in order that I shall be appeased from My anger and show you mercy, and have compassion on you and increase you as I promised to your forefathers, provided that you obey My voice to observe all My commandments which I command you this day so as to do what is right and good before the Lord your God.

The scroll substitutes אַם for MT כִּי as part of its “modernizing” tendency twice, in lines 2 and 13.⁵⁶ Further, the text in general switches to the first person, as usual, however preserving the third person in lines 9–10 and 14.⁵⁷ Interesting is the shift in the meaning of the first person (אֲנוּכִי) from Moses in Deut 13:19 to God in the scroll. This shift in meaning results from the change in context occasioned by the move to first person, direct, divine discourse.⁵⁸

11QT adds כֹּל indicating that all the inhabitants must worship idols for this law to apply (line 3) and again that all the inhabitants be killed (line 6). This is clearly a halakhic modification and in both cases agrees with the LXX.⁵⁹ In line 8 the scroll even adds כֹּל again to say that all animals must be destroyed. But the parallel with LXX proves that these changes can have taken place in the *Vorlage* of the author, and may not be original to him.

In the case of the requirement that all the inhabitants be led astray to idolatrous worship for this law to apply, the view of the scroll

⁵² Taking החרם as an infinitive absolute used in the gerundive sense, rather than as an imperative.

⁵³ I.e. permissible, edible animals.

⁵⁴ 4QDt^c Fragment 24 (White, 66f.) preserves the words ואת בהמתה. As noted by White, the phrase is missing in some Greek manuscripts as a result of homoiographon. Based on this reading, Rofé (p. 64 n. 14) would omit the entire phrase (up to the end of the verse) from the text of Deuteronomy.

⁵⁵ The clause which follows applies not simply to the avoidance of the *herem*, as in Yadin's translation (II, 248, 401), but rather this section (verses 18b–19) applies to the entire procedure outlined in Deut 13:13–19.

⁵⁶ See above, n. 21.

⁵⁷ Cf. Brin, 210f.; J. Maier, *The Temple Scroll, An Introduction, Translation & Commentary* (Sheffield: JSOT Press, 1985), 122.

⁵⁸ Brin, 210f.

⁵⁹ Tov, 106 refers only to the addition in line 3 where he notes that the Samaritan is in agreement with MT.

contrasts with that of the tannaim who require only that the majority of the inhabitants worship idolatrously (*m. Sanh.* 4:1). The scroll may have been influenced here by Gen 18:24–25 in which Abraham asks God how he can take the lives of the righteous along with the sinners.⁶⁰ Ezek 18:1–20 which likewise expects that only those who violate the law will suffer divine punishment may also have been a factor here. In any case, according to the *Temple Scroll* collective responsibility was not possible. Only those who actually worshipped idols could be included in the idolatrous city.

That all the inhabitants are to be killed, also emphasized by the scroll, contrasts with the view of some tannaim that the children of the idolatrous city are to be spared (*t. Sanh.* 14:3). The notion that all the animals are to be killed disagrees with the tannaitic view that certain animals designated as offerings are to be saved (*t. Sanh.* 14:5).⁶¹ It seems that these three additions of כול in the scroll or its *Vorlage* were intended to polemize against specific views which we know from later tannaitic sources.

The omission in 11QT of אחרים from verse 14 is no doubt an error in our text.⁶² In 11QT the order of verbs is שאל, דרש, חקר, whereas in MT it is דרש, חקר, שאל. This is most likely an editorial change designed to place the steps in investigation in the order of intensity, in which “asking” is clearly an earlier stage than detailed investigation. The occurrence of בִּישְׂרָאֵל in 11QT for MT בַּקִּרְבָּן may be simply a contamination or harmonization based on Deut 17:4.⁶³ The same reading is found in some manuscripts of the LXX.⁶⁴ It is certainly not a midrashic variation, as no attempt is made by our scroll to make any analogy between the idolatrous city and the idolatrous individual of Deut 17:2–7, the laws of which will follow immediately in the *Temple Scroll*.

The addition of תכה in line 8⁶⁵ seems intended to increase clarity, but this variation may be a textual variant. The addition of the preposition *le-* to תל seems to be explanatory. Substitution of the root דבר

⁶⁰ Yadin II, 247.

⁶¹ Cf. *Sifre Devarim* 94 (ed. Finkelstein, 156). The *Tosefta* records disagreement as to which kinds of offerings are to be exempted, whereas the *Sifre* includes all offerings.

⁶² *Contra* Tov, 103.

⁶³ Yadin II, 248; see also below, p. 23.

⁶⁴ Tov, 106 (cf. p. 104), who notes that the Samaritan agrees with MT.

⁶⁵ Not noted by Yadin.

for MT **שבע** in the *nif'al* can be a case of synonymous variance⁶⁶ and may be a textual variant in the author's *Vorlage*. 11QT **והטוב**, which is not in MT but which is found in LXX and Samaritan,⁶⁷ seems to be a harmonizing variation influenced by Deut 6:18 and 12:25. It may have appeared already in the author's *Vorlage*. 11QT **לפני** for MT **בעיני** has been explained as a move away from anthropomorphism,⁶⁸ but this does not seem likely in light of 11Q 55:16 where **בעיני** remains. The very same variation exists in 11QT 53:8. In any case this does seem to be an exegetical variation.

While this passage shows the types of variations we have observed above, it also contains changes introduced by the author, or readings adopted by him, to indicate specific Jewish legal rulings which he proposed or accepted. This is what we mean when we refer to halakhic variations. Apparently, the case of the idolatrous city interested the author/redactor of the paraphrase who sought to express his own views on its laws in the scroll.

THE IDOLATROUS INDIVIDUAL

The final passage in the scroll dealing with idolatry is the law of the idolatrous individual from Deut 17:2–7 which is found in 11QT 55:15–56:04:

If there be found in your midst, in one of your gates (i.e. cities) which I give to you, a man or a woman who does what is evil in My sight, (namely) to trespass my covenant, and he (or she) goes and serves other gods and bows down to them, either to the sun, or to the moon, or to any of the host of heaven, and they inform you regarding him (or her), then you shall listen to this charge, and you shall seek out and investigate well. If the accusation turns out to be true (and) correct, (that) this abomination has been performed among (the people of) Israel, then you shall take out that man or that woman and stone them with rocks⁶⁹ [to death. According

⁶⁶ Maier, 122 suggests that it may be an attempt to avoid anthropomorphism. J. Milgrom, "Further Studies in the *Temple Scroll*," *JQR* 71 (1980–81) 100 notes, however, that these usages are synonymous in Deuteronomy itself.

⁶⁷ Tov, 109.

⁶⁸ So Brin, 218–20, followed by Tov, 101. Contrast Yadin II, 238 who suggests that this change was effected to introduce **לפני** because it is more common in sacrificial context.

⁶⁹ The remainder of this law is restored in Yadin II, 250 based on Deut 17:5–7.

to (the testimony of) two witnesses or according to (?)⁷⁰ three witnesses⁷¹ shall the executed be put to death; he may not be put to death according to (the testimony of) one witness. The hand of the witnesses shall be against him first to execute him, and the hand of the rest of the people afterwards. In this way shall you purge the evil from among you.]

This passage is largely a quotation of Deut 17:2–7.⁷² Because of its similarity to Deut 13:13–19 in both subject matter and in actual literary form it has been placed here by the author/redactor of the *Temple Scroll*.

As part of the tendency to linguistic updating observed above, the scroll replaces MT **כי** with **אם**.⁷³ The reference to **ה' אלהיך** in Deut 17:2 is replaced by the first person pronoun **אנוכי** as is usual in the scroll's adaptation of Deuteronomistic material. In the same way Deuteronomy's **בעיני לעבר בריתו ה' אלהיך לעבר בריתו** is changed to **בעיני לעבר בריתי**. 11QT **והלך ועבד** replaces MT **וילך ויעבד** as part of the process of linguistic updating, as does **והשתחוה** for MT **וישתחו**.

The scroll has **או לשמש** where Deuteronomy has **ולשמש**. This seems to be a genuine textual variant as it is in evidence also in some manuscripts of the LXX.⁷⁴ This variant, however, has exegetical and halakhic significance and it may be reflected in the *Temple Scroll* for this reason. One could gather from MT that to violate the law of Deut 17:2–7 one had to worship both other gods and the astral entities. By substituting **או** for the conjunctive **ו** the scroll and the other witnesses to this reading clarified the law and indicated that it referred to one who worshipped either other gods or astral objects.

MT **אשר לא צויתי** does not appear in 11QT. The omission of these apparently unnecessary words can either be a genuine variant in the scroll's Deuteronomistic *Vorlage* or an omission designed to remove ambiguity.⁷⁵ MT **והגידו לכה עליו** has been updated into **והגידו לך**. The same

⁷⁰ Yadin II, 250 includes the second **על פי** in his restoration of line 01 in parentheses, as these words are not found in MT but help to supply a line of sufficient length.

⁷¹ On the problem of the number of witnesses in Qumran legal texts, see L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts Testimony and the Penal Code* (Chico, California: Scholars Press, 1983), 73–88.

⁷² Deut 17:2–7 is partially preserved in a fragment of 4QDt^c Fragments 30 and 32 (White, 80–85). In its preserved sections it is equivalent to MT.

⁷³ Cf. above, n. 21.

⁷⁴ Yadin II, 249; Tov, 106 who notes that the Samaritan is in agreement with MT.

⁷⁵ Yadin II, 249 suggests that these words “weaken the command and lend themselves to divergent interpretations.” Yet his reference to *Sifre Devarim* 148 (ed. Finkelstein, 203) does not seem relevant. Rashi and Ibn Ezra understand this phrase to refer to worship which God had not commanded. Apparently they also saw the need to stress

reading is found in the Samaritan.⁷⁶ 11QT has added **את הדבר הזה** after **ושמעתי**. While this change is no doubt influenced by verse 5, **את הדבר הרע הזה**, it seems to be an exegetical change as well, not just a textual harmonization. The text of 11QT wants to clarify that after hearing this charge, then you shall conduct the investigation, so that the hearing is to be separate and is to precede the investigation. This seems to be an attempt to eliminate ambiguity.

The addition of **וחקרתה**, clearly based on Deut 13:15,⁷⁷ represents harmonization with the law of the idolatrous city (Deut 13:13–19, in 11QT 55:2–14 treated above) which is of similar literary character and content.⁷⁸ Most of the remainder of this sentence (**והנה... הזואת**) is common to Deut 17:4 and 13:15. While 11QT 55:20 follows Deut 17:4 in concluding with **וישראל**, 11QT 55:6, based on the idolatrous city, instead of concluding with **בקרובך** as in MT to Deut 13:15, reads **וישראל**, clearly under the influence of our passage in Deuteronomy and in the *Temple Scroll*.⁷⁹ In the parallel to Deut 17:5 the scroll does not have the text **אשר עשו... האשה**, probably the result of homoeoteleuton in the scroll's Deuteronomic *Vorlage* or an error in the scroll itself. Indeed, various LXX manuscripts omit either all or part of this section.⁸⁰

Here again, we have only minor modifications of the Deuteronomic material. The scroll makes no original contribution here at all.

CONCLUSION

In approaching the prohibition of idolatrous practices, the first passage studied here, Y. Yadin suggested that the scroll's formulation constituted "a rebuke of Hellenizers in the Hasmonean period and of Temple practices."⁸¹ Yet the formulation of this entire law is based on Scripture. When we investigate the laws pertaining to idolatry in the *Temple*

that it was not the astral entities that God had not commanded, as it was He Who had created them; it was the worship of them as gods.

⁷⁶ Tov, 106.

⁷⁷ Yadin II, 249; Tov, 104.

⁷⁸ This addition is not found in 4QDt^c Fragments 30 and 32 to Deut 17:4 (White, 80).

⁷⁹ See above, pp. 480–81.

⁸⁰ See Yadin, II, 249, where, however, the reference to "several manuscripts of the Vatican Codex" is confused, and Tov, 109 who notes that **אשר... שעריך** is omitted in LXX and Samaritan. Some LXX manuscripts omit only **את האיש או את האשה**.

⁸¹ Yadin II, 230.

Scroll in detail, curiously, the only area in which the author/redactor made specific contributions of halakhic character is in regard to the idolatrous city. Here, his rulings tended to minimize the possibility of the enforcement of this law, since the requirement as he saw it was for every last citizen to turn to idolatry. This approach should be compared with the view of some tannaim that this law was never intended to be enforced (*t. Sanh.* 14:1).⁸² It may be that here the author was polemizing against the destruction of cities by the Hasmoneans in their effort to extirpate paganism from the Land of Israel. However, the author of the *Temple Scroll* adopted a stricter view as he required the execution of even children and sacrificial animals.

With this exception, the author seems to have had little need to add to the Torah's legislation regarding idolatry. We must conclude that this entire topic is treated in the *Temple Scroll* in a context in which idolatrous practice by Jews was not a substantial problem of the times. Such an analysis fits the Hasmonean period better than that of Yadin's, as the Hasmoneans had extirpated idolatry, both Jewish and non-Jewish, from the Land of Israel. Contrary to Yadin's analysis, emphasis on idolatry in the scroll would have argued against the Hasmonean dating he proposed and which we accept, and would have supported an earlier dating during the years leading up to the Hasmonean revolt, a view which we cannot accept. It was during this period that idolatrous practices were beginning to make inroads among extremely Hellenized Jews who after the Hellenistic reform would attempt to bring such practices into the Jerusalem Temple.

From a literary point of view, the examination of these passages, like others we have studied in the Deuteronomic Paraphrase, shows that the author/redactor of the *Temple Scroll* worked from Pentateuchal texts quite similar to the Masoretic text, but which exhibited variants like those known to us from the Qumran manuscripts of the Bible. He based himself on what we may call the canonical Torah, which he rewrote and reredacted so that it would carry his message of sanctity and holiness for the Hasmonean period in which he lived.

⁸² Although this view is presented anonymously in the Tosefta, from the continuation it is apparent that other tannaim did not agree. The Tosefta states that the purpose of this law was "*derosh we-qabbel sakhar*, study (it) and receive a reward (for the study of the Torah)." This must mean that the law was intended as a deterrent.

CHAPTER TWENTY-NINE

THE KING, HIS GUARD, AND THE ROYAL COUNCIL IN THE *TEMPLE SCROLL*

The publication of the *Temple Scroll* by the late Professor Yigael Yadin¹ was expected to resolve many of the longstanding issues pertaining to the Dead Sea corpus as a whole and its place in the history of Judaism in the Second Commonwealth period. Despite the truly momentous nature of this discovery, the results have been very different. The scroll has opened up a host of new questions which scholars in the field are just now beginning to address.² Whereas it was believed by Yadin that this new scroll was authored by the sectarians of Qumran (whom he identifies as the Essenes of Philo and Josephus) and that it echoed their beliefs and teachings, it is now increasingly recognized that the scroll was authored by either a predecessor of the Qumran sect or by a related group.³ It is now clear that the final version of this document was redacted and that the redactor had before him earlier (or at least preexistent) materials.⁴ For these reasons, issues of dating and provenance have become extremely important in the study of this scroll.

The scroll consists of two types of material. Much of it is simply rewritten, or reedited, Pentateuch. These materials reflect the exegesis of the author(s) and his views on matters of sacrificial and cultic law, as well as various other ancillary topics. Other sections include newly composed text which is not biblical. These passages offer the best opportunity for dating and for the identification of the author or authors

¹ *Megillat Ha-Miqdash*, 3 vols. (Jerusalem: Israel Exploration Society, 1977); *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983). All references in this article are to the 1983 English edition. All translations appearing here are mine. For complete philological notes to all passages quoted, cf. Yadin, *ad loc.*

² Cf. L. Schiffman, "The *Temple Scroll* by Yigael Yadin," *BA* 48 (1985) 122–26.

³ B. Levine, "The *Temple Scroll*: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978) 5–23; J. Milgrom, "'Sabbath' and 'Temple City' in the *Temple Scroll*," *BASOR* 232 (1978) 25–7; Y. Yadin, "Is the *Temple Scroll* a Sectarian Document?" *Humanizing America's Iconic Book*, Society of Biblical Literature Centennial Addresses (Chico, Calif.: Scholars Press, 1980), 153–69; L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, Calif.: Scholars Press, 1983), 13–17.

⁴ See A.M. Wilson, L. Wills, "Literary Sources in the *Temple Scroll*," *HTR* 75 (1982) 275–88.

(or redactors) since here the spirit of the text is given free rein. Such original passages are always integrated within a framework of rewritten Torah. The most prominent example of such a section, including both rewritten Torah and original composition, in fact the most extensive example of original composition in the entire scroll, is the section now termed the Law of the King (11Q^T 56:12–60:21).⁵

This study will examine in detail the various regulations regarding the king, his bodyguard, and his council in the *Temple Scroll*. Any information which will help to date the scroll, or at least to date the section being analyzed, will be considered. The laws of war dealt with here will be skipped over as they have been discussed in another paper, in which they are compared to parallels from the Deuteronomic collection at the end of the scroll.⁶

Literary analysis has shown that the Law of the King should be regarded as a separate unit within the text. The Law of the King was available to the final author/redactor of the *Temple Scroll* who incorporated it into his work, as he incorporated other collections as well.⁷ The scroll begins with the command to build a sanctuary in Exod 34–35 and then works through the end of Exodus, Leviticus and Numbers extracting the materials related to the sanctuary and the sacrificial system. The author gathers all the details regarding a specific topic around the first occurrence of the subject. In this way he reedits and redacts the Pentateuchal legislation, often making use as well of material from the Prophets and the Writings. When he reaches the conclusion of the laws of purity and impurity discussed in Leviticus and Numbers, he turns to various topics in Deuteronomy.⁸ Thus he found himself at Deut 17:14–20, which deals with the laws of monarchy. At this point he inserted a previously existing text, the Law of the King. Afterwards, he presented a Deuteronomic collection which, unlike the rest of the scroll, is not the result of a type of midrashic exegesis, but rather, is simply a quotation or paraphrase of Scripture. This Deuteronomic collection concludes with the discussion of consanguineous marriages

⁵ This section is so central to the scroll that it led M. Weinfeld, “‘Megillat Miqdash’ ‘o ‘Torah La-Melekh,’” *Shenaton* 3 (1978) 214–37 to conclude that the entire scroll was a *parashat ha-melekh*.

⁶ “The Laws of War in the *Temple Scroll*,” *RevQ* 13 (1988) 299–311 (pp. 505–517 in this volume).

⁷ Wilson and Wills, “Literary Sources,” 287–88.

⁸ Cf. L.H. Schiffman, “The *Temple Scroll* in Literary and Philological Perspective,” *Approaches to Ancient Judaism* II, ed. W.S. Green (Chico, Calif.: Scholars Press, 1980), 153.

in Deut 23 which leads to some passages from Leviticus. With this, the scroll comes to an end. It is our view that the Deuteronomic collection was created by the final author/redactor to create the impression that his scroll was a complete Torah, including the legal prescriptions of Exodus, Leviticus, Numbers and Deuteronomy.

The Law of the King represents an expansion and interpretation of Deut 17:14–20. The following topics are treated:

- (1) The commandment to appoint a king (11QT 56:12–14),
- (2) the requirement that the king be Jewish (11QT 56:15–16),
- (3) the limitations on the king's power (11QT 56:15–19),
- (4) the commandment for the king to write a Torah (11QT 56:20–57:1),
- (5) the king's obligation to muster an army (11QT 57:1–5),
- (6) the king's guard (11QT 57:5–11),
- (7) the king's council (11QT 57:11–15),
- (8) laws pertaining to the marriage of the king (11QT 57:15–19),
- (9) prohibitions on corruption of the king (11QT 57:19–21),
- (10) the law of defensive warfare (11QT 58:3–11),
- (11) the division of spoils (11QT 58:11–15),
- (12) the law of offensive warfare (11QT 58:15–21),
- (13) the curse and the blessing (11QT 59:2–21).⁹

This study will take up most of these sections, omitting only 5, 6, 10, 11 and 12 which are discussed in our study of the laws of war in the *Temple Scroll*. After investigating the provisions of our text, we will discuss the relevance of this passage to the dating and provenance of the scroll.¹⁰

THE COMMANDMENT TO APPOINT A KING

11QT 56:12–14 sets forth the obligation to establish a monarchy:

When you enter the land which I am giving you, and you take possession of it and dwell in it, and you say, "I will set a king over me like all the nations who are around me," you shall (Yadin: "may") set as king over you the one whom I choose.

⁹ Cf. the list in Yadin I, 346 which is somewhat different from ours.

¹⁰ D. Mendels, "Huqqat Ha-Melekh Bi-Megillat Ha-Miqdash We-Ha-Masa' Ha-Ra'ayoni shel Ha-Simposiyonim Be-'Iggeret Aristeeas Le-Philocrates," *Shenaton* 3 (1978) 245–52 sees Aristeeas § 182–300 as representing a Hellenized version of the same ideas found in the *Temple Scroll*. We, however, see this similarity as the result of the influence of the Scriptural material which served as the basis of the two documents.

This passage is virtually identical to Deut 17:14–15, except that, as is his general technique, the author or redactor has replaced the third person “which the Lord your God is giving you” with the first person. This is intended to emphasize that this rewritten Torah, the *Temple Scroll*, is the direct revelation of God, which has not been delivered through any intermediary.¹¹

Significantly, the author of the Law of the King considers it an obligation for the Jewish people to be ruled by a monarch. Lest this contention be challenged on the assumption that the biblical text which he reproduces is itself vague on whether the appointment of a king is an option or a requirement, we should note that the Law of the King is in its entirety a statement of law. Indeed the entire *Temple Scroll* is an attempt to construct an ideal society which is intended to replace the present order in the period in which the scroll was redacted. It is not a Messianic document, but rather, a revisionist text.¹² This scroll contains nothing but obligations, from beginning to end. The monarchy is required.

The requirement that a king be appointed is most likely a critique of the early Hasmonean rulers who, while serving as high priests, arrogated to themselves the temporal powers of the king.¹³ Our author, in discussing the laws of offensive warfare (11QT 58:15–21) certainly emphasized that the duties of these offices are to remain separate. The king may not undertake offensive war without the authorization of the high priest who himself must consult the oracle of the Urim and Thummim. Our passage requires a king, and he is to be distinct from the high priest.

The narrative in 1 Sam 8 certainly gives the impression that the establishment of a monarchy was considered to be a concession to the weakness of the people (verses 7–8), and Deuteronomy is itself ambiguous. Josephus (*Ant.* IV, 8. 17 [§ 224] takes it as optional, declaring that aristocracy is the best form of polity. Philo (*Special Laws* IV, § 157) seems to assume that kingship is prescribed by the Torah.¹⁴ Tannaitic literature attests to controversy over whether or not the appointment

¹¹ Cf. Yadin, I, 71–73.

¹² Contrast B.Z. Wacholder, *The Dawn of Qumran, The Sectarian Torah and the Teacher of Righteousness* (Cincinnati: Hebrew Union College, 1983), 21–32.

¹³ The opposite complaint is put forward by Josephus and the tannaim. See below, n. 41.

¹⁴ Cf. H.A. Wolfson, *Philo, Foundations of Religious Philosophy in Judaism, Christianity and Islam* (Cambridge: Harvard University Press, 1947) II, 329.

of a king was a commandment.¹⁵ From the *baraitot* in *b. Sanh.* 20b it appears that the majority view was that there is a commandment to establish a monarchy. The author of the Law of the King takes this same view.¹⁶

THE REQUIREMENT THAT THE KING BE JEWISH

11QT 56:14–15 specifies that the king must be of Jewish descent:

You must set one of your (own) brethren over you as king. You may not set a foreigner over you, one who is not your brother.

This law is an almost verbatim quotation of Deut 17:15. The only change is that Masoretic **לא תוכל לתת**, literally, “you are not able to set,” has been replaced with **לוא תתן**, “you may not,” or “you must not set.” Yadin’s suggestion that this change is to accentuate the Masoretic text¹⁷ is far from the mark. The real purpose of the change is to eliminate the possibility of interpreting the establishment of a monarchy as optional. The requirements are to be presented as absolute.

The Jewish status of the king was taken as required by all interpreters in view of its explicitness in the text of Deuteronomy.¹⁸ The Jewishness of kings became an issue only with Herod, whose mother was not Jewish but whose father was. Josephus’ report regarding Herod (*Ant.* XIV, 15 2 [§ 399–405]) certainly shows evidence of a definition of Jewish status based on the mother’s descent, and we have shown elsewhere that this same conception is found already in Ezra 9:2, 10:2 and 10 (cf. Neh 13:23). At the same time, there is nothing in the *Temple Scroll* to indicate how Jewishness was determined.¹⁹

¹⁵ *Sifre Devarim* 156 (ed. Finkelstein, 208), *t. Sanh.* 4:5; cf. the parallels and discussion in L. Ginzberg, *Legends of the Jews* (Philadelphia: Jewish Publication Society, 1968) VI, 230f. n. 47 and Ibn Ezra and Nahmanides to Deut 17:14–15.

¹⁶ Cf. G. Blidstein, “The Monarchic Imperative in Rabbinic Perspective,” *AJSR* 7–8 (1982–1983) 15–39 and his *Eqronot Medinyyim Be-Mishnat Ha-Rambam* (Ramat Gan: Bar-Ilan, 1983), 19–31.

¹⁷ *Temple Scroll*, II, 253.

¹⁸ Cf. Josephus, *Ant.* IV, 8, 17 (§ 223) and Philo, *Special Laws* IV, § 158 whose interpretation follows the LXX (so F.H. Colson, *Philo* VIII [Cambridge: Harvard University Press, 1939], 106 n. b).

¹⁹ Cf. L.H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish Christian Schism* (Hoboken: Ktav, 1985), 12–17.

THE LIMITATIONS ON THE KING'S POWER

Following Scripture, the scroll continues with a series of prescriptions which circumscribe the powers of the monarch (11QT 56:15–19):

But he may not keep for himself many horses nor may he send the people back to Egypt for war in order to accumulate for himself horses, silver and gold. For I have said to you, “You may never go back that way again.” Nor may he have many wives, lest they turn his heart from following Me; nor may he accumulate for himself silver and gold to excess.

This, of course, is an adaptation of Deut 17:16–17. Here, however, the changes are considerable. The author has adapted the text so that God speaks in the first person, a phenomenon already seen above. The use of the singular סוס, “horse,” for MT סוסים is intended to harmonize with the use of the singular below. Since the author is providing a series of restrictions addressed to the king, he replaces לכם with לכה (in Qumran orthography), and תספון with תוסיף.

The author of this section has added the word למלחמה, “for war,” to Deuteronomy’s restriction on sending the people back to Egypt. This addition is intended to eliminate the ambiguity of the verse. The author sees the prohibition as covering only military action, whereas, we may presume, commercial activity such as that of Solomon, is to be considered permissible in his opinion. This view contrasts sharply with an explanatory gloss added to a *baraita*’ in *p. Sanh.* 10:8 (end, 29d) which permits returning to Egypt for trade, business and to conquer the land.²⁰ That our scroll, like the Palestinian Talmud, permits going to Egypt for business is certain. Our author, however, prohibits military action in Egypt. The Deuteronomic text states that the king’s motivation for returning the people to Egypt is the accumulation of horses. In the *Temple Scroll*, wealth in the form of silver and gold are added by analogy with the latter part of the Deuteronomic text. Perhaps some historical event led the author to the conclusion that such action must be explicitly prohibited for it is difficult to find any exegetical basis for this law.

Josephus (*Ant.* XIII, 10. 1 [§ 273]) states that the unrest in Syria “gave Hyrcanus leisure to exploit Judea undisturbed, with the result that he

²⁰ Or to conquer other lands, according to Maimonides, *H. Melakhim* 5:8, but contrast M. Margalioṭ, *Pene Mosheh*, to *p. Sanh.* *ad loc.*

amassed a limitless sum of money.”²¹ His extensive military campaigns outside the boundaries of Judea²² no doubt contributed further wealth to his coffers. While it is true that the Tobiads also profited greatly from their political activity,²³ Hyrcanus’ time would provide a likely setting for the repetition of the Torah’s legislation against the king’s sending his people to war to increase his own wealth.

Finally, whereas the Masoretic text has **ולא יסור לבבו**, the scroll has **ולוא יסירו לבבו**. This change is intended to emphasize that it is his many wives who are expected to lead the king astray from the ways of the Lord. The same interpretation is found in Targum Pseudo-Jonathan, the Peshitta, and in the views of Rabbi Judah (bar Ilai) and Rabbi Simeon (bar Yohai) in *m. Sanh.* 2:4.²⁴

THE WRITING OF THE KING’S TORAH

Following the order of the canonical Book of Deuteronomy, the Law of the King now takes up the requirement that the king write a Torah for himself (11QT 56:20–57:1):

When he sits on his royal throne, they shall write for him this law (Torah), in a book before the [Levitical] priests. [Yadin restores lines 01–06 based on Deut 17:19–20.]²⁵ And this is the law (Torah) [which they shall write for him from before] the priests:

Several important changes have been introduced. The canonical text, **וכתב לו**, “he shall write,” requires the king to actually copy his Torah, whereas our scroll, **וכתבו לו**, “they shall write for him,” expects the copying to be done by others. This represents an exegesis of the text similar to that of the Targum Pseudo-Jonathan which expects that “the elders” (**סביא**) will do the copying. This interpretation appears to be in contrast to *m. Sanh.* 2:4 which assumes that the king himself will write

²¹ Trans. R. Marcus, *Josephus VII* (Cambridge: Harvard University Press, 1933), 365.

²² Cf. E. Schürer, *The History of the Jewish People in the Age of Jesus Christ* (Edinburgh: T. & T. Clark, 1973), 207–10.

²³ Cf. V. Tcherikover, *Hellenistic Civilization and the Jews*, trans. S. Applebaum (Philadelphia: Jewish Publication Society, 1966), 126–42.

²⁴ Yadin, II, 254. The midrashic character of this statement from *m. Sanh.* 2:4 may indicate that the primary locus of this material is the parallel in *Sifre Devarim* 159 (ed. Finkelstein, 210).

²⁵ Yadin’s restoration is problematical in light of the use of Deut 17:19–20 in 11QT 59:14 and 21. The Law of the King does not use Deuteronomic material more than once, since it is essentially an attempt to rewrite the relevant parts of Deuteronomy.

his Torah.²⁶ Philo (*Special Laws* IV, § 160) also expects the king to write the Torah with his own hand.²⁷ Yet the emphasis in *m. Sanh.* 2:4 and *t. Sanh.* 4:7 on *li-shemo*, “for himself,” as explained in the Tosefta to mean that the writing must be for his own sake, certainly indicates that the tannaim permitted the scroll to be written by others, provided that it was done on the new king’s behalf. It appears then that tannaitic sources are in complete agreement with our scroll on this question.²⁸

A second change raises the issue of what is to be written. Deut 17:18 mentions **משנה התורה הזאת**. The *Temple Scroll*, however, refers to **התורה הזאת**. Furthermore, in the transitional sentence between the sections of Pentateuchal legislation discussed so far and the original compositions of the author of the Law of the King, what follows is introduced with **וזאת התורה** (11QT 57:1). Indeed, the view of the author of the Law of the King is that the ruler is required to write the Law of the King as it appears in the scroll, not the book of Deuteronomy as expected by the Septuagint and Philo,²⁹ and certainly not the entire Pentateuch as required in tannaitic tradition.³⁰ The suggestion that the entire *Temple Scroll* is to be written by the king³¹ cannot be accepted in light of the explicit statement of the text to the contrary.³²

Our scroll next turns to the king’s obligation to muster an army (11QT 57:1–5). We have treated this law in our study of “The Laws of War in the *Temple Scroll*,” and will therefore omit it from consideration here.³³

²⁶ Cf. Yadin, II, 254.

²⁷ Note that in the *Temple Scroll* the king only writes one Torah, not two as in *t. Sanh.* 4:7.

²⁸ Cf. Josephus, *Ant.* IV, 8. 17 (§ 223–224) who takes this commandment figuratively.

²⁹ *Special Laws* IV, § 160. Cf. C. Albeck, *Shishah Sidre Mishnah, Neziqin* (Jerusalem: Mosad Bialik, Tel Aviv: Dvir, 1959), 443.

³⁰ *m. Sanh.* 2:4; *t. Sanh.* 4:7; *Sifre Devarim* 160 (ed. Finkelstein, 211).

³¹ Wacholder, *The Dawn of Qumran*, 19–21.

³² Yadin, I, 345 maintains that Targum Pseudo-Jonathan agrees with our scroll. He understands its paraphrase, **הדה אורייתא** as “this section of the Torah.” This reading, however, is very problematical. Aramaic requires **פרשת**, feminine, which would be modified by **הדה**. Further, we would expect the preposition **-ד** before **אורייתא**. The reading of MS. London (ed. Ginsburger) **פרשגן אורייתא הדה** (cf. Onkelos) is therefore to be preferred. It would mean, “the repetition of this Torah.”

³³ Pp. 506–08 in this volume.

THE ROYAL GUARD

11QT 57:5–11 deals with the organization and duties of the royal guard:

He (the king) shall choose for himself from them (those he has mustered) one thousand from each tribe to be with him, twelve thousand warriors, who will not leave him alone, lest he be captured by the nations (or “the non-Jews”). And all those selected whom he shall chose shall be trustworthy men, who fear God, who spurn unjust gain, and mighty men of war. They shall be with him always, day and night, so that they will guard him from any sinful thing, and from a foreign nation, lest he be captured by them.

The king is required to select twelve thousand men, one thousand from each tribe, to serve as a palace guard. They must never leave him, lest he be captured by foreign enemies, or fall into transgression. The members of the guard are to be honest, God-fearing men, of the highest military prowess.³⁴

The scriptural sources which served as the basis of this legislation are not difficult to discern. The number 12,000 appears in Num 31:3–4 which described the army sent to war against the Midianites. Indeed, this same account served our author as the source for the laws of the division of the spoils of war in 11QT 58:11–15. It is impossible to know why the author of the Law of the King chose this biblical model for his royal guard. Perhaps he saw it as representing the elite of Israel’s armed men. Furthermore, Solomon had 12,000 horsemen (1 Kings 5:6, 10:26).³⁵ The description of the men to be chosen is based on Exod 18:21 which describes the officers appointed by Moses at Jethro’s suggestion to relieve him of the task of dispensing justice to the entire nation.³⁶ The mention of officers of thousands and hundreds in both the Exodus and Numbers passages may have influenced the author to combine them in his text.

This guard and the council described immediately afterwards (11QT 57:11–15) constitute the major governmental reforms called for by the author of the Law of the King. These represent not original ideas,

³⁴ Cf. Y. Thorion, “Zur Bedeutung von *Gibbore Hayil La-Milhamah* in 11QT LVII, 9,” *RevQ* 10 (1981) 597–98 and M. Weinfeld, “The Royal Guard according to the *Temple Scroll*,” *RB* 87 (1980) 395 n. 6, who explain that the addition of *למלחמה* to the biblical phrase was to eliminate ambiguity.

³⁵ Weinfeld, “Royal Guard,” 394 n. 3.

³⁶ Yadin, I, p. 348.

but rather demands that the long existing royal guard and *gerousia* be reformed in their structure, composition and functions. In the case of the military guard, the men are to be representatives of the people of Israel, men of the highest possible standards. This is certainly aimed at a revision of the Hasmonean approach, followed from the time of John Hyrcanus on, of employing foreign mercenaries.³⁷ The author demands Jews who are not only more trustworthy in his view, but who will keep the king from transgressing. Apparently, the author regarded the Hasmonean rulers as absorbing too much of the foreign influence of their mercenaries.

The purpose of the guard was to prevent the capture of the king. The elaborate arrangements for the royal guard presented in the Law of the King can only be understood against the background of the last days of Jonathan the Hasmonean. Jonathan had successfully maneuvered himself politically among the various Seleucid pretenders until at last he allied himself with Trypho. The latter feared his ally and therefore hatched a plot to capture him. Keeping only three thousand men with him, Jonathan was induced to travel with Trypho to Ptolemais (Acre), where he was seized and his guards killed. Simon attempted to pay his brother's ransom, but Trypho murdered him nonetheless (1 Macc 12:39–13:24, cf. *Ant.* XIII, 6. 1–6 [§ 187–212]).

An interesting parallel has been noted between the description of the royal guard in the *Temple Scroll* and that of the Egyptian king as portrayed in the writings of Diodorus Siculus (I, 70, first century B.C.E.) who claims to derive his information from Hecataeus of Abdera (fourth century B.C.E.). Diodorus tells us that the conduct of the king was regulated by laws, and that sacred writings were to be recited before him, so that he would contemplate “excellent general principles.” The royal guards had to be free men, descendants of the priests, over twenty, and educated. By attending the monarch day and night, they would prevent him from following “low practices”.³⁸ Clearly, the author of the Law of the King was not alone in his belief that ensuring the righteous behavior of the king was among the duties of his guard.

The author of the Law of the King recognizes and accepts the need for a royal guard. On the other hand, he radically alters the exist-

³⁷ *Ant.* XIII, 8. 4 (§ 249); XIII, 13. 5 (§ 374); XIII, 14. 1 (§ 377). Cf. Yadin, I, 348f., 389. Note the use of mercenaries by Joseph the Tobiad (*Ant.* XII, 4. 5 [§ 180]) although he was never the official ruler of the nation.

³⁸ Weinfeld, “Royal Guard,” 395f.

ing system. He must have realized that foreign mercenaries are often considered more reliable than natives by oppressive rulers. His demand implies rule by a king who can trust his subjects to defend him, a king who reflects the life of Torah which the scroll as a whole demands for the Jewish people.

THE KING'S COUNCIL

11QT 57:11–15 describes the royal council, the second of the author's major innovations in regard to government:

Twelve princes of his (the king's) people (shall be) with him, as well as twelve of the priests and twelve of the Levites, so that they will sit together with him for judgment and for (reaching decisions about) the law (Torah). He may not act haughtily to them, nor do anything regarding any decision apart from them.

Our text requires that at all times the king be accompanied by a council of twelve princes, twelve priests and twelve Levites. This evenly divided *gerousia* of thirty-six must be available for consultation by the king at any time, especially regarding matters of justice and rulings of law. He is forbidden to act on any matter without consulting them.

The composition of this council, including as it does priests, Levites and Israelites, should not surprise us in light of the various institutions of similar composition attested in the Qumran sectarian corpus, as well as the tannaitic requirement that an attempt be made to include priests and Levites in the courts.³⁹ This apparently, was a unanimous view in early Jewish sources, although the application of this principle differs in the various texts. Further, the number twelve also figures prominently in sectarian literature.⁴⁰

The text speaks of twelve princes, clearly representing the twelve tribes of Israel (cf. Num 1:44, etc.). The system of twelve tribes functions prominently in the *Temple Scroll*, and it can certainly be assumed that the redactor, at least, intended us to understand the twelve princes as representatives of the tribes. In the ideal world of the author/redactor, the ancient Israelite tribal organization would function, and this division would be represented in the architectural plan of the ideal

³⁹ All surveyed in Yadin, I, 349–51; Schiffman, *Sectarian Law*, 26–28.

⁴⁰ Cf. J.M. Baumgarten, *Studies in Qumran Law* (Leiden: E.J. Brill, 1977), 145–71. On the number thirty-six see E.E. Urbach, *Hazal* (Jerusalem: Magnes Press, 1971), 432–4.

Temple 11QT 39:12–13, 40:13–41:11). Again, our author calls for the institution of this approach in his own day, not in some far off, Messianic era. While the author is clearly aware of the ambiguity of the case of Joseph, often divided in the Pentateuch into Ephraim and Menasseh, he usually regards Levi as one of the twelve and Ephraim and Menasseh as one (11QT 39:12, 40:14, 41:05). The Law of the King must differ, however, since it is hard to imagine that the descendants of Levi would receive twelve priestly and twelve Levitical seats on the council, and then that one of the representatives of the Israelites would be a Levite.

What is of especial significance is that our author calls for this evenly divided council which must approve all the king's decisions. Such a body existed in pre-and post-Maccabean times in Judea. It must have been modeled on the ancient biblical council of elders (*zeqenim*), although such representative bodies were found throughout the ancient world. The letter to the Jews from Antiochus III specifically mentions the *gerousia* as representing the people (*Ant.* XX, 3. 3 [§ 138]). Its members appear together with the priests and scribes (§ 142). In the time of Antiochus IV such a body also functioned (2 Macc 11:27), and a *gerousia* is associated as well with Judah in the letter to the Jews of Egypt (2 Macc 1:10). In a letter to the Spartans, Jonathan appears with the *gerousia*, the priests and the rest of the Jews (1 Macc 12:6 = *Ant.* XIII, 5. 8 [§ 166]). It is most likely that 1 Maccabees, like Judith, which refers to a *gerousia* several times (4:8, 11:14, 15:8), was originally written in Hebrew. In that case, the terminology would be attributable to the translator's impressions of the historical context and not necessarily to the actual reality.⁴¹ Josephus (*Ant.* IV, 8. 17 [§ 224]), in recapitulating the law of Deuteronomy, requires that the king have the consent of the high priest and the *gerousia* for all decisions. Philo (*Special Laws* IV, § 174–175) says that the king should listen to the advice of his counselors, but no further specifics are provided.

We can assume that the composition of the *gerousia* varied according to the preferences of the king and the political alignment of the various parties (known usually as sects) of Second Temple Judaism. Our author calls for a fixed representation giving equal weight to the three “estates” of the Jewish community. On the other hand, by giving priestly and Levitical representatives a clear majority of two-thirds,

⁴¹ Cf. Schürer, II, 203–31 and I. Gafni, “Gerusia,” *Ej* 7, 522–23.

the Law of the King insures the prominence given to cultic matters about which the author/redactor of the complete *Temple Scroll* was so concerned. The scroll guarantees that the king will function according to the law as the author sees it. Effectively, the king is to be controlled by the religious leaders of the people, identified by the author as the priests and the Levites.

The context is again the Hasmonean period. At least for the period of John Hyrcanus it is known that he was supported by a coalition of Pharisees and Sadducees. This coalition must have been reflected in the *gerousia*. The difficulties of this arrangement are documented in the famous banquet account known from Josephus (*Ant.* XIII, 10. 5 [§ 288–296] and tannaitic literature (*b. Qidd.* 66a, referring to *Yannai ha-melekh*).⁴² Our author demands the replacement of the coalition of parties with an evenly mandated representation which gives the majority to the advocates of what he regards as sanctity, purity and holiness. Under the guidance of these leaders, the king would rule the nation in accord with the Torah as presented in the *Temple Scroll*.

The laws pertaining to the king's marriage, prescribing that he must marry a Jewish woman (perhaps from his own clan), that he may only have one wife, and that he may only remarry if his wife dies, are taken up in 11QT 57:15–19. Because of the complex relationship of these laws to those of the *Zadokite Fragments*, they will have to await a separate study of the marriage laws of the *Temple Scroll*.

THE PROHIBITION OF CORRUPTION

The final law to be treated here is the requirement that the king refrain from unjust practices (11QT 57:19–21):

He (the king) may not pervert justice, nor may he take a bribe to pervert a righteous (correct?) judgment. He may not covet a field or a vineyard, nor any wealth or house, nor any object of delight in Israel and rob....

Two forms of corruption are singled out here. The king may not engage in the perversion of the system of justice, especially in the taking of bribes. Further, he may not use his powers to confiscate or otherwise take possession of the property of his subjects, whether monetary or real.

⁴² Cf. Schürer, I, 212–14.

The law found here is clearly derived from Deut 16:19,⁴³ which is understood by our text to be directed to the king, rather than to the entire people. The appointment of judges and bailiffs described in verse 18 was likewise understood by the Law of the King to refer to the ruler's obligation to appoint military officers (11QT 57:3–5). Indeed, Deut 16:18–20 serves in 11QT 51:11–18 as the basis for the obligation to establish courts and judge fairly and honestly. An addition to the Pentateuchal text tells us that bribery renders the Temple impure (line 14), and a second addition prescribes the death penalty for anyone who takes a bribe or perverts justice (lines 16–18). The appearance of this biblical passage in two places in the *Temple Scroll* is a further argument for the view that the Law of the King was already composed before being redacted into the scroll. The association of Deut 16:19 with the king was conditioned by 1 Sam 8:3 which relates that “His (Samuel's) sons did not follow in his ways but inclined to unjust gain, took bribes and perverted justice.” It was this situation which led the elders to demand that Samuel appoint a king (verses 4–5). Philo (*Special Laws* IV, § 169) speaks of the “law-abiding ruler” “who is impervious to bribes and gives just judgments justly and ever exercises himself in the laws.”⁴⁴ Philo clearly applied the same passages in Deut 16 to the king as did the *Temple Scroll*.

The second part of this law is somewhat more complex. It is derived from 1 Sam 8:14 and Micah 2:2.⁴⁵ Yet behind it there is certainly an exegesis of the root **חמד**, usually translated as “covet.” The tannaim, in analyzing Exod 20:14, take this root to refer to acquiring an object which the owner does not really want to sell.⁴⁶ Maimonides explains that one who “covets (*homed*) . . . pressures him through many friends and entreats him until he buys it from him.” Such a person has violated, in tannaitic law, the commandment against “coveting,” which represents a forbidden action, not just an emotion.⁴⁷ Our scroll takes this verb in the same sense. It is forbidden for the king to pressure his subjects

⁴³ Yadin II, 259.

⁴⁴ Trans. Colson, 113. Philo also speaks of the honesty of the ruler in *Special Laws* IV, § 183–187, cf. Wolfson, *Philo*, II, 334–37.

⁴⁵ Yadin, II, 259.

⁴⁶ *Mekhilta' De-Rabbi Ishmael* Yitro 8 (ed. Horovitz-Rabin, 234f.), cf. *Mekhilta De-Rabbi Shimon Ben Yoḥai* to Exod 20:14 (ed. Epstein-Melammed, 153).

⁴⁷ *H. Gezeleh We-'Avedah* 1:9; cf. M.M. Kasher, *Torah Shelema* 16 (New York: American Biblical Encyclopedia Society, 1954), 120f. and contrast Ibn Ezra's long commentary to Exod 20:14.

into selling him any of their possessions, regardless of the price. This would be an abuse of the royal power such as that perpetrated by Ahab whose original idea was to pressure Naboth into exchanging or selling his vineyard (1 Kings 21:2, 6). The king's power is again limited, and the rights of his subjects to their ancestral possessions are in this way protected by the Law of the King. (The laws of defensive war, division of spoils, and offensive war follow in the scroll. These are treated by us elsewhere.)⁴⁸

THE CURSE AND THE BLESSING

The Law of the King concludes with an adaptation of the treaty curses of Deut 28. The first section (11QT 59:2–13) deals with the punishments which will befall the people if they transgress, and emphasizes God's willingness to accept their repentance and redeem them.⁴⁹ 11QT 59:13–21 returns to the subject of the monarch:

As for the king whose heart and eye(s) turn aside from my commandments, no one will be found of his to sit on the throne of his fathers (for) all time. For I will cut off his progeny forever from ruling over Israel. But if he follows My statutes, and observes My commandments, and does what is upright and good before Me, no one shall be cut off of his sons from sitting on the throne of the kingdom of Israel forever. I will be with him, and I will save him from the hand of his enemies and from the hand of those who seek to take his life. And I will give over all his enemies before him, so that he may rule over them according to his will, and they will not rule over him. I shall place him above and not below, at the head and not at the tail, so that he may continue (to rule) over his kingdom for many years, he and his sons after him.

The author adapts the admonition of Deut 28 and various related passages which deal with the people of Israel as a whole to the king and his descendents. Our author was led to adapt the *tokhahah* to refer to the king because of the mention of the monarch in verse 36. Indeed, it is possible that the top of column 59 of the *Temple Scroll* originally contained this verse, since line 2 is an expanded version of verse 37.⁵⁰

⁴⁸ Pp. 508–14 in this volume.

⁴⁹ Cf. Y. Thorion, "Tempelrolle LIX, 8–11 und Babli Sanhedrin 98a," *RevQ* 11 (1983) 427–28.

⁵⁰ Yadin (II, 265) would prefer restoring an abridged version of Deut 28:15f.

Our discussion, however, will focus on the passage dealing with the king. This section is much more independent of Scripture and should be considered the composition of the author of the Law of the King. Lines 13–16 are a pastiche of biblical expressions but exhibit no clear derivation. Line 16, however, alludes clearly to the admonition of Lev 26:3. The author has found a mandate for applying this verse to the king in 1 Kings 6:12 which uses similar phraseology in God's words to Solomon.

Our passage tells the king that only his adherence to the Torah will assure the continuance of his royal line. Here we can recognize the view of the author that because the Hasmonean monarchy is not in accord with his Law of the King it will not continue. Philo, we should note, also was of the opinion that the hereditary nature of the Israelite monarchy was dependent on the merit of the king.⁵¹

Interestingly, the *Temple Scroll* makes no reference to either the Davidic descent of the king or his anointment.⁵² Nor does he speak of Judah, in the geographical sense, preferring the designation Israel. This should not surprise us, since such a reference would be anachronistic as these aspects are not mentioned in the Pentateuch. Both the author of the Law of the King and the final author/redactor of the *Temple Scroll* were concerned to avoid explicit anachronism as well as to abstain from direct polemical attacks on those whose views differed.

One faint echo has come through, however. Lines 18–19 mention those who seek to take the king's life. This fits in with the notion which we encountered above in the scroll that the king requires a royal guard. Further, it is in consonance with the experience of the Jews in the early Hasmonean period when Jonathan was captured and murdered.

CONCLUSIONS

The Law of the King, and specifically the prescriptions studied in this paper, represent a rewriting of and supplement to the Torah's legislation concerning the king. The author of this section sees the appointment of a king as mandatory, and he details the requirements for the king's

⁵¹ Wolfson, *Philo*, II, p. 332.

⁵² Cf. Wacholder, *Dawn of Qumran*, 146 and 274 n. 74. Wolfson, *Philo*, II, 333 notes that Philo does not mention Davidic kingship since he portrays the Deuteronomic view.

guard and council, as well as for his conduct. The writing of the Law of the King by the new monarch is also required here.

The specifics of the non-Pentateuchal sections, as well as the need to emphasize the Pentateuchal prescriptions, place our text squarely in the Hasmonean period. It was at this time that our author sought a complete reformation of the existing structure of the Temple and its cult, as well as of the governmental system. He requires, therefore, a separation of the roles of king and high priest, seeing the authority of the religious leader as superior. In the same way he expects the king's council, a reorganized *gerousia*, to give the priests and the Levites the dominant role even in the temporal affairs of the nation. Details of the laws studied here accord well with specific historical developments and events in the early Hasmonean period, and point as well to such dating. The numerous parallels to Greek literature which have been pointed out⁵³ are certainly exaggerated, yet they do suggest a widespread interest in defining the role and functions of the monarch during this period.

The palaeographical study of the earliest fragments of the *Temple Scroll* leads to the conclusion that the scroll dates no later than the period of Alexander Jannaeus (103–76 B.C.E.). It is possible that a still unpublished fragment can be dated somewhat earlier. Yadin dated the text to the period after 150 B.C.E., “in the days of John Hyrcanus or shortly earlier”.⁵⁴ For our purposes the central issue is whether the scroll should be dated to the pre-Maccabean period, as Wacholder maintains,⁵⁵ or, as we have concluded, to the post-Maccabean.

Wacholder's dating of c. 200 B.C.E. ignores the palaeographical studies and is based on the view that various other texts used the *Temple Scroll*, a matter open to dispute. Charlesworth has argued for a somewhat later date for the complete *Temple Scroll*, c. 100 B.C.E., perhaps in the reign of Alexander Jannaeus.⁵⁶ Wacholder's assumption that our scroll reflects a Messianic law cannot be accepted, and therefore, a realistic historical background for the author's thoroughgoing demands for reform must be located. We ought not look for a time in which Temple worship and governmental structure are in accord with the provisions of the *Temple Scroll*. Rather, we must seek a period in which the scroll

⁵³ Weinfeld, “Megillat Miqdash,” 222–31.

⁵⁴ Yadin, I, 390.

⁵⁵ *Dawn of Qumran, SBL 1985* 202–12.

⁵⁶ “The Date of Jubilees and of the *Temple Scroll*,” *SBL 1985 Seminar Papers*, 197–202.

can be seen as a reaction to the events and circumstances of religious and political life in Judea.

Two levels of composition must be accounted for, that of the Law of the King (and the other sources used in the scroll), and that of the complete scroll as we now have it. Since it reflects the historical experiences of the Hasmoneans Jonathan and John Hyrcanus, we must see the composition of the Law of the King as taking place no earlier than the second half of the reign of John Hyrcanus, himself termed king by Josephus (*Ant.* XIII, 8. 4 [§ 249], *Ant.* XIII, 10. 5 [§ 288]).⁵⁷ After all, it is he who is the first of the Hasmoneans to consolidate a stable empire.

Our investigation of the treatment of the King, his royal guard, and his council in the *Temple Scroll* argues for a context in the post-Maccabean era, probably in the latter half of John Hyrcanus' reign, or very early in the reign of Alexander Jannaeus. At that time, the author/redactor, using such sources as the recently composed Law of the King, set out his notion of the ideal Israel. It was to be a nation built on Temple, sacrifice, priesthood, and kingship, a nation whose Torah he rewrote, charting its way of life in the remaining years before the redemption. The end of days he expected would dawn only if his Torah were observed. Then would be fulfilled the words of our author (11QT 59:11–13):

I will save them from the hands of their enemies and deliver them from the hand of those who hate them, and bring them to the land of their fathers, where I will deliver them and multiply them. Then I will take delight in them, and I shall be their God, and they shall be My people.

⁵⁷ Cf. *Ant.* XIII, 11. 1 (§301), referring to Aristobulus.

CHAPTER THIRTY

LAWS OF WAR IN THE *TEMPLE SCROLL*

The ancient Israelite concept of the holy war, so prominent in the period of the desert wandering and the conquest of Canaan, has its counterpart in the legislation of the Book of Deuteronomy. It is not surprising, therefore, that the author of the *Temple Scroll* would have addressed this subject in his rewritten Torah. Indeed, the prominence of this area in biblical law required the tannaim as well to explore this realm in their academies. The Dead Sea sectarians devoted the *Scroll of the War of the Sons of Light against the Sons of Darkness* to the war they expected to usher in the End of Days. This study will treat the laws of war as they appear in the *Temple Scroll* and compare them with other texts from the Qumran caves, and to tannaitic legislation. These analyses should be seen as a part of a larger study of this scroll which seeks to determine its relationship to the corpus of sectarian literature from the caves of Qumran. It is especially fitting that we dedicate this study to the memory of Jean Carmignac whose contributions to the understanding of the Qumran *War Scroll* were so significant.

At the outset it should be stated that the materials pertaining to the laws of war appear in two places in the *Temple Scroll*. 11QT 56:12–59:21 is a literary unit usually termed the Law of the King. Most scholars are convinced that this unit was composed independently of our scroll and then incorporated into it.¹ Within this context several topics are taken up regarding war. 11QT 57:1–5 requires that the people be mustered into military units immediately upon the ascension of a new king. (We deal elsewhere with the laws pertaining to the royal guard in 11QT 57:5–11.)² 11QT 58:3–11 deals with the laws of defensive warfare. 11QT 58:11–15 details the distribution of the spoils of war. 11QT 58:15–21 contains the laws regarding an offensive war.

A totally different context is that of the collection of prescriptions which occupies 11QT 60:16–66:11, and which closely parallels Deut

¹ See L.H. Schiffman, "The King, his Guard, and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987) 237–59 (pp. 487–504 in this volume).

² Schiffman, "King," 247–49.

18–22. Here the author for the most part simply repeats biblical prescriptions with only the most minor changes. He gives the impression that having reached Deuteronomy in his rewriting of Pentateuch and having dealt at length with the matters of Temple and sacrifice so dear to him, our author reproduced these laws to present a completed new Torah. It was not necessary for him to go into detail, therefore. If this view is correct, this section was composed by the final author/redactor of the *Temple Scroll* who compiled this material from the canonical Deuteronomy in the version which he had before him.

This section includes several laws of war. 11QT 61:12–62:5 deals with the role of the priest in publicly pronouncing the exemptions from military service and dismissing those exempted. 11QT 62:5–63:04 discusses the law of the siege, distinguishing the “distant cities” from those of the nations which Israel is commanded to destroy, and, in the restored section (not to be discussed here) probably including the prohibition on the cutting of fruit trees. 11QT 63:10–64:03 took up the question of the captive woman, a subject which will remain beyond the scope of the present inquiry.

The author/redactor of the scroll made no effort at all to bring these sections together as would have been appropriate. He was constructing a Torah, so he was content to take up questions in the order in which the Torah introduced them. But his usual pattern was to bring together all material pertaining to a topic under the heading of the first occurrence of that subject in the Torah. The fact that he does not do so here argues strongly that the Law of the King, composed in the Hellenistic period, was already in existence and was incorporated in toto, while the Deuteronomic section was compiled by our author. It is no wonder, then, that the materials in the Law of the King address the historical conditions of Hellenistic times, while those of the Deuteronomic section address issues raised in the biblical period.

I. THE MUSTERING OF THE PEOPLE

11QT 57:1–5 provides for the mustering of the people:³

On the day on which they make h[im] king they shall take a census] of the children of Israel, from twenty years old up to sixty years old,

³ Restorations are those of Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983), vol. I, unless otherwise noted. All translations are mine.

according to their battalions. And he (the king) shall set over them commanders of thousands, commanders of hundreds, commanders of fifties, and commanders of tens, in all their cities.

The king, immediately after his accession, is to take a census of his people and muster them into units, appointing commanders. These units are to be deployed in all the cities. From the text it is not possible to determine who is to take the census. Yadin, basing himself on Num 1:3 in which Moses and Aaron perform this function, assumes that the priests are to do so.⁴ It may be that the author saw Moses as a “king.” If so, the king and the priests might have been expected to undertake this task together. Milgrom is probably correct that this census did not take place literally “on the day” when they king was crowned, but rather “as soon as he is crowned.”⁵

Those to be mustered are between twenty and sixty years old. The ages of twenty and sixty appear together only in Lev 27:3 which indicates the age of a full-valued man. Exceedingly curious is Yadin’s comment⁶ that these ages are in accord with the *War Scroll* and the *Ṣadokite Fragments*. While 1QM 7:1–2 does fix the maximum age of service in the military as sixty, and this is the maximum age for judges in CD 10:6–7 and for the priestly *paqid* in CD 14:6–7, the sources Yadin cites give entirely different minimum ages. The age of the judges in CD 10:6–7 is twenty-five, and the priestly *paqid* must be at least thirty. Most telling is the minimum age for military service which is fixed in 1QM 6:13–7:3 and 1QSa 1:12–13 at twenty-five. In reality, the *Temple Scroll* is here following the biblical age for military service, and is at variance with the sectarian corpus.

We have argued elsewhere that the sect took the minimum age of twenty-five for Levitical service (Num 8:24) and applied it to military service in order to elevate its members to the level of Levitical sanctity and to ensure the holiness of their courts and military camps. In view of the fact that Num 8:25 allows subsidiary Levitical service beyond fifty, the sect reasoned that Lev 27:3 provided the upper limit of age sixty for such service. Twenty for the sect was used as the minimum age for witnesses (CD 9:23–10:3: לעבור על הפקודים) and for membership in the sect (CD 15:5f.). At twenty, one was obligated for the one-time gift

⁴ Yadin, I, 347.

⁵ J. Milgrom, “Further Studies in the *Temple Scroll*,” *JQR* 71 (1980) 100.

⁶ Yadin, I, 347; II, 255.

(in the sectarian view) of the half-sheqel (*4QOrdinances* 2:6–9).⁷ In any case, the *Temple Scroll* and the sectarian scrolls are in disagreement on the age of military conscription. The mustering is to be conducted by the king. Although the scribe first wrote **וּפְקְדוּ**, “and they (the priests) shall appoint,” he corrected the text by erasure to read **וּפְקֵד** “and he (the king) shall appoint.” The correct reading indicates that the king appointed all these officers. The error resulted from the influence of the restored plural verb at the end of line 1. Further, the king plays this role in the Law of the King of 1 Sam 8:12 and in the narrative of 2 Sam 18:1.⁸ It must be remembered that Deut 20:9 assigns this role to the **שְׂטָרִים**. The paraphrase of this law in 11QT 62:4–5 assigns this responsibility to the **שׁוֹפְטִים**. Here we have a contradiction between the two corpora of laws of war in our scroll, that of the Law of the King and that of the Deuteronomic collection. This contradiction was glossed over by the final author/redactor as of limited significance, but is one of many reasons to believe that these sections of the text are of disparate origin.

The list of military units requires comment. Various biblical sources, such as the Samuel passages just alluded to, refer to some of these units. The exact division into thousands, hundreds, fifties, and tens is found in Exod 18:21 and Deut 1:15 (cf. 1 Macc 3:55). The very same divisions are reflected in the sectarian corpus (1QS 2:21–23, 1QSa 1:15–16, 1:29–2:1, 1QM 4:1–5, CD 13:1–2). This commonality between the scroll and the sectarian corpus and even Maccabees reflects the tendency for all these texts to idealize and to recreate the perfection of the desert wandering period based on biblical sources. The author of the *Temple Scroll* expected his ideal society to embody this same structure. The military organization of the desert would now serve in the cities of Israel in the Hasmonean period.

II. DEFENSIVE WARFARE

In 11QT 58:3–11 the scroll takes up the issue of defensive warfare:

If the king should hear of any nation or people who seek to rob anything which belongs to Israel, he shall send to the commanders of thousands

⁷ L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, California: Scholars Press, 1983), 31f. On the age of twenty, see pp. 55–60.

⁸ Yadin, I, 347. Cf. J. Maier, *The Temple Scroll* (Sheffield: University of Sheffield, 1985), 125.

and the commanders of hundreds who are stationed in the cities of Israel. And they shall send with him a tenth of the people to go out with him to war against their enemies, and they shall go out with him. But if a large army comes to the land of Israel, they (the commanders) shall send with him a fifth of the warriors. And if a king with chariots and horses and a large army (comes to the land of Israel), they (the commanders) shall send with him a third of the warriors. The (other) two parts shall be on guard over their cities and their boundaries, lest a(n enemy) troop penetrate into the midst of their land. But if the war is too severe for him, then they (the commanders) should send him half of the people, the warriors, but half of the people shall not be removed (lit.: “cut off”) from their cities.

This text spells out the method for mobilizing the forces described in 11QT 57:1–5 discussed above. Upon learning of an impending attack, even if it is to be a minor incursion, the king, on his own authority, is obligated to call out his forces in defense of his people. He orders the officers of thousands and hundreds to furnish troops, whom they send in accord with the extent of the threat. As in a game of chess, it is the status of the enemy which determines the response. Marauders must be met in battle by a tenth of the nation. A serious military force must be opposed by a fifth of the warriors. An attack led by a king with cavalry and chariots is to be taken very seriously, and a full third of the warriors are to go out to war. Even then, if the battle goes badly, up to one half of the warriors may be mobilized. The cities must always be protected by at least half of the soldiers, however.

Our scroll distinguishes sharply between the defensive war described here and the offensive war dealt with in 11QT 58:15–21. The defensive war does not necessitate the permission of the high priest and the *אורים ותומים*, as required in the offensive war. There is a parallel distinction in tannaitic sources.⁹ *M. Soṭah*. 8:7 distinguishes between an optional war, generally understood to refer to a war to expand the boundaries of the Land of Israel, and an obligatory war, involving conquest of the land from the Canaanites or its defense against an invading enemy¹⁰ While Rabbi Judah uses different terminology for

⁹ Yadin, I, 358.

¹⁰ Cf. *Sifre Devarim* 198 (ed. L. Finkelstein [New York: Jewish Theological Seminary, 1969], 236 which is exactly parallel to *m. Soṭah*. 8:6–7 except that the *Sifre* version does not preserve the view of Rabbi Judah. The view of Rabbi Judah does appear in some manuscripts to *Sifre Devarim* 190 (ed. Finkelstein, 232), but Finkelstein sees it as a secondary addition.

these categories, he still accepts the classification into two kinds of wars.¹¹ This, indeed is the view of our scroll.¹²

The root of this classification is found in Scripture itself. Deut 20:15–16 distinguishes between wars against nations “who are very far from you” and those of the Canaanite nations. The former may be attacked at the discretion of Israel whereas it is obligatory to attack and extirpate the latter. The scroll’s language in line 7 is clearly conditioned by Deut 20:1. The Deuteronomic collection at the end of the scroll cites this very distinction in its paraphrase in 11QT 62:11–13. There the scroll is again going over the same issues, but adhering much more closely to the biblical formulation. This is further evidence for the differing origins of the Law of the King and Deuteronomic collection.

The *Temple Scroll* allows the king to undertake defensive war on his own authority, with no need to consult his council or the high priest. Maimonides¹³ reasoned from *m. Sanh.* 1:5 and 2:4 that the tannaim likewise expected the king to undertake an obligatory (defensive) war on his own initiative.

III. THE DISTRIBUTION OF SPOILS

11QT 58:11–15 deals with the distribution of the spoils of war:

If they defeat their enemies, shatter them and smite them at the edge of the sword, and carry away¹⁴ their booty, they shall give of it to the king his tenth, and to the priests one thousandth, and to the Levites, one hundredth of the total. And they shall divide the remainder between those who went into battle and their brothers whom they stationed in their cities.

The text sets out a system for the distribution of the spoils of war. The king is to receive a tenth, then the priests receive a thousandth and the Levites a hundredth. What remains is equally shared between the warriors and those who remained to protect the cities.

¹¹ Cf. *t. Soṭah* 7:24 (ed. S. Lieberman [New York: Jewish Theological Seminary, 1973]), and Lieberman, *Tosefta’ Kifshutah* VIII (New York: Jewish Theological Seminary, 1973), 696; Albeck, “Hashlamot We-Tosafot,” *Seder Nashim* (Jerusalem: Bialik Institute, Tel Aviv: Dvir, 1958), to *m. Soṭah* 8:7.

¹² On the role of this distinction in the *War Scroll*, see Y. Yadin, *The Scroll of the War of the Sons of Light against the Sons of Darkness* (Oxford: University Press, 1962), 65–70.

¹³ *Mishneh Torah*, H. Melakhim 5:2.

¹⁴ Emending to אֶשְׂרֹף. Cf. Yadin II, 262.

There is no clear biblical precedent for the appropriation of a tenth of the booty to the king. According to 1 Sam 8:15–17, the king would take a tenth of the grain, fruit of the vineyards, and flocks. Further, Abraham gave a tithe to Melchizedek in Gen 14:20. *M. Sanh.* 2:4 allows the king to take his portion of the booty first, and a *baraita* in *b. Sanh.* 20b prescribes that he is to receive the defeated king's treasuries while the remaining booty is to be divided with half going to the king and half to the soldiers.¹⁵

It is possible, however, to locate sources for the remaining aspects of the division of spoils. The author sought to harmonize Num 31:27–30 with 1 Sam 30:24–25. Numbers had ordained dividing the booty in half, between the warriors and the rest of the congregation (עדה). The warriors were then to set aside 1/500 as a tribute to God which was given to Eleazar the priest. From the half apportioned to the people 1/50 was to be given to the Levites. 1 Samuel provided that half of the booty was to be allotted to the warriors who went out to battle while half was to be given to those who remained with the baggage. The passage explicitly identifies this as a permanent statute. With these two passages as his sources, the author determined that after the king receives his tenth, the priests are given a thousandth, the Levites a hundredth, and the remainder is to be divided between the warriors and those who stayed back to protect the cities.¹⁶ In order to control the distribution of booty and to maintain order on the battlefield, 1QM 7:2 provides units for despoiling the slain and collecting the booty. These men were to be between twenty-five and thirty years old.¹⁷ Josephus¹⁸ claims that despoiling the slain was forbidden by the Torah, although no such prohibition can be found.

Our law is positioned after that of defensive war and before that of offensive war, and is connected syntactically with the law of defensive war (והיה, line 11). Therefore, it is most probable that the law of distribution of spoils in our text applies to the defensive war only. Indeed, this is a curious fact since spoils are usually associated with an offensive

¹⁵ Yadin I, 360. "Soldiers" must be the meaning of עמ in the *baraita* as well as in 11QT 58:6, quoted above. It is difficult to decide if this tananitic ruling applies to all wars or only to offensive wars. The context in *m. Sanh.* 2:4 favors the latter as *milkhemet ha-reshut* is mentioned earlier in this passage.

¹⁶ Yadin, I, 360f.

¹⁷ Cf. Yadin, *War Scroll*, 153f.; J. Carmignac, *La Règle de la Guerre* (Paris: Letouzey et Ané, 1958), 103.

¹⁸ *Apion* II, 29 [§ 212].

war. Close examination of both biblical sources for our law leads to a somewhat wider definition of defensive war and clarifies this issue. In Num 31 the Israelites are to take revenge on the Midianites. While it is possible to speculate that we have here a fragmentary reference to a previous military encounter not explicitly mentioned in the Pentateuch, it is more likely that we deal with revenge for the Midianite involvement in the enticement of the Israelites to the worship of Baal Peor described in Num 25:1–9. The Israelites saw themselves as attacked and therefore retaliated. The same is the case in 1 Sam 30 in which David's attack on the Amalekites was in retaliation for their previous attack on Ziklag. In both cases, in response to hostilities directed against them, the armies of Israel attacked the enemy in their own heartland. This kind of war was considered defensive and resulted in both cases in the taking of spoils, the division of which is described in the biblical passages. It is therefore correct to see our passage from the *Temple Scroll* as referring to a case of this kind of defensive warfare and legislating the division of the spoils. Our text does not tell us how booty was to be distributed in cases of offensive warfare.

IV. OFFENSIVE WARFARE

11QT 58:15–21 sets out the procedures for an offensive war:

If he (the king) shall go out to war against his enemies, one fifth of the people, (of) the warriors, all the mighty men of valor, shall go out with him. They shall keep themselves from every impure thing, and from all indecent things, and from any transgression or guilt. But he (the king) may not go out (to war) until he comes before the high priest who shall inquire on his behalf of the judgment of the Urim and Thummim. At his (the high priest's) word he (the king) shall go out, and at his word he shall come in, he and all the people of Israel who are with him. He may not go out (to war) by the counsel of his heart until he inquires of the judgment of the Urim and Thummim.

A king who desires to undertake a military offensive against his enemies may take only a fifth of the army with him. The soldiers are instructed to maintain the ritual purity of the camp and to forbear from sinning. Permission of the high priest according to the oracle of the Urim and Thummim is required before going out to war.

Yadin correctly observes that this passage concerns what the tannaim called *milkhemet ha-reshut*, an “optional war.” For such a war, *m. Sanh.*

2:4 requires the permission of the Sanhedrin. *M. Sotah* 8:7 indicates that the exemptions of Deut 20:5–8 applied only in the optional war. Whereas the check on excessive royal power for the tannaim was to be the Court of Seventy-one, the more priestly-oriented author of the *Temple Scroll's* Law of the King expected the high priest, with the Urim and Thummim, to serve that purpose. In any case, both sources deny the king the right to mount an offensive against his enemies without the concurrence of another authority.

The source of the requirement of approval by the high priest and the Urim and Thummim is the description of the appointment of Joshua in Num 27:21 from which our lines 18–20 (up to אָתוּ) are almost a verbatim quotation. The scroll emphasizes these requirements by saying that “He may not go out to war by counsel of his heart.” In doing so our author uses the word עֵצָה (“counsel”) in a manner known to be characteristic of the Qumran sect, a fact that we need not hesitate to notice even though we see this scroll and its sources as originating in a predecessor of that sect or in related but not identical circles.

Deut 20:1 serves as the basis of the initial part of this law.¹⁹ Yet in the canonical Deuteronomy this passage goes on to describe the various exemptions from battle. These are taken up by the *Temple Scroll* in the Deuteronomic collection in 11QT 61:12–62:5. There the laws of conscription and exemption are presented in detail. We can readily understand why the redactor of the final version of the *Temple Scroll* was content to omit these provisions from the Law of the King since they would be included in the Deuteronomic collection. A more serious question is why they are ignored by the original author of the Law of the King.

¹⁹ Yadin, II, 263. In attempting to explain the prescription that only one-fifth of the army be called out, Yadin may shed further light on this problem. Yadin advances two possible reasons for the conscription of only a fifth. The first is that the author was motivated by Josh 1:14 where חַמְשִׁים is usually translated as “armed.” He suggests that the author of our scroll took this word to mean “one out of five.” He finds support for his view in the tannaitic interpretations of חַמְשִׁים in Exod 13:18 (*Mekhilta' Be-Shallah* [ed. Horovitz-Rabin, Jerusalem: Bamberger & Wahrmann, 1960], 77). Yadin's second suggestion is that Deut 21 discusses four types of exemptions. The sect, in his view, may have seen this as evidence that only a fifth of the people were to go to battle in an optional war (Yadin, I, 359). This second view would leave us with the conclusion that the Law of the King did make use of the laws of conscription and exemption in Deuteronomy for its derivation. This would heighten the question of why the author of the Law of the King did not enter into details in this regard.

The requirement that purity and abstention from transgression be maintained is based directly on Deut 23:10, 15. Similar requirements are proposed by the *War Scroll* for the military camp.²⁰ Deut 23:10–15 is not included in the Deuteronomic collection at the end of the *Temple Scroll*, yet it serves in 11QT 45:7–10 as the basis for the exclusion of one who had had a seminal emission from the Temple precincts.²¹ When the Deuteronomic collection reaches Deut 23:1 it digresses to laws of forbidden consanguineous unions. Thereafter the extant text comes to an end.

V. EXEMPTIONS FROM MILITARY SERVICE

Our study now turns from those laws of war found in the Law of the King to those in the Deuteronomic collection at the end of the *Temple Scroll*. 11QT 61:12–62:5 describes the role of the priest in dismissing those exempted from conscription:

When you go forth to war against your enemies and you see horses and chariots and an army larger than your own, do not be afraid of them. For I, Who brought you out of the land of Egypt, am with you. When you draw near to the battle, the priest shall come forward and shall address the people. And he shall say to them: “Listen, Israel, you are drawing near today [Yadin restores lines 01–1 according to Deut 21:3–5. The manuscript continues:] . . . his house [lest he die in the battle and another man marry her. Then the ju]dg[es] shall speak further to the people and they shall say: “Is there any man who is fearful and fainthearted? Let him go and return to his house lest the courage of his fellows flag like his. When the judges have finished addressing the people, they shall appoint commanders over the troops at the head of the people.

This is a simple recital of Deut 20:1–10 with a small number of changes some of which can be attributed to the nature of the texts of Deuteronomy available to the compiler of this Deuteronomic collection, probably the final redactor of the *Temple Scroll*. In keeping with the structure of this collection the Deity speaks in the first person. Also significant is the replacement, at least once, and probably in all cases (if one accepts Yadin’s restoration), of the Masoretic שטרִים, “bailiffs,” with שופטִים, “judges.” This variant is probably an example of the

²⁰ Yadin, II, 264, cf. 1QM 7:5f.

²¹ See L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985)306–9 (pp. 381–401 in this volume).

phenomenon of synonymous variation since the biblical “judge” is often a military leader, not an arbiter of justice.

As already observed, Deut 20:1–9 plays no explicit role in the Law of the King. The exemptions simply do not appear there. Attention should be called here to the absence of explicit reference to exemptions from military service in the *War Scroll*. Yadin claims to find reference in 1QM 7:5–6 to exemption for the fainthearted, and therefore seeks to explain why this exemption alone is observed.²² This passage, however, is simply an exhortation to battle delivered by the priest. The absence of these exemptions in the *War Scroll* probably results from the principle, also accepted by the tannaim, that the exemptions only apply to an optional war. The eschatological war was to be an obligatory one. The Law of the King had likewise omitted all reference to such exemptions. Here, however, they appear as in the Torah, apparently applying only to the optional war. In this matter, then, it seems that the *War Scroll* and the Deuteronomic collection are in agreement, while the matter is ignored in the Law of the King.

VI. THE LAW OF THE SIEGE

The final prescription to be taken up here is the law of the siege, preserved in the Deuteronomic collection in 11QT 62:5–63:04, immediately after the law of exemptions from military service:

When you approach a city to fight against it, you shall offer it terms of peace. If it accepts (your terms of) peace and opens up to you, then all the people who are found in it shall do forced labor for you and shall serve you. But if it does not make peace with you, but (rather) makes war with you, then you shall besiege it. When I hand it over to you, you shall smite its males at the edge of the sword. But the women, the children, the animals, and everything which is in the city, all its spoil, you shall take as booty for yourself; you shall enjoy the spoil of your enemies which I give you. Thus shall you do to the cities which are very far away from you, which are not from among these very nations. But in the cities of the nations which I am giving you as an inheritance you shall not save alive any living thing. For you shall utterly destroy the Hittite(s), the Amorite(s), the Canaanite(s), the Hivite(s), the Jebusite(s), the Gergashite(s), and the Perizzite(s), as I have commanded you; lest they teach you to do according to all the abominable practices which they have done in the service of their gods...

²² Yadin, *War Scroll*, 67–70.

This paragraph represents a recapitulation of Deut 20:10–18. Besides the various minor changes, we should take note again that the canonical Deuteronomy has been modified so that God appears here as the speaker, addressing Israel directly in the first person. The Girgashites were not mentioned in the canonical text and it is probable that the author added them in order to round out the list of seven nations whom Israel is commanded to destroy.²³

This passage is notable for its stark contrast with the parallel sections of the Law of the King. Here again the text distinguishes between the obligatory war and the optional war. But the biblical account followed here emphasizes the issue of allowing the inhabitants to survive, permitted only as regards nations other than those which are to be destroyed. Here we have the law for a nation invading its new homeland, not that of a nation attacking its hostile neighbors, as in the Law of the King. Here there is no mention of the need for approval from anyone. Our author has no hesitation about presenting here the biblical material, despite the fact that he had previously incorporated a codification of the same laws appropriate to the Hellenistic period in which he was compiling the *Temple Scroll*.

While the *War Scroll* occasionally uses the same material from Deuteronomy, it nowhere makes the distinction between those phases of the war intended to liberate the country from the foreign nations which dominate it and attacks on the neighboring nations. Yadin argues that the initial stages of liberation of the land from domination are a war of duty whereas the later stages are not.²⁴ This matter needs further investigation in light of the recently published fragments of this scroll from cave 4.

CONCLUSIONS

The compiler of the *Temple Scroll*, working in the Hasmonean period, incorporated a detailed Law of the King already available to him in close to present form. This Law of the King, in regard to the military matters we have discussed here, represents a polemic against the existing order, calling for strict adherence to the biblical laws of

²³ Cf. the similar list of seven nations in 11QT 2:2–4 where the author has also added the Girgashites to Exod 34:11.

²⁴ Yadin, *War Scroll*, 65.

war as understood by the author of this code. He regularly presents his interpretations as law and demands that they be observed. He supplies regulations regarding the number of soldiers to be deployed in the various wars. Clearly, he addresses the actual military situation of Judea in the Hellenistic period. He demands revision of policies, and, for this reason, his work has been incorporated in a scroll that calls for nothing less than a religious and political reformation.²⁵

At the same time, the author/redactor of the scroll as a whole, in filling in materials from Deuteronomy, does not hesitate to address the same issues, at times in a manner different from their treatment in the Law of the King. These Deuteronomic passages reflect the times and context of the author of Deuteronomy. They are only slightly reworked by our author.

The *Temple Scroll* appears here as a composite work, which incorporates the Law of the King. The scroll calls for a thorough revision of the existing order and in so doing represents a polemic against the Hasmonean rulers. Nevertheless, the *Temple Scroll's* avoidance of the sectarian issues raised by the *War Scroll* and its many differing perspectives again show that the *Temple Scroll* is the product of a group which was either a predecessor or in some way related to the Qumran sect. For this reason it found its way into the sect's library, just as the Law of the King had found its way into the scroll. We deal here with a complex history of traditions, which, even after redaction, were preserved and circulated in circles the historical development of which had already greatly overtaken the materials they transmitted. As such, these documents represent something of the variegated texture of the Judaism of the Second Commonwealth period.

²⁵ For another reaction to Hasmonean military policy, see L.H. Schiffman, "Legislation Concerning Relations with Non-Jews in the *Zadokite Fragments* and in Tannaitic Literature," *RevQ* 11 (1983) 380-85.

CHAPTER THIRTY-ONE

LAWS PERTAINING TO WOMEN IN THE *TEMPLE SCROLL*

A variety of laws pertaining to women occur in the *Temple Scroll*. This study will examine, in turn, the following areas of legislation: entrance into the Temple, menstrual impurity, childbirth, king's marriage, polygamy and divorce, the beautiful captive woman, adultery of the betrothed woman, rape, incest and consanguineous marriage. The laws pertaining to the woman carrying a dead fetus and the vows of women, already dealt with in other papers,¹ must remain outside the scope of the present inquiry. This study will determine the exegetical basis for each of the laws it considers, and compare them to other sources from the Qumran corpus, Second Temple texts, and tannaitic literature.²

ENTRANCE TO THE TEMPLE AND MENSTRUAL IMPURITY

11QT 39:7 indicates that women were prohibited from entering the Middle Court of the Temple:

A woman shall not enter there. . . .

¹ The woman carrying the dead fetus is included in my study, "The Impurity of the Dead in the *Temple Scroll*," *Archaeology and History in the Dead Sea Scrolls, The New York University Conference in Memory of Yigael Yadin* (ed. L.H. Schiffman; Sheffield: JSOT, 1990), 135–57 (pp. 403–423 in this volume). I discussed "The Law of Vows and Oaths (Num. 30:3–16) in the *Zadokite Fragments* and the *Temple Scroll*," in *RevQ* 15 (1991–92) 199–214 (pp. 557–572 in this volume).

² For tannaitic materials pertaining to women, see J. Neusner, *A History of the Mishnaic Law of Women*, 5 parts (Leiden E. J. Brill, 1979–80), J. Neusner, *First Principles of Systemic Analysis* (Lanham, New York, London: University Press of America, 1987), 53–76 and J.R. Wegner, *Chattel or Person? The Status of Women in the Mishnah* (New York: Oxford University Press, 1988). The description of women in the "Essene Writings" which Neusner quotes from A. Isaksson, *Marriage and Ministry in the New Temple* (Lund: C.W.K. Gleerup, 1965) may demonstrate "the correct methodology" (Neusner, *First Principles*, 64) but bears no resemblance to the evidence presented by the texts themselves. Neusner's comments regarding the *Temple Scroll* (67f.) must be reconsidered in light of the study which follows. Yet there can be no question that he is correct that the Qumran materials do not demonstrate a systemic approach to issues regarding women.

The import of 40:6, a fragmentary passage, is that women were permitted to enter the Outer Court. Tannaitic sources require that women be excluded from the Court of Israel and be admitted to the Court of the Women.³ This practice is indeed confirmed for the Herodian Temple by Josephus.⁴ The Court of Women was the outer court of the *temenos*, which consisted of two rather than the three courts required by the *Temple Scroll*. Since the tannaitic Women's Court was the second from the Temple out, and since there was no third, we can see that the *Temple Scroll* has moved women one courtyard further out. Since the Outer Court of the *Temple Scroll* and the women's court of the tannaim and the Herodian Temple are both the outer courts of the respective Temple plans, we may also observe that the tannaim and the scroll agreed, as did second Temple practice, that women were to be admitted to the outermost court of the Temple.⁵

11QT 48:14–17 provides:

In (or: “for”) each and every city you shall set aside places for those afflicted with *sara'at*, with plague (נגע) or with scab (נתק) so that they do not enter your cities and defile them; and also for gonorrheics, and for women when they are in their period of impurity and when they have given birth, so that they not defile in them (the cities) during their period of impurity.

Women who were in their period of menstrual impurity or who were impure following childbirth, appear here among those for whom special areas are to be set aside to prevent them from rendering the cities impure. A place for women who are impure is not mentioned in the list of such places to be set aside outside of the Temple City in 11QT 46:16–18 since women had to undergo purification rituals in their own cities before coming to the Temple.⁶ We cannot accept the suggestion that this shows that women were not allowed to live in the Temple City, taken to be the entire city of Jerusalem.⁷ In our view, the Temple City designates the expanded *temenos* including the third and outer court

³ *t. Sukkah* 4:1

⁴ *War* 2.5.2 (§ 198–199).

⁵ Cf. L.H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*,” *HAR* 9 (1985), 301–20 (pp. 381–401 in this volume). We do not consider the area termed עזרת ישראל, the outer portion of the priests' court, to be a separate court, as it was simply a small strip into which Israelites could enter to perform certain rituals.

⁶ Y. Yadin, *The Temple Scroll* (3 vols., Jerusalem: Israel Exploration Society, 1983), I, 304, 306.

⁷ Yadin I, 289, 306.

which the *Temple Scroll* expected to cover almost the entire inhabited area of Jerusalem.⁸

Tannaitic halakhah provides that menstrually impure women and parturients may not enter the Temple Mount.⁹ It is certain that menstrually impure women and parturients would be excluded also from the entire Temple City of the scroll, although women who were ritually pure were permitted normally into the Outer Court.

The *Temple Scroll* envisages the physical banishment of women who are ritually impure. Josephus,¹⁰ in recounting the laws of the Pentateuch, claims that such women were to be physically excluded in the biblical view. According to one version, the Mishnah mentions special houses for menstrually impure women.¹¹ Although rabbinic halakhah eventually eschewed the physical ostracism of menstrually impure women, strains of such an approach are found in later rabbinic sources, especially in the Middle Ages.¹² Such stringent practices were adopted by Samaritans, Falashas and Karaites and may very well be a survival of ancient Palestinian practice.¹³ Some medieval Rabbanites may have in turn been influenced by Karaite views.

MARRIAGE LAW FOR THE KING

The *Temple Scroll* (11QT 56:12–59:21) includes two passages regarding the wife of the king. 11QT 56:18–19 commands:

And he may not marry many wives, lest they turn his heart away from Me.

⁸ Schiffman, "Exclusion," 317 and M. Broshi, "The Gigantic Dimensions of the Visionary Temple in the *Temple Scroll*," *BAR* 13, no. 6 (1987), 36–37.

⁹ *m. Kelim* 1:8, *t. Kelim B.Qam.* 1:8, 14.

¹⁰ *Ant.* II. 11. 2 (§ 261).

¹¹ *m. Nid.* 7:4. The vocalized MSS Antonin (A.I. Katsch, *Ginze Mishnah*, Jerusalem: Mossad Harav Kook, 1970, 189, plate 144), Kaufmann (Jerusalem: Sifriyat Meqorot 1967/8), and Parma "B" De Rossi 497 (Introduction by M. Bar-Asher, Jerusalem: Makor, 1971), have *bet ha-tema'ot*, "the house of the impure women." MS Paris 328–329 (Introduction by M. Bar-Asher, Jerusalem: Makor, 1973) vocalized *bet ha-tum'ot*, "places of impurity." From Maimonides, *Perush Ha-Mishnayot* (trans. J. Kafah, Jerusalem: Mossad Harav Kook, 1963, vol. III, p. 381) it seems that Maimonides read *bet ha-tum'ot*. The parallel in *t. Nid.* 6:15 has *meḥaṣa'ot shel nashim*, "womens' bath houses."

¹² See G. Alon, "The Bounds of the Laws of Levitical Cleanness," *Jews, Judaism and the Classical World*, trans. I. Abrahams (Jerusalem: Magnes Press, 1977), 277f. and nn. 100 and 101 (Yadin I, 307), M.J. Goldman, "Baraita De-Niddah," *Ej* 4, 194 and C. Albeck, *Shishah Sidre Mishnah, Seder Ṭohorot* (Jerusalem: Bialik Institute, Tel Aviv: Dvir, 1959), 588f.

¹³ S. Lieberman, in B.M. Levin, ed., *Meivot* (Jerusalem, 1933/4), 115–18.

The context here is a paraphrase of Deut 17:17. In place of MT **ולא יסור לבבו**, “lest his heart go astray”,¹⁴ the scroll has **ולוא יסירו לבבו מאחרי**, “lest they (the wives) turn his heart away from Me.” This difference is clearly a case of textual exegesis, not a manuscript variant. The text of the scroll seeks to explain that it is the wives themselves who will exercise improper influence over the king, thereby bringing him to transgress. In other words, it is not simply the multiple marriages which constitute the problem; rather it is the deleterious influence of the women the king will marry.¹⁵

One of the problems confronting us in the study of the king’s marriage law in the literary unit known as the *Temple Scroll* is that polygamy by the monarch is proscribed twice. Our passage is the first case, but the prohibition appears again in 11Q^T 57:17. The additional details inserted in that passage regarding divorce could easily have been inserted in the paraphrase of Deut 17:17 in 11Q^T 56:18–19. But the author chose to repeat the prohibition. We can understand this repetition by examining the source of our exegetical variant.

This variant is derived from Deut 7:4, **כי יסיר את בנך מאחרי ועבדו**, **אלהים אחרים**, “for it (intermarriage) will turn your son away from Me so that they (your children) will worship other gods.” This difficult passage was understood by the rabbis to command that the offspring of Jewish fathers and non-Jewish mothers were to be considered non-Jews.¹⁶ In the *Temple Scroll* this verse was used for a completely different purpose. To the author of the *Temple Scroll* it provided a means of understanding the Deuteronomic prohibition of the king’s marrying more than one wife. The law was concerned with his importing foreign wives, as did Solomon (1 Kings 11:1–4), who in turn would lead him away from the path of Israelite religious tradition. Our author saw Deut 7:4 as affirming this reason for the prohibition of a multiplicity of wives.¹⁷

Below, however, the author of the *Temple Scroll* gives a different reason for this same prohibition, for he seeks in 11Q^T 57:15–19 to raise the king to the spiritual level of the High Priest, a matter which will

¹⁴ New JPS.

¹⁵ Cf. J. Maier, *The Temple Scroll* (Sheffield: JSOT Press, 1985), 124.

¹⁶ The third century Palestinian amora Rabbi Yohanan in the name of the second century tanna Rabbi Simeon ben Yohai, in *p. Yebam.* 2:6 (4a), *p. Qidd.* 3:12 (3:14, 64d), *b. Qidd.* 68a, *b. Yebam.* 23a, cf. 17a.

¹⁷ Yadin II, 253f. In 1 Sam. 8:11–18 Samuel surveys the negatives of kingship. However, he does not mention explicit violations of the Deuteronomic Law of the King, and therefore, the effects of polygamy on the king are not discussed.

be explained more fully. Does this internal contradiction in the *Temple Scroll* imply two sources within the literary unit we know as the *Temple Scroll*?¹⁸ It is uncertain whether this difference is to be explained source critically, or if the author understood the same prohibition as having different reasons.

The tannaim interpreted Deut 17:17 in a very similar manner to that of the *Temple Scroll*, likewise employing the *hif'il* of סור to explain the *qal* of Deut 17:17.¹⁹ This tradition provides three views regarding the number of wives the king may have. The anonymous view allows eighteen, based on midrashic exegesis which indicated to the rabbis that David had eighteen wives.²⁰ Rabbi Judah (bar Ilai) rules that the king is permitted to marry as many wives as he wishes unless they lead him astray.²¹ But Rabbi Simeon permits only one wife, as does our scroll in 57:15–19. If interpreted within its own context, it appears that the view of Rabbi Simeon is exactly the same as that which emerges below in our scroll: The king is only allowed one wife.

11QT 57:15–19 provides a series of regulations regarding the wife of the king:

He may not marry a wife from any of the daughters of the nations. Rather, he should take a wife from his father's house (clan), from his father's family. He may not take another wife in addition to her; for she alone shall be with him all the days of her life. But if she dies, he may marry another from his father's house (clan), from his family.

¹⁸ On this source and its dating, see L.H. Schiffman, "The King, His Guard and the Royal Council in the *Temple Scroll*," *PAAJR* 54 (1987) 237–59 (pp. 487–504 in this volume).

¹⁹ *m. Sanh.* 2:4 and *Sifre Devarim* 159 (ed. L. Finkelstein [New York: Jewish Theological Seminary, 1969], 210). Note the addition in *t. Sanh.* 4:5 to the view of Rabbi Judah which is presented anonymously in the *Sifre*. Cf. Targum Pseudo-Jonathan and Targum Neofiti (Jerusalem: Makor, 1970), II, 402, which understand the wives as leading the king astray. Medieval Jewish exegesis takes up the reason for the prohibition of Deut 17:17. Maimonides, H. *Sanhedrin* 3:6 and Rabbenu Bahya (*Be'ur 'al Ha-Torah*, ed. C. Chavel, Jerusalem: Mossad Harav Kook, 1977/8), and Ibn Ezra to Deut 17:17 take this prohibition as resulting from the fear that women would distract the king from his duties. This latter view appears to be a product of medieval Jewish piety, not of the Judaism of Late Antiquity. Cf. G. Blidstein, *Eqronot Medinyyim Be-Mishnat Ha-Ramban* (Ramat Gan: Bar-Ilan, 1983), 170f.

²⁰ *b. Sanh.* 21a, *p. Sanh.* 2:6 (20c).

²¹ Cf. the *tanya' nami hakhi'* traditions in *b. Sanh.* 21a allowing twenty four and forty-eight wives respectively. See also M. Friedman, *Ribbui Nashim Be-Yisra'el* (Jerusalem: Bialik Institute, 1986), 7–11 who shows that the movement toward monogamy was much more pronounced in Palestinian amoraic circles than in Babylonian.

The king must fulfil a list of marriage regulations: (1) He must marry a Jewish woman, (2) his wife must be of his own clan and family, (3) He may not take a second wife as long as she lives, and (4) he may remarry if his wife dies.²² Let us examine these regulations one by one.

The King Must Marry a Jewish Woman

This law clearly presumes the biblical prohibitions of marriage with non-Israelites. Although Pentateuchal law singled out only the Canaanite nations (Exod 34:16, Deut 7:3–7), by early Second Temple times, the prohibition had been widened to a general proscription of marriage with all non-Jews. Further, the definition of a Jew as one born of a Jewish mother already existed at this time. Hence, by the time of the author of the Law of the King, marriage with non-Jews was forbidden to all Jews.²³ In this respect the *Temple Scroll* was not unique. It reflected a consensus among all groups of Second Temple Jews.²⁴

Yet it is possible that our text is going even further. According to 11QT 39:5–7 proselytes are not permitted to enter the middle court of the Temple until the fourth generation. The *Temple Scroll* took the view that converts to Judaism remained in the class of גר, “proselyte,” for three generations. Indeed, other Qumran texts and a minority opinion in tannaitic literature testify to the notion that there is a *qahal gerim*, a community of proselytes whose status remains below that of the Israelites.²⁵ If so, we must ask if the requirement that the king may not marry *benot ha-goyim*, “the daughters of the nations,”²⁶ is actually duplicated in the scroll. It may be that the king, like the priests in Rabbinic halakhah,²⁷ was forbidden in the view of our author to marry a woman in the proselyte class. After all, our author wanted to elevate the status of the sanctity of the king to that of the High Priest.

²² Note the repetition in line 19, מִבֵּית אֲבִיהוּ מִמְשַׁפְּחָתוֹ, to emphasize that the same rules apply to the second wife as to the first.

²³ L.H. Schiffman, *Who Was a Jew? Rabbinic and Halakhic Perspectives on the Jewish Christian Schism* (Hoboken, New Jersey: Ktav, 1985), 14–16.

²⁴ M. Stern, “He‘arot Le-Sippur Yosef ben Toviah,” *Tarbiz* 32 (1962/3), 37 n. 15 who quotes Josephus, *Ant.* VIII. 7. 5 (§ 191), XII. 4. 6 (§ 187), *Jub.* 30:7, Philo, *Special Laws* III. § 29, S. Belkin, *Philo and the Oral Law* (Cambridge, Massachusetts: Harvard, 1940), 232f., and *b. Abod. Zar.* 36b.

²⁵ See Schiffman, “Exclusion,” 303–5 for detailed discussion.

²⁶ For the expression, cf. Ezek 32:16.

²⁷ *m. Yebam.* 6:5, *Sifra* ‘Emor *Pereq* 1:7 (ed. I.H. Weiss, Vienna: J. Schlossberg, 1861/2, 74b), based on exegesis of Lev 21:7.

His Own Clan and Family

The king is required to marry within his own clan and family. The problem is to define the use of these terms, clan and family, in our context. Certainly Abraham's command to Eliezer (Gen 24:37–38) and the prescription regarding the inheritance of daughters (Num 36:6–8) are significant here,²⁸ but the exact meaning of these terms in our passage must be ascertained.

As a general rule, the family is a larger designation, a subdivision of the tribe. Below the family is the *bet 'av*, a unit which dissolved into new *bate 'av* when the patriarch (grandfather) died. Yet at times, the terms are interchanged, so that *bet 'av* appears as the larger unit.²⁹ Gen. 24:38 mentions both the *bet 'av* and the *mishpahah*. Considering that this passage is a recapitulation by Eliezer of Abraham's own words in verses 3–4, it seems clear that in this context the terms are not used in a technical sense. They refer only to the family of Abraham, for Isaac's wife-to-be was related to Abraham since she was the daughter of Abraham's brother. Her grandfather was Abraham's father, Terah. In this case, *bet 'av* was literally the house of Abraham's father, and *mishpahah* here appears simply as a synonym. In Num. 36:6 it appears that *mishpahah* can refer even to an entire tribe. There, however, the term *bet 'av* does not occur.

The crucial question is whether since the use of these terms in the underlying biblical passage is a loose one, with no technical connotation, we should assume that the same is the case in the *Temple Scroll*. If so, we can understand the passage to mean that the king must marry one who was born a Jew, from among the wider family of Israel. Alternatively, this passage may refer to a requirement that the king marry only a woman from his own family and clan, but such a measure seems to have no logical explanation.

Comparative support for the view that our law is intended only to exclude marriage of the king to a proselyte (or a member of the proselyte class, see above) comes from a tannaitic statement to the effect that the king may choose to marry anyone of the classes priest, Levite, or Israelite whom he wishes.³⁰ This leads to the conclusion by implication that the intention of the Tosefta must be to exclude, at least *ab initio*,

²⁸ Yadin I, 354; Maier, *The Temple Scroll*, 126f.

²⁹ J. Liver, "Mishpahah," *Encyclopedia Miqra'it* V, cols. 582–4.

³⁰ *t. Sanh.* 4:2.

the king's marriage to a member of the proselyte class.³¹ Since the tannaim eventually reached a consensus in favor of the opinion that such a class did not exist as a halakhic category,³² this Tosefta passage never became halakhah. In any case, it is probable that we have here a parallel in tannaitic opinion to the scroll's notion that the king may not marry a member of the proselyte class. The *Temple Scroll* insisted that the king marry a born Jew. If this view is accepted, the parallel with the high priest is significant.³³ Lev 21:14 insists that the high priest marry a virgin, **מעמיו**, "from his people." Our passage seeks to elevate the level of holiness demanded of the king to the level of that required of the high priest.³⁴

Prohibition of Polygamy

We have already seen that the scroll quoted Deut 17:17 and modified the text in order to explain its reason for the prohibition on the king's having more than one wife. Here this prohibition is repeated, with additional details. First and foremost, the text makes clear that unlike some later Rabbinic views, the king is limited to only one wife. Further, this passage appears to say that there is to be no divorce. The king's wife will remain with him for as long as she lives. Our author may even regard it as a positive commandment for husband and wife to live together until one passes away. If so, he may agree with the House of Shammai which limited divorce to cases of adultery in accord with a more literal interpretation of **ערות דבר** in Deut 24:1.³⁵ Yet it is possible that he saw this requirement of life partnership as applying only to the king, a question to be taken up below.³⁶

³¹ D. Pardo, *Hasde Dawid* (Leghorn, 1789/90), ad loc.

³² *m. Qidd.* 4:1 (anonymous), *t. Qidd.* 5:1 (sages).

³³ Yadin I, 355.

³⁴ The LXX adds **ἐκ τοῦ γένους αὐτοῦ**, ("and from his own race"), i.e. a born Jew and not a convert, in Lev. 21:13 (cf. *Apion* I, § 31, regarding the entire priesthood). Josephus, *Ant.* III. 12. 2 (§ 277) has **καὶ ταύτην φυλῆτην** ("and of his own tribe," emending with H. St. J. Thackeray, *Josephus* IV [Cambridge, Massachusetts: Harvard, London: William Heinemann, 1930], 452 n. c). Greek **φυλῆτην** indeed refers to one of the twelve tribes in Josephus (*Ant.* IV. 2. 3 [§ 14–15], 3 [§ 20], etc., cf. W.F. Arndt, F.W. Gingrich, *A Greek-English Lexicon of the New Testament* [Chicago and London: University of Chicago, 1979], 868). Philo, *Special Laws* I, § 110 requires the High Priest to marry a daughter of priests. (Cf. 111 for confirmation of this interpretation.) The passages in Tobit 1:9: and 4:12 cited by Yadin I, 355 may just as well refer to marrying Jews as to members of one's tribe.

³⁵ *m. Git.* 9:10, cf. Albeck, *Nashim*, 407–8.

³⁶ Cf. *t. Sanh.* 4:2 which prohibits the remarriage of the king's widow, quoting 2 Sam 20:3.

The language of our passage is taken from Lev 18:18.³⁷ This passage also served some Karaites as proof that polygamy was forbidden.³⁸ Again we are faced with two possibilities. Either the passage uses the language of Lev 18:18, but intends only prohibiting polygamy only to the king. Or the scroll genuinely derives its law from Lev 18:18. In this case, since the verse related to all Israel, not to any specific official or group, it is probable that our scroll forbade all polygamy.

This passage has been related to the well known prohibition of polygamy in the *Ṣadokite Fragments*. CD 4:20–5:9 states that:

...they³⁹ are caught in two (of the three nets of Belial),⁴⁰ in fornication, by taking two wives in their lifetime. But the principle of creation is, "Male and female He created them" (Gen 1:27). And regarding those who entered the ark (it is written), "Two by two they entered the ark" (Gen 7:9). And about the prince it is written, "Let him not have many wives" (Deut 17:15).

This difficult passage indicates that it is considered fornication (זנות) to marry two wives if they are both living. The text seems to prohibit not only polygamy, but even remarriage after divorce. Neither party to the divorce may remarry as long as the other is alive. (This may be the reason for the difficult בַּחִיָּהם, with a masculine suffix. It may refer to both parties to the divorce.)⁴¹ Various precedents are cited to prove that the ideal of the Bible is monogamy.

Both of these texts speak of a prohibition of polygamy, the *Ṣadokite Fragments* for all of Israel and the *Temple Scroll* for the king alone. It is

³⁷ Yadin I, 355. Yadin II, 300 suggests that Lev. 18:18 may have stood at the end of 66:17 and on the top of column 67, the last column in the scroll. If so, in his view, the text would have prohibited "taking two wives in their lifetime." It is unfortunate that Deut 21:15–17, in which polygamy is clearly recognized for the ordinary Israelite, is not preserved in the scroll. It would probably have stood in 11QT 64:04–1; cf. Yadin II, 287.

³⁸ Aaron ben Elijah of Nicomedia, *Keter Torah* (Eupatoria: A. Firkovich, 1866/7), to Lev 18:18, cf. Toviah ben Eliezer, *Midrash Leqah Tov* (Jerusalem, 1959/60), to Deut 21:15. The Karaites explained away Deut 21:15–17 as applying to a case in which the second wife was a captive women.

³⁹ Probably the Pharisees (בּוֹנֵי הַחֵיָּץ), CD 4:19.

⁴⁰ CD 4:15

⁴¹ See Yadin II, 356f., Y. Yadin, "L'attitude essénienne envers la polygamie et le divorce," *RB* 79 (1972), 98f., J. Murphy-O'Connor, "Remarques sur l'exposé du Professeur Yadin," *ibid.*, 99f., G. Vermes, "Sectarian Matrimonial Halakhah in the Damascus Rule," *Post-Biblical Jewish Studies* (Leiden: E.J. Brill, 1975), 50–56, B.Z. Wacholder, *The Dawn of Qumran, The Sectarian Torah and the Teacher of Righteousness* (Cincinnati: Hebrew Union College, 1983), 125 and 237 n. 100, and J.M. Baumgarten, "The Qumran-Essene Restraints on Marriage," *Archaeology and History in the Dead Sea Scrolls* (ed. L.H. Schiffman, Sheffield: JSOT Press, 1990), 13–24.

certainly possible that the teaching of the *Zadokite Fragments* was also the view of the author of the *Temple Scroll* who mentioned this law only in regard to the *Temple Scroll*. It may also be that monogamy was required by the author of the *Temple Scroll* only for the monarch, whom he sought to elevate to a priestly level of purity and sanctity.

More difficult is the question of whether divorce is also prohibited by this law in the *Temple Scroll*. While the fragmentary CD 13:17 may mention the institution of divorce, the context is too laconic for drawing any conclusions. Many scholars see the *Zadokite Fragments* as prohibiting divorce. The most likely interpretation is that the *Zadokite Fragments* allows divorce, perhaps only in cases of adultery, as was the view of the House of Shammai and the Karaites. However, if divorce occurred, remarriage was forbidden to the husband as long as the woman was still alive. The text states that the king may only remarry if his wife dies. This, indeed, was most probably the view of the author of this portion of the *Temple Scroll* for the king himself. Again, we cannot be certain of his views regarding the Jewish people as a whole.

THE BEAUTIFUL CAPTIVE WOMAN

The laws of the woman captured in battle occur as part of the Deuteronomic Paraphrase toward the end of the *Temple Scroll*. After paraphrasing Deut 21:1–9 in 11QT 63:05–8, and leaving a blank line (line 9), our scroll turns to the captive woman, Deut 21:10–14, in 11QT 63:10–15:

When you go out to war against your enemies, and I give them over into your hand, and you take (some of) them captive, if you see among the captives a woman of beautiful appearance, and you are desirous of her (or “of [having sexual relations with] her”), then you must take her for yourself as a wife (marry her; or “and would take her to wife”). Then you shall bring her into your house, and you shall shave (or “cut”) her head and pare her nails, and remove her captive’s garb. She shall remain in your house and cry for her father and her mother for a full month. Afterwards, you may have sexual relations with her, and she shall be your wife. But she may not touch your pure food (טהרה) for seven years. Nor shall she eat a *shelamim* offering until seven years pass; then she shall eat.⁴²

⁴² 11QT 64:01–03 probably continues our passage and may be restored with some additional material (at the beginning of 01) and then with Deut 21:14 (Yadin II, 287). Thereafter, there probably followed a paraphrase of Deut 21:15–18 (lines 04–1).

This passage is essentially a recapitulation of Deuteronomy with a few significant changes. In line 10 the redactor of the scroll has replaced the third person reference to God in Deut 21:10 with a first person verb. This is his practice in this entire section, attempting to eliminate the intermediacy of the lawgiver Moses and to present the whole as a direct divine revelation.⁴³ In verse 11 our redactor replaces the biblical **אשת** with the more typical **אשה**. The tannaim had learned from the construct that this text referred even to a married woman.⁴⁴

The *Temple Scroll* version also changes the subject of the actions described in verses 12–13 from the new bride to the Israelite soldier. It is not she who is to cut her hair and her nails, and then remove her clothes of captivity. Rather, the prospective husband is to do these things. The requirement that the husband do the cutting of the captive woman's head and nails indicates the scroll's position on the interpretation of the difficult word **ועשתה**, literally, "and you shall do" (Deut 21:12). This was taken by various tannaim to mean either to pare the nails, or to grow them long.⁴⁵

It is evident from the tannaitic controversy that there were two approaches to the institution of the **יפת תאר**, the beautiful captive woman. One, eventually becoming rabbinic halakhah,⁴⁶ took this entire procedure as a concession to human (or shall we say, male) weakness, and saw these rituals as an attempt to make the captive woman repugnant to the husband to be, in the hope that he would forbear from marrying her. This view also assumes that the man had had sexual relations with her already during the war. Now he is forced to reconsider. The other view sees this as a form of purification or conversion. This view, also that of the *Temple Scroll*, assumes that in the course of the military campaign the husband-to-be was attracted to this woman whom he brings home, there to make her his wife. According to this approach, he may not have sexual relations with her until he brings her home and fulfils the Torah's prescriptions.⁴⁷ As such, this practice

⁴³ For minor variations of orthography or morphology, see Yadin II, 285f.

⁴⁴ *Sifre Devarim* 211 (ed. Finkelstein, p. 245), *baraita'* in *b. Qidd.* 21b.

⁴⁵ *Sifre Devarim* 212 (ed. Finkelstein, p. 246), *baraita'* in *b. Yebam.* 48a. Targum Onkelos translates, **ותרבי**, "and she shall grow." Pseudo-Jonathan and Neofiti have **והצמי**, "and she shall cut." LXX has **καὶ περιουχτεῖς αὐτήν**, "you shall cut her nails." Vulgate has *circumcidet unguis*, "she shall cut the nails." Philo, *Virtues* § 111 has **περιελων δε ονυχας**, "you . . . pare her nails." Josephus, *Ant.* IV. 8. 23 (§ 257) makes no mention of this detail.

⁴⁶ Maimonides, *H. Melakhim* 8:2–6.

⁴⁷ This is the view of a *baraita'* at the top of *b. Qidd.* 22a (according to Rashi, but contrast Tosafot), *Midrash Tanna'im* to Deut 21:12 (ed. D.Z. Hoffmann, II; Berlin:

has no negative connotation. The procedures are designed to cleanse and purify. Hence, the nails are cut. In accord with this view it is the husband to be who purifies his *fiancée*. Hence, he performs the cutting of the hair and nails and then provides her new clothes.

Further, the *Temple Scroll* replaces ירה ימים of the Masoretic Text with חודש ימים. It cannot be determined if this is simply a case of synonymous variation, or if is an attempt to clarify that the month must be a full month of thirty days.⁴⁸

From the point of marriage on, this woman, previously not part of the community, is to be under two restrictions. She must not touch pure food for seven years, nor share in the eating of *shelamim* offerings.⁴⁹ Only those who were ritually pure were permitted to partake of these offerings. This woman was considered impure for a period of seven years.

There can be no question that the exclusion from pure food parallels the procedures for entrance into the Qumran sect described in 1QS 5:13–14, 6:16–22, 7:16, 19–20, 8:24, and CD 9:21.⁵⁰ The seven-year period recalls the probationary period imposed by CD 12:5–6 on a violator of the Sabbath.⁵¹ Yet the *Temple Scroll* makes no distinction here between solid and liquid food, a distinction prominent in the sectarian texts. Indeed, such limits on contact with pure food were also part of Pharisaic and Sadducean initiation procedures as well.

THE ACCUSED VIRGIN

11QT 65:7–66:04 contains the law of a bride accused by her husband of not having been a virgin:

Itzkowski, 1909), 127, the amora Rabbi Yohanan in *p. Mak.* 2:6 (31d, marked 2:7), *Sifre Devarim* 212 (ed. Finkelstein, 245) in the opinion of Finkelstein, Josephus, *Ant.* IV. 7. 23 (§ 247), and Philo, *Virtues*, § 109–12. Cf. Nahmanides to Deut 21:13 (ed. C. Chavel, *Perush Ha-Ramban 'al Ha-Torah* [Jerusalem: Mossad Harav Kook, 1975/6], 442f.).

⁴⁸ Yadin I, 364f., citing *Sifre Devarim* 213 (ed. Finkelstein, p. 246), a *baraïta* in *b. Yebam.* 48b, and *t. Yebam.* 6:8.

⁴⁹ See my study, “*Shelamim* Sacrifices in the *Temple Scroll*,” *EI* 20 (1989) 176–83 (pp. 365–377 in this volume). Yadin I, 367 discusses the possibility that the text may intend to prohibit the eating of *shelamim* for an additional seven years, i.e. for fourteen years. This interpretation, however, is most unlikely. It would assume a difference between עד שבע שנים (lines 14–15) and עד יעבורו שבע שנים (line 15). Cf. the Talmudic discussion of *m. Ber.* 4:1 regarding the distinction of ‘ad we-‘ad bi-khelal and ‘ad we-lo’ ‘ad bi-khelal. The suggestion of J. Milgrom, “Further Studies in the *Temple Scroll*,” *JQR* 71 (1980/1) 104–5 does not seem very likely.

⁵⁰ Yadin I, 366f., Wacholder, *The Dawn of Qumran*, 85, cf. L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, California: Scholars Press, 1983), 161–5.

⁵¹ Yadin, *ibid.*, cf. L.H. Schiffman, *Halakhah at Qumran* (Leiden: E.J. Brill, 1975), 78.

If a man marries a woman and has sexual relations with her, and then despises her, and charges her with shameful behavior, and defames her, and says, "I married this woman, and when I had relations with her, I did not find evidence of (her) virginity," then the father of the girl or her mother shall take the evidence of the girl's virgini[ty] and present it to the elders at the gate. Then the girl's father shall say to the elders, "I gave my daughter to this man as a wife, and now he despises her, and he is (therefore) charging her with shameful behavior, saying, 'I did not find evidence that your daughter was a virgin.' But here is the evidence of my daughter's virginity." Then they shall spread the cloth before the elders of that city. Then the elders of that city shall take that man and flog him, and fine him one hundred (shekels of) silver, which they shall give to the girl's father, for he (the husband) has defamed a virgin of Israel. [She shall remain] his [wife. He may never divorce her all his life].⁵²

This portion of the Deuteronomic Paraphrase runs almost exactly parallel to Deut 22:13–21. A variety of minor variations from MT are found in the text.⁵³ Our discussion, however, will be limited to substantive matters. Under the influence of Deut 24:1, the author substitutes *ובעלה*, which can mean "and marries her," for MT *ובא אליה*, "and had sexual relations with her."⁵⁴ Here the text is clarifying the otherwise vague legal situation. The scroll wants to emphasize that the verb *לקח* is here to be taken as "marry," and, therefore, that the accusation of non-virginity is actually a claim of violation of the conditions of the marriage agreement. Rabbinic exegesis understands this passage in Deuteronomy to apply to an accusation of fornication after betrothal.⁵⁵ There is no hint of such a view in the scroll. It is difficult to determine if there is any significance to the change of *הזקני העיר* to *הזקנים*. This may have occurred under the influence of the phrase that follows, or in an attempt to again remove an ambiguity. The substitution by the *Temple Scroll* of *או אמה*, "or her mother," for MT *ואמה*, "and" or "or

⁵² Lines 02–04 contained a paraphrase of Deut 22:20–21 (Yadin II, 296). Our passage in 11QT is preceded by a parallel to Deut 22:8, 11QT 65:5–7, yet the material in Deut 22:9–12 dealing with mixed varieties has been omitted (Yadin II, 294). The author/redactor of the *Temple Scroll* may have placed the laws of mixed varieties (Deut 22:9–12) in the no longer extant 11QT 55:06–1 (after material corresponding to Deut 22:5) as part of his attempt to "reredact" the Pentateuch. The law of the accused virgin in the *Temple Scroll* is followed in 66:05–8 by the very same material appearing in Deut 22:22–27.

⁵³ Yadin II, 294f.

⁵⁴ Cf. Maier, *The Temple Scroll*, 135.

⁵⁵ *Sifre Devarim* 140 (ed. Finkelstein, p. 271). Finkelstein sees this interpretation as secondary and taken over from *Sifra* 'Emor *Pereq* 1:15 (ed. Weiss, 94c). Cf. the *baraita* in *b. Sanh.* 50b.

her mother,” certainly has as its purpose the removal of ambiguity. The redactor of the scroll thought that Deuteronomy intended that either parent could furnish the proof of the daughter’s virginity.⁵⁶

The phrase **וּפְרָשׁוּ הַשְּׂמֵלָה** (Deut. 22:17) has occasioned much discussion. Tannaitic tradition records a controversy in which the anonymous view is that the witnesses of the groom and those of the bride’s parents are arrayed against one another before the judges.⁵⁷ The view of Rabbi Eliezer ben Jacob is that the words are to be taken literally, “they shall spread out the garment,” that is that the physical evidence of the loss of virginity is to be investigated. The slavish manner in which the *Temple Scroll* adhered to Deuteronomy makes it impossible to find, let alone expect, any sign of this controversy in our text. It may be that the summary of this law in *4Q Ordinances* (4Q159), frags. 2–4, lines 8–10 assumes a figurative interpretation of this phrase, since that text has **וּבְקִרְוֹהָ נִאֲמְנֹתָ**, probably to be vocalized *u-vaqeruhu ne’emanut*, “they shall investigate him as to his trustworthiness,” i.e. the validity of his claim.⁵⁸

ADULTERY

11QT 66:05–07 must have contained Deut 22:22 commanding the death penalty for both parties to adultery in cases in which a man has sexual relations with a married woman. 11QT 66:07–8 contains the laws relating to the betrothed woman, parallel to Deut 22:23–27:

[If a virgin girl is betrothed to a man, and a(nother) man finds her in the city and has sexual relations with her, then you shall take the two of them out to the gate of] that city, and stone them with stones and they shall be put to death: the girl because she did not cry [out] in the city, and the man because he violated the wife of his fellow. Thus shall you

⁵⁶ Cf. *Sifre Devarim* 235 (ed. Finkelstein, 268) which is not exactly the same.

⁵⁷ *Sifre Devarim* 237 (ed. Finkelstein, p. 270). The scholion to the *Megillat Ta’anit* (H. Lichtenstein, “Die Fastenrolle, eine Untersuchung zur Jüdisch-Hellenistischen Geschichte,” *HUCA* 8–9 [1931–32], 331) attributes this controversy to the Pharisees and Sadducees, with the Sadducees occupying the literalist position. Because of the late date of the scholion, this attribution cannot be assumed to be historical. Further, the scholion seems to have adapted this dispute from the *Sifre*. Contrast L. Finkelstein, *The Pharisees* (Philadelphia: Jewish Publication Society, 1966), II, 815f.

⁵⁸ See Y. Yadin, “A Note on 4Q 159 (Ordinances),” *IEJ* 18 (1968), 250–52. F.D. Weinert, “4Q159: Legislation for an Essene Community Outside of Qumran?” *JSS* 5 (1975), 184 translates, “. . . then they shall investigate her. [If] she is confirmed. . .” Cf. his comments on pp. 201–3.

extirpate the evil from your midst. But if the man found her, the woman, in the field, in a place far from the city and hidden (from it), and he took hold of her and had sexual relations with her, then only the man who has sexual relations with her should be put to death. But nothing should be done to the girl. The girl has no (guilt for a) capital offense. For this case is just as if a man would arise against his fellow and kill him. For he found her in the field. Even though the betrothed girl may have cried out, there was none to save her.

A few variations of significance from the Masoretic Text require comment. In line 4 the scroll has **את האשה**, suspended above the line as a scribal correction, where MT has **הנער המארשה**, “the betrothed girl.” This difference resulted from the scribe’s clumsy attempt to correct his omission. This substitution does not change the fact that both sections of our law deal with a betrothed girl. Important, however, is the scrolls’ need to define the biblical **בשדה**, “in the field,” which is here explained with the interpolation **במקום רחוק וסתר**, “in a place far from the city and hidden (from it).”⁵⁹ The point is to emphasize that for the maiden to be exempted from punishment, without recourse to determining if she did or did not cry out, the act had to have been committed in a place where there would be no one to hear. Hence, we are not concerned with whether she actually called out. Indeed, the very same view is espoused in rabbinic sources.⁶⁰ The rabbis derived this interpretation from the words **ואין מושיע לה** “there is no one to save her.” If there might be some one there, the girl must scream and seek help. If she does not, she is simply committing adultery as in the case above, in Deut 22:23–4 and lines 07–4 in our column of the *Temple Scroll*.

THE SEDUCED VIRGIN

11QT 66:8–11 deals with the seduced virgin:

If a man seduces a virgin girl who has not been betrothed, and she is fitting to (marry) him according to the law, and he has sexual relations with her and is found, then the man who has sexual relations with her must give the father of the girl fifty (shekels of) silver. She shall be his wife, since he violated her; he may not divorce her all his days.

⁵⁹ Yadin II, 297. He also compares Num 5:13.

⁶⁰ *Sifre Devarim* 243 (ed. Finkelstein, 273), *Mekhilta’ De-Rabbi Ishmael* (ed. H.S. Horowitz, I.A. Rabin [Jerusalem: Bamberger & Wahrman, 1960]), 321.

The author/redactor has created one law here out of Exod 22:15–16 and Deut 22:28–29.⁶¹ Later tannaitic tradition saw these as separate laws, understanding Exodus as referring to a case in which an unbetrothed virgin was seduced (the violator is called *mefatteh*), and Deuteronomy as discussing the rape of such a girl (the violator is termed *'ones*). The *Temple Scroll* and the tannaitic sources faced the same difficulty: how to make sense out of the various verses in the Torah referring to similar issues. In this case, the *Temple Scroll* took a very different view from that of the later rabbis.

To understand the view of the author, it is necessary to remember that he used the Deuteronomic passage as his main source. He began by substituting *יפתה* from Exodus for Deuteronomy's *ימצא... ותפשה*. He was guided by his opinion that *תפש* here cannot refer to forcible rape. Our author must have understood *תפש* in Deuteronomy to mean "seduce": "If a man finds... and seduces her..."⁶²

Our author adds a clause not found in either of his sources, "and she is fitting to (marry) him according to the law." This addition is linguistically parallel to tannaitic usage.⁶³ The author intended to make clear that the requirement (which he takes from Deut 22:29) for the seducer to marry the girl he seduced after paying a bride price exists only in cases in which the girl is permitted to marry the man according to the laws of consanguineous marriage, which follow immediately after in the scroll.⁶⁴ The scroll's ruling on this matter is far from obvious. Since the author holds that the seducer must marry her, one might have thought that this positive commandment would override the negative commandments prohibiting certain marriages. In any case, our scroll limits such "shotgun" weddings to those which would normally be acceptable unions according to the law.⁶⁵

⁶¹ This passage appears in 2Q3 (M. Baillet, J.T. Milik, R. de Vaux, *Les 'Petites Grottes' de Qumrân* [Oxford: Clarendon Press, 1962], 54).

⁶² He must have interpreted this root differently in Num 5:13 where it cannot mean "seduce." There rabbinic tradition (*Sifre Be-Midbar Naso' 7* [ed. Horovitz, p. 12]) takes it to mean "raped". Nonetheless, Ibn Ezra takes this word as meaning that she was not caught by witnesses.

⁶³ *m. Ketub.* 3:5, *Mekhilla' De-Rabbi Ishmael* 17 (ed. Horovitz-Rabin, p. 308), cf. *m. Yebam.* 11:7 and *m. Sanh.* 8:4.

⁶⁴ Yadin, I, 369.

⁶⁵ Note also that in tannaitic law, the status of *na'arah* lasts only for the first six months after the onset of puberty. Thereafter, these laws are said by the tannaim not to apply.

The phrasing of this law would lead to the conclusion that the penalty of fifty shekels is to be paid even in cases in which marriage cannot take place because it is consanguineous or otherwise prohibited. The Mishnah discussed the penalties for both the law of Exod 22:15–16 and Deut 22:28–29.⁶⁶ In both cases, the ruling is that the penalty is paid in cases in which the marriage is permissible, or in which it is prohibited but punishable by the courts. Only in cases where the putative marriage would result in the divine punishment of death at the hands of heaven (כרת) do we find the seducer or rapist exempted from the obligation to pay the penalty. Yet it is in this tannaitic context that we discover the phrase *'ishah ha-re'uyah lo* which is so closely parallel to the usage of our *Temple Scroll* passage. Although the tannaim and the *Temple Scroll* used similar terminology here, and shared the basic issue under discussion, they reached different conclusions about the circumstances under which the penalty was to be paid.

The scroll's use of the singular verb ונמצא is curious here. Indeed, a singular is attested in the Septuagint. Yet the author of our scroll has concluded that Deuteronomy is referring to seduction, in which the girl agrees to engage in sexual relations. If so, he is guided by the use of a plural in Deuteronomy.⁶⁷ If this is correct, the scroll preserves one textual reading, while deriving its law from another.⁶⁸

The author concludes his law by following verbatim the text of Deut 22:29. In doing so, the author indicates that he rejects the notion that the fifty shekels is a bride price (*mohar*) which should have been paid earlier and which now, even after sexual relations, may still be paid. The payment mentioned in Exodus certainly was such a bride price. Instead, the *Temple Scroll* clearly regards this payment as a penalty. This, in fact, is the view of the tannaim who expressly term the payments in both situations as *qenas*, “penalty.”⁶⁹ Further, our author forecloses the option opened in Exod 22 for the father to accept payment in lieu of what is there a bride price, and to refuse to give his daughter in marriage to the man who had already had relations with her. Indeed,

⁶⁶ *m. Ketub.* 3:1–4.

⁶⁷ Cf. M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Oxford: Clarendon Press, 1972), 286.

⁶⁸ Contrast Yadin I, 370f.

⁶⁹ *m. Ketub.* 3:1–5.

our author seeks to restore the moral balance and order, not to rectify the financial loss to the bride's father.⁷⁰

What is it that for our author excludes the possibility of the father's refusal to allow his daughter to marry this man? It may be that in accordance with the idea of monogamy which seems to have been the ideal of the scroll, it was regarded as a violation for this woman who had had sexual relations with this man to marry another. Hence he had to marry her; the father could not refuse, and the marriage had to take place.

INCEST LAWS

The scroll comes to a close with a variety of laws pertaining to prohibited, consanguineous marriages (11QT 66:11–17), continuing for at the most 5 or 6 lines on 67, the final column of the scroll.⁷¹ The placement of these laws in the scroll is clearly a result of the occurrence of the prohibition of marriage to “the wife of one's father” in Deut 23:1. This led the author of this section to expand upon the incest laws drawing on material from Leviticus. While this technique of weaving together biblical materials on a topic is typical of the scroll as a whole,⁷² it is not usual in the Deuteronomic Paraphrase of which this passage constitutes the conclusion.

This verse is quoted in 66:11–12 with only orthographic changes:

A man may not marry the wife of his father, nor may he uncover his father's skirt.

The verbatim quotation in our scroll of a biblical verse which is itself subject to varying exegetical approaches raises the very same problems in the new context. The major problem is that this verse seems to duplicate Lev 18:8. The author of the scroll saw our verse as synonymous with Lev 18:8. He therefore proceeded to list prohibitions found in Leviticus

⁷⁰ Weinfeld, *Deuteronomy and the Deuteronomic School*, 285.

⁷¹ Since most of the last column was certainly blank, the scroll came to an end at the top of the column. From the last two words of column 66, it is clear that at least the first of the lines on the top of 67 contained further material regarding incest. Since the scribe attempted to complete the scroll on column 66 by adding a few extra lines (see Yadin III, Plate 82), he must have had a *Vorlage* before him (cf. Yadin II, 300–1). As he copied, he knew how much more had to be written to complete the text.

⁷² Yadin I, 73–7.

immediately after Deut 23:1. Tannaitic tradition interpreted the first half of this verse as simply repeating the prohibition of marrying a woman who had been married to one's father (Lev 18:8). Yet a conflict existed regarding the significance of the second half of the verse. Rabbi Judah argued that it prohibited a person from marrying a woman who had been raped or seduced by his father. The anonymous view allowed such marriages.⁷³ The view of Rabbi Judah was occasioned by the repetitive style of the verse. Further, Targum *Pseudo-Jonathan* and *Neofiti* to Deut 23:1 understand the verse as does Rabbi Judah, although apparently reversing the significance of the former and latter halves of the verse. In view of the general pattern of our scroll in such matters, it is most likely that the *Temple Scroll* would have prohibited such unions, as did Rabbi Judah later on.

The *Temple Scroll* then continues in 11QT 66:12–13 to discuss the prohibition of Lev 20:21 which the scroll phrases in a form similar to that of Deut 23:1, which he had quoted verbatim immediately before:

A man may not marry the wife of his brother, nor may he uncover his brother's skirt, (whether his brother is) the son of his father or the son of his mother, for it is impurity.

In discussing Lev 20:21 (11QT 66:12–13), which provides that it is forbidden to marry a woman who was married to your brother (most probably levirate is an exception), the author has adapted the **לוא יגלה כנף** phraseology, based on **תגלה** in Lev 18:16 and **ערות אחיו גלה** in Lev 20:21.⁷⁴ It is again difficult to tell if the author regards this clause simply as a repetition of the first part of the verse, not as indicating a specific prohibition, or, if, like the tanna Rabbi Judah, he understood this phrase to refer to women with whom his brother may have had sexual relations outside of the sphere of marriage.

The addition of **או בן אמו (1) בן אביה** (cf. Lev 20:17) is designed to emphasize that for the purposes of this law it does not matter if the brother shares both parents. Even if he is a half-brother, it is forbidden to marry a woman to whom your brother was married.⁷⁵ Rabbinic halakhah reached the same conclusion.⁷⁶

⁷³ *m. Yebam.* 11:1, *t. Yebam.* 12:1 (cf. S. Lieberman, *Tosefta Kī-Fshutah* VI [New York: Jewish Theological Seminary, 1967], 122), *Sifre Devarim* 146 (ed. Finkelstein, 275).

⁷⁴ *Yadin II*, 299.

⁷⁵ *Yadin II*, 299.

⁷⁶ *Sifra' Qedoshim Pereq* 11:8 (ed. Weiss, p. 93b), *baraita'* in *b. Yebam.* 55a.

The text next moves to marriage with one's sister in 11QT 66:14:

A man may not marry his sister (whether she is) the daughter of his father or the daughter of his mother; it is an abomination.

This prohibition is based on Lev 20:17 and Deut 27:22. The scroll has replaced the difficult **הוא חסד הוא** of Lev 20:17 with **תועבה היא**⁷⁷ used in Lev 20:13 to describe homosexuality.⁷⁸

11QT 66:14–15 prohibits marrying one's parent's sister:

A man may not marry his father's sister or his mother's sister, for it is immorality.

This command is based on Lev 18:12–13 and 20:19.⁷⁹ Yet the concluding words, **זמה היא**, “it is immorality,” are taken from other cases in the Bible. Lev 18:17 and 20:14 use this clause in reference to marrying a woman and her daughter (and even granddaughter in Lev 18:17). CD 8:6–7 uses **זמה** also in connection with incestuous relationships.⁸⁰

The final prohibition which is preserved is 11QT 56:15–17:

A man may not marry his brother's daughter or his sister's daughter, for it is an abomination.⁸¹

This passage prohibits marriage of a man to his niece. The marriage of nieces was permitted and even encouraged in tannaitic teaching. Yet the sectarians from Qumran, the *Temple Scroll*, the Samaritans, the early Christians, the Falashas, and the Karaites forbade it.⁸² CD 5:7–11 gives an explanation of the derivation of this prohibition in the context of a description of the sins of the Pharisees:

And they marry each his brother's daughter and his sister's daughter. But Moses said, “Do not have sexual relations (**תקרב**) with your mother's

⁷⁷ Cf. Targum Onkelos, Rashi, Ibn Ezra.

⁷⁸ Cf. Deut 22:5 and *4QOrdinances*, in J.M. Allegro, *Qumrân Cave 4, I (4Q158–4Q186)*; DJD 5 (Oxford: Clarendon Press, 1968), 8 line 7 (Yadin II, 299).

⁷⁹ Cf. also Deut 27:22 (Yadin).

⁸⁰ Emending to **ויתעלסו**.

⁸¹ The scribe left most of a line blank in the middle of this law, a sort of *pisqa'* *be-ʿemša' pasuq*, to use the Masoretic term. It is possible that the scribe did not want a law to end at the bottom of the column lest a reader mistakenly think this was the end of the scroll (Yadin II, 295).

⁸² C. Rabin, *The Zadokite Documents* (Oxford: Clarendon Press, 1954), 19; *Qumran Studies* (Oxford: University Press, 1957), 91–92; Yadin I, 372. Judah He-Hasid, *Sefer Hasidim* (ed. R. Margaliot, Jerusalem: Mossad Harav Kook, 1956/7), sec. 488 (p. 331; cf. sec. 491, p. 332) expresses hesitations about such marriages, and forbids them in his testament (cf. Margaliot, 22 n. 32).

sister, for she is your mother's flesh" (Lev 18:13). And the rules of incest are written with reference to males, and apply equally to women.⁸³ So how (דא) can the brother's daughter engage in sexual relations with her father's brother, is she not (also) flesh (a close relative)?

The logic of this passage is as follows: If a man cannot marry his aunt, i.e. his mother's sister or his father's sister (prohibited in Lev 18:12), then a woman may not marry her uncle, either her father or mother's brother. Put from the point of view of a male, a man may not marry his niece, whether his brother or sister's daughter.

This logic must have been the basis for the view of the *Temple Scroll* on this matter. Since this same ruling was adopted by virtually all Jewish sects except the Pharisees, it is unjustified to use this parallel as a basis for assuming an identical provenance for the *Temple Scroll* and the *Zadokite Fragments*.

CONCLUSION

This paper, and other research not reported here, has examined the entire corpus of laws relating to women in the *Temple Scroll*. It would have been gratifying if the scroll would have illumined the position of women in Second Temple times, or the author's views on the place of women in Jewish life. This did not happen because the agenda of the scroll was determined in these matters by the canonical Torah. The concern of the author or authors of the material preserved in the *Temple Scroll* was with the exegesis of what was already an ancient document. The only section in which some hints of the author's own experiences may have come through is in the *Temple Scroll*, where the author may be reacting, as he is in his calls for governmental and religious reform, against the prevailing patterns in the Hasmonean era.

The views of the *Temple Scroll* on matters relating to women are extremely conservative. The text does not advocate a revision of previous norms, as does the scroll in some areas. Rather, the scrolls author/redactor calls for the continued observance of the ancient laws to which in some cases he offers new interpretations. For the most part he echoes either the simple meaning of the biblical text, or interpretations common in his time.

⁸³ So Rabin, *The Zadokite Documents*, 19.

The *Temple Scroll* is throughout an attempt to sketch out an ideal reality which to the author will allow the attainment of sanctity and holiness in the present, pre-Messianic era. Certainly, our scroll assumes marriage, sexual relations, and childbirth. This is not surprising, since on the one hand we take the view that the *Temple Scroll* is not a product of the Qumran sect, and, on the other hand, that even the communities described by the *Manual of Discipline* and the *Zadokite Fragments* lived according to the norms of family life prevalent throughout Jewish society in the Second Temple period, and, indeed, assumed as the fulfillment of both man and woman by the Torah itself.

The author/redactor of the *Temple Scroll* believed that the perfect society which he sought as a replacement for that of Hasmonean Palestine would be based on marriage and family, and that relations between the sexes are, as the Torah requires, to be conducted in sanctity and holiness. It is the potential for sanctification on the one hand, and for defilement on the other, which makes women the object of so much attention in the *Temple Scroll*. Yet to the *Temple Scroll* the power to live a life of sanctity lay not only in the hands of the priests, but in the hands of every man and woman in Israel.

CHAPTER THIRTY-TWO

PRIESTLY AND LEVITICAL GIFTS IN THE *TEMPLE SCROLL*

The *Temple Scroll* (11QT 60:1–11) contains a series of prescriptions regarding the distribution and allocation of priestly and Levitical emoluments. This passage is part of the Deuteronomic Paraphrase, a section of the scroll which reworks the legal material in Deuteronomy and which was composed by the author/redactor of the *Temple Scroll* to round out the new Torah that he had created.¹

The passage under consideration here is found at the point where the Paraphrase reached Deut 18:1–8 as it worked through the laws of Deuteronomy. Yet similar material is also found in Num 18 and this passage has been much more influential here as we will see in our examination of the material. Large parts of our passage in the scroll are actually free composition by the author or his source, as the material does not accord in anything close to a verbatim manner with any biblical source.

The priestly gifts are specified in lines 1–5, and those of the Levites in lines 6–10. The *lacuna* at the top of the column (lines 1–7) may also have contained the beginning of this section.² In what follows we will deal with the various biblical laws and the manner in which they have been interpreted and adapted in the scroll.

I. ALLOCATION TO THE PRIESTS

11QT 60:1–5 preserves a part of the scroll's list of gifts allocated to the priests:

¹ See L.H. Schiffman, "The Deuteronomic Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992) 543–567 (pp. 443–469 in this volume).

² Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) vol. II, 270–271.

and all their wave offerings, and all their male first-born (offerings)³ and all the tithe⁴ of their animals, and all their holy offerings which they sanctify to me with all their holy fruit (offerings) of praise and the tribute of their offering, of the fowl, the beasts and the fish, one thousandth of whatever they trap, and whatever they will devote, and the tribute from the booty and the spoil.

This passage must have been preceded by some material based on Deut 18 and Num 18 which appeared in the lacuna above at the top of the column. While it would be tempting to make assumptions regarding the contents of the lacuna based on these biblical passages, we will limit our discussion to those items which are listed here as gifts for the priests in the preserved portion of the text. Each one of these will be discussed in detail below.

A. *Wave Offerings*

Num 18:11 specifies that all wave offerings are to be given to the Aaronide priests and that they may be eaten only by those who are ritually pure. It has been suggested that the term **תנופה** should be translated as “elevation offering” and that the offering was in no way waved, only lifted up before the Lord.⁵ The act of waving or elevation is intended to effect transfer of the offering from the offerer to the Deity.⁶ In any case, if this offering was to be given to the priests, we need to establish which wave-offerings were included in this grant.

To analyze this passage something has to be understood of the structure of Num 18:8–19.⁷ Verse 8 is a general opening statement saying that what follows are offerings for the priests. The first part of the passage, verses 9–10, deals with what the rabbis called the **קדשי קדשים**,

³ Following the reading of E. Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Beer Sheva-Jerusalem: Ben Gurion University, 1996) 85: **בכורות[י]המה**. Yadin had read **בכור[ן בבהמ]תמה** “all their first born male [animals],” claiming that the reading of Qimron is too short for the space, but Qimron’s reading is to be preferred. In support of his reading Yadin cites Exod 13:2, 12; Lev 27:26; Num 18:15.

⁴ Yadin, *Temple Scroll*, II, 271 was unable to restore this word, but Qimron, *Temple Scroll*, 85 read it as **מ[ע]ש[ר]**.

⁵ See the detailed discussion in J. Milgrom, *Studies in Cultic Theology and Terminology* (Leiden: Brill, 1983) 133–158.

⁶ *Ibid.*, 145.

⁷ Cf. J. Milgrom, *The JPS Torah Commentary: Numbers* (Philadelphia: Jewish Publication Society, 1990) 150–54 and B.A. Levine, *Numbers 1–20* (New York: Doubleday, 1993) 435–437.

“the holiest of sacrifices”, i.e. those actually offered on the altar or eaten by priests. The remainder of the passage, verses 11–19, treats the apportionment of the lesser קדשים, “holy things”, sacrifices which are eaten by the offerer. The section of the *Temple Scroll* text missing at the top of the column probably related to the sacrificial portions of the “holiest sacrifices”, and the portion we are dealing with relates to the lesser holy offerings. It is the wave offerings of these lesser sacrifices which are given to the priests by the biblical text and by our scroll. The text of Numbers describes among these gifts those offerings that are brought to the sanctuary and which are dedicated there to God through the wave offering rites.

Specifically, the Torah refers to wave offerings only in regard to a number of sacrifices: The breast of the *shelamim* offering (Exod 29:27–28; Lev 7:30; 9:21; 10:14–15; Num 6:20; 18:18); the suet and right thigh of the priestly consecration ram together with its loaves of bread (Exod 29:23; Lev 8:26–27); the breast of the priestly consecration ram (Exod 29:26; Lev 8:29); the gold and copper contributed to build the Tabernacle (Exod 35:22; 38:24, 29); the lamb of the reparation offering and the oil of the purified leper (Lev 14:12, 21, 24); the *omer* offering (Lev 23:11, 15); the two loaves of bread and two lambs of the festival of Shavuot (first fruits; Lev 23:17, 20); the meal offering of the suspected adulteress (Num 5:25); the boiled shoulder of the Nazirite’s *shelamim* offering (Num 6:20); and the Levites themselves when they begin their service (Num 8:11, 15, 21).⁸

Now it is obvious that some of the offerings in this list cannot be intended by our passage in the *Temple Scroll*. The bread of the priestly consecration offering, the grain offering of the suspected adulteress, the right thigh of the consecration offerings and the breads are offered entirely to God as is the *omer* grain sacrifice. The loaves and lambs of the Shavuot festival and the leper’s reparation offering are “holiest sacrifices”, so they cannot be classed with the lesser holy offerings. The Levites themselves as well as the metals for the Tabernacle are certainly irrelevant here. This leaves us with the breast of the *shelamim* offerings, the breast of the consecration ram, and the Nazirite shoulder portion. The Nazirite shoulder portion is specifically given to the priests in Num 6:20 which also says that it is “holy”, that is, one of the lesser holy

⁸ Milgrom, *Studies*, 133–134, 141.

offerings. These then are the offerings referred to in our text as the wave-offerings apportioned to the priests from the lesser sacrifices.⁹

B. *First-born Offerings*

The second class of offerings which are apportioned to the priests in our passage from the *Temple Scroll* are the offerings of male firstborn animals.¹⁰ Exod 13:2, 11–13 do not specify what is to be done with this offering except that it is said to be “for the Lord” (verse 12), as is the case also in Lev 27:26. But Num 18:15, the source for the scroll, definitely apportions the first-born to the priests.

11QT 52:7–12 also concerns first-born animals and follows the text of Deut 15:19–23. In that passage from our scroll it is the owner who is to eat the first-born animals,¹¹ albeit in the holy precincts. The offering is not given to the priests. This contradiction exists in the Torah itself¹² and we would have expected the author of this section of our scroll or its editor to have reconciled it.¹³

Rabbinic tradition deals with this problem by assuming that the assignment of the firstborn animals to the priests in Num 18:15 applies only to the redemption money in cases where the animal (or child in the case of humans) is redeemed.¹⁴ Such an explanation cannot be put forward for our scroll since it explicitly lists the first-born as gifts for the priests in col. 52. We simply must accept that the scroll repeated the Bible’s contradiction without harmonizing it, despite the fact that its normal approach was harmonistic.

⁹ This passage does not discuss the wave offerings of “holiest sacrifices,” the cheeks, stomach, breast and right thigh. On the wave-offering of these, see Milgrom, in Yadin, *Temple Scroll*, I, 170–171; Milgrom, “Appendix, The Shoulder for the Levites,” in *ibid.*, I, 169–176; see also *ibid.*, I, 154–155 n. 5, which explains the relationship of the appendix by Milgrom to the work of Yadin.

¹⁰ Cf. G. Brin, *Studies in Biblical Law: From the Hebrew Bible to the Dead Sea Scrolls* (Sheffield: JSOT Press, 1994) 170–195.

¹¹ Cf. Yadin, *Temple Scroll*, I, 314–315.

¹² See M. Weinfeld, *Deuteronomy and the Deuteronomistic School* (Winona Lake, IN: Eisenbrauns, 1992) 215–16.

¹³ A second controversy concerns the question of whether the firstborn may be consecrated and then redeemed. See Weinfeld, *Deuteronomy*, 215, and the rabbinic harmonizations in *m. Arakin* 8:7 and *Sifre Devarim* 124, ed. Louis Finkelstein (New York: Jewish Theological Seminary of America, 1969) 182–183.

¹⁴ *m. Bekorot* 8:8.

C. *The Tithe of Animals*

The scroll next rules that the tithe of animals is to be given to the priests. The Torah discusses the tithe of cattle and sheep and goats in Lev 27:32 (cf. 2 Chr 31:6). There we read that the animal tithe is “holy to the Lord”. The rabbinic tradition understood this to mean that it was to be eaten by the owners in Jerusalem, after the blood had been sprinkled and the fats offered on the altar. Yet our scroll clearly understands it to mean that, like the first-born that are also “holy to the Lord” (Lev 27:26), these animal tithes are to be given to the priests.

The very same prescription appears in 4QMMT B 63–64. There the text rules, “And the tithe of the cattle and the flock shall belong to the priests.” This same ruling is found in *Jub.* 32:15, Tobit 1:6, Philo and medieval Karaite sources.¹⁵ It seems then that this view was quite widespread in Second Temple times. This is the same controversy as exists in the case of the fourth-year produce mentioned below in our passage.

D. *Sacrificial Portions*

The text specifies that all of the holy offerings which are to be sanctified to God are for the priests. We know already that this passage deals only with those offerings of the lesser sanctity in which most of the offering is to be eaten by those who present it. Reference is not to offerings of the most holy type. These are referred to in Num 18:8 which must have preceded our passage in the *Temple Scroll*. Rather, we speak here of the lesser offerings described in Num 8:19¹⁶ which are said there to be given to the priests. There it says that the priestly portions of these offerings, called *terumah*, may be eaten by both male and female members of the priestly families, an indication that these are of the lesser level of sanctity. These portions included the foreleg, cheeks and maw (stomach).

E. *Holy Fruit Offerings of Praise*

This offering is termed by the rabbis נטע רבעי, “fourth-year produce,” and is described in Lev 19:24. We omit this offering from our present

¹⁵ E. Qimron and J. Strugnell, *Qumran Cave 4. V: Miqsat Ma'ase Ha-Torah*; DJD 10 (Oxford: Clarendon Press, 1994) 165 and n. 156.

¹⁶ Cf. also Lev 22:14, which indicates that such offerings belong to the priests.

discussion, since we have discussed it in detail elsewhere in connection with the parallel in 4QMMT.¹⁷ It suffices to note that this offering is here apportioned to the priests, whereas in rabbinic law it is to be eaten by the owner in Jerusalem.

F. Tribute of the Spoils of War and Trapped Animals

This section is based on the discussion of the booty from the battle with Midian described in Num 31:25–47. There a tribute is taken from the 50% of the spoils apportioned to the fighting men of 1/500 of the spoils of humans and animals captured. This tribute of 1/1000 of the total is to be given to Eleazar the priest. According to this biblical passage, the Levites are to be given 1/50 of the portion of spoils of humans and animals of the half of the booty apportioned to the non-combatant Israelites. The proportion of the tribute (מכס)¹⁸ given to Eleazar is termed *terumah*.

It is easy to see how our author arrived at the total of 1/1000, which was also the same for militarily gained tribute (11QT 58:11–15).¹⁹ Num 31 had required a portion of 1/500 out of half of the total booty (cf. 1 Sam 30:24). Such a figure is equivalent to 1/1000 of the total booty taken in the battle.²⁰

This author assumes that these regulations are to be permanent, for all generations.²¹ However, it was the opinion of the rabbis that the procedures for the allocation of portions of the booty to priests and Levites in Num 31 applied only to the war with Midian and were not permanent parts of the Jewish legal system.²² Nonetheless, it can be maintained that 1 Chr 18:8–11 indicates that David offered such tribute and, therefore, that it was to be offered throughout the generations.²³ Some modern Bible scholars are also of the opinion that Num

¹⁷ L.H. Schiffman, “*Miqsat Ma’ase Ha-Torah and the Temple Scroll*,” *RevQ* 14 (1990) 452–456 (pp. 123–147 in this volume).

¹⁸ On this term and its use in Numbers see M. Haran, “מכס,” *Encyclopedia Miqra’it* (Jerusalem: Bialik Institute, 1962) vol. 4, 964–965. Haran derives this usage from Akkadian *miksu*.

¹⁹ On the distribution of the spoils of war, see Yadin, *Temple Scroll*, I, 358–362; L.H. Schiffman, “The Laws of War in the *Temple Scroll*,” *RevQ* 13 (1988) 304–306 (pp. 505–517 in this volume).

²⁰ Yadin, *Temple Scroll*, II, 272.

²¹ *Ibid.*, I, 163; II, 272, basing himself on Haran, “מכס,” 965.

²² *b. Menahot* 77b, cf. *Tosafot to b. Yoma* 24a. That this law does not apply after the desert period is explicitly stated by Maimonides, “ספר המצות הרמב”ם עם השנות הרמב”ן,” ed. Charles B. Chavel (Jerusalem: Mosad Harav Kook, 1981) 61 (שורש ג).

²³ Naḥmanides, in Maimonides, *ספר המצות* (Chavel edn, 62).

31 meant to establish a permanent obligation of priestly and Levitical gifts after battle.²⁴

It is interesting that the text transfers the rules for military booty to the sphere of portions of animals taken in trapping. Apparently, the thinking was as follows. Num 18:19 refers to the apportionment to the priests of “all the holy offerings (תרומת הקדשים) which the children of Israel will offer to the Lord”. Here the word *terumah* is used. The same term is used in regard to the booty in Num 31:41 which refers to “the tribute of the *terumah* of the Lord”. The subject there was the animals that were captured, albeit militarily, not by trapping. By a sort of *gezerah shavah*, a hermeneutical device known in rabbinic literature, the author determined that this percentage of 1/1000 referred also to these animal offerings of caught animals, not just to those captured in military activity, and that these were in fact the offerings referred to in Num 18.

G. Dedication Offerings

When the scroll refers to “anything they shall dedicate”, the text is alluding to the command of Num 18:14 that the priests are to receive every **חרם** in Israel. Lev 27:28 indicates that this kind of dedication offering is permanent in that once it is given over to sacred purposes, it may never be sold or redeemed but remains eternally sacred property.²⁵ But this verse says that it belongs “to the Lord”, a vague expression which usually signifies that it is to be appropriated to the priests²⁶ which according to the Numbers passage is the case. Numbers is followed explicitly by Ezek 44:29 and by the *Temple Scroll*.

The scroll’s ruling here is most probably to be seen in the context of a debate attested in tannaitic sources.²⁷ The rabbis were confronted with the question of the differing recipients specified in Numbers and Leviticus. Our passage in Numbers gave the *herem* offerings to the priests whereas the Leviticus command gave them to “the Lord.”

m. Arakin 8:6 contains a debate about exactly this question. Rabbi Judah ben Batyra argues that these dedication offerings are to be used for repair of the Temple, i.e., that “to the Lord” means for the Temple.

²⁴ Haran, “מכס,” 965.

²⁵ Cf. Milgrom, *Numbers*, 151–152 and 428–430.

²⁶ Levine, *Numbers 1–20*, 435.

²⁷ Yadin, *Temple Scroll*, I, 165.

The sages argue that these offerings are to be given to the priests based on Lev 27:21 which makes clear that the dedicated fields are to go to the priests.²⁸ Our scroll, like the view attributed to the sages, saw the priests as the representatives of “the Lord” and so apportioned these offerings to them. Even in Second Temple times there must have been others who took these words more literally, assuming that the only way to give an offering to the Lord was to burn it, or, in the case of *herem* dedications, to use it for repairing the Temple itself.

The Mishnah also discusses what the items are that a person may devote as a *herem* offering. These are listed as sheep and goats, cattle, male and female Canaanite (i.e., non-Jewish) slaves, and permanent real estate (*m. Arakin* 8:4). One’s children, Jewish servants and land which is to return to the original owners in the Jubilee cannot be devoted in this way, since they do not belong to the devoter in reality. In the view of our scroll, then, such *herem* offerings were to be allocated to the priests.

II. ALLOCATIONS TO THE LEVITES

The second aspect of our passage is the allocation of gifts to the Levites. The list of Levitical emoluments is preserved in its entirety (11QT 60:6–11):²⁹

And to the Levites (you shall give) a tithe (one-tenth)³⁰ of the grain, the wine, and the oil³¹ which they sanctified to Me³² at first,³³ and the shoulder from those offering a sacrifice,³⁴ and the tribute from the booty and

²⁸ Cf. *Sifre Bemidbar* 117, ed. Shaul Horovitz (Jerusalem: Wahrmann, 1966) 137; cf. parallels cited in his notes and *b. Bekorot* 32a.

²⁹ That this is a discrete section of text is clear from the presence of paragraph indentations both before and after.

³⁰ Cf. Neh 10:38, וּמַעֲשֵׂר אֲדָמָתָנוּ לַלֵּוִיִּם, as suggested in Yadin, *Temple Scroll*, II, 272.

³¹ The language is clearly drawn from Neh 13:5, 12, מַעֲשֵׂר הַדֶּגֶן וְהַתִּירוֹשׁ וְהַיֵּצֶהָר, as suggested in Yadin, *Temple Scroll*, II, 272.

³² Probably based on מַעֲשֵׂר . . . לַיהוָה הוּא קֹדֶשׁ לַיהוָה (Lev 27:30); as suggested in Yadin, *Temple Scroll*, I, 161; II, 272; cf. J. Milgrom, “Studies in the *Temple Scroll*,” *JBL* 97 (1978) 519. However, we cannot agree with Yadin that this usage is intended to interpret the Leviticus passage as referring to the Levitical tithe, since the scroll understood “to the Lord” usually to refer to priestly gifts.

³³ On this term, see Yadin, *Temple Scroll*, I, 161; II, 272, and his comments to 11QT 23:10–11, *ibid.*, II, 105.

³⁴ Usually referring to whole-offerings, which are eaten by those who offer them in Jerusalem. The phrase comes from Deut 18:3.

the spoil, and from the trapping,³⁵ of the fowl, the beasts and the fish, one hundredth. And from the young pigeons, one fiftieth, and a tithe of the honey.³⁶

Several Levitical gifts are discussed in this passage and they will be individually analyzed below. To some extent the passage continues to follow the order of Num 18 which deals with the tithe for the Levites in verses 25–32. But the bulk of this biblical passage has to do with the obligations of the Levites to offer the *terumah* offering to the priests from their tithes (rabbinic **תרומת מעשר**). Our passage has attempted to list all Levitical gifts here. We will also see the influence of Num 18 and Deut 18 in this passage.

A. *The First Tithe*

The tithe which is given to the Levites is known in rabbinic terminology as **מעשר ראשון**, the “first tithe.” This tithe is mentioned in Num 18:21–32. In fact, this biblical passage concerns this tithe, but most of what is discussed relates to the obligation of the Levites to offer a **תרומה** offering to the priests from their tithe. The text explicitly states that all of the tithe has been given to the Levites in exchange for their work in the Tent of Meeting (verses 21, 24). The list of products—grain, wine and oil—has been derived from Neh 13:5 and 12 which discuss the renewal of the Levitical tithes in Second Temple times.

The first tithe is to be distinguished from the **מעשר שני**, the “second tithe”, described in Deut 14:22–6.³⁷ This is a tithe which is to be eaten by its owner/offers in the “place which God will choose”, namely Jerusalem. This tithe specifically applies to grain, wine and oil, and may be exchanged for money to facilitate its being brought to Jerusalem. In the *Temple Scroll* (11QT 43:4–10, cf. 15–17) the obligation to offer the second tithe was joined to the celebration of the first fruits festivals. Hence, in contradistinction to the rabbinic system, the second tithe was

³⁵ Equivalent to Mishnaic Hebrew **צידה**.

³⁶ Following Yadin, *Temple Scroll*, II, 273, and his translation in reordering the phrases here. Cf. also Yadin, *Temple Scroll*, I, 166. The text literally says: “And from the young pigeons, and a tithe from the honey, one fiftieth.” Cf. Qimron, *Temple Scroll*, 85, note to line 9.

³⁷ On second tithe in the *Temple Scroll*, see Yadin, *Temple Scroll*, I, 114–116 and J.M. Baumgarten, “The First and Second Tithes in the *Temple Scroll*,” *Biblical and Related Studies Presented to Samuel Iwry*, ed. Ann Kort and Scott Morschauer (Winona Lake, IN: Eisenbrauns, 1985) 10–15.

to be annual in the view of our scroll. The same view was taken by *Jub.* 32:10–11 and by Josephus, *Ant.* 4:242. The rabbis faced difficulty regarding the various seemingly contradictory commands regarded tithing and decided that the first tithe was to be brought yearly, and the second tithe and a tithe for the poor were to be brought in addition in alternate years, the second tithe in years one, two, four and five, and the tithe for the poor being brought in years three and six of the Sabbatical cycle. As regards the yearly requirement of a Levitical first tithe, our scroll was apparently in complete agreement with tannaitic tradition. Like the tannaim and *Jub.* 32:11, our text knows of two distinct tithes, the first and second.³⁸

It appears that whereas the tannaim already had the term “first tithe” for this offering, our scroll still uses the earlier locution, “which they sanctified to Me at first.”³⁹ Another possibility is that the text is to be taken literally, meaning that the tithes now to be apportioned to the Levites were originally those which were given to the Lord, that is, to the priests. Now they are to belong to the Levites in accordance with the author’s understanding of Num 18:21, with a small portion going to the priests who had received the offerings originally.⁴⁰ Further, it is possible to see the assignment to the Levites as an attempt to compensate for a gradual reassertion of priestly rights over tithes in Second Temple times. It may also be observed that the use of the word “sanctify” in connection with the tithes may indicate that the scroll saw the eating of Levitical tithe produce by Israelites as forbidden. Also, the collection of the tithe was expected by our scroll to be centralized and, therefore, it was to be collected and distributed at the Temple.⁴¹

B. *The Shoulder Offering*

Our scroll is unique in assigning to the Levites the shoulder of sacrificial animals, most specifically of the זבח, usually taken as equivalent to the whole-offering (שלמים). This issue has been subjected to extensive study already,⁴² and has for the most part been correctly explained.

³⁸ Baumgarten, “First and Second Tithes,” 6.

³⁹ So Yadin, above n. 33.

⁴⁰ Baumgarten, “First and Second Tithes,” 7, who cites parallels from *Jub.* as well.

⁴¹ *Ibid.*, 10; cf. J. Milgrom, “Studies in the *Temple Scroll*,” 519–520.

⁴² Yadin, *Temple Scroll*, I, 151–159, and see n. 9. Our discussion here will concentrate only on the aspects of this issue which relate to the Levitical emoluments, not to those which relate more to the laws of slaughter.

Here we see that an altar gift is set apart for the Levites, an approach which is otherwise unknown. It appears that in some respects, our scroll may have favored the Levites⁴³ and this may be an example of this phenomenon.

At the outset it is necessary to understand that the shoulder is effectively the upper end of the foreleg, not part of the animal's torso. So with a donation of the foreleg to the sanctuary, the shoulder could have been included easily.⁴⁴ This can be substantiated both from ancient Near Eastern parallels and rabbinic evidence.⁴⁵

There is no verse in the Bible that commands anything like the giving of the shoulder to the Levites. Further, although various passages refer to the need to give the appropriate **מנה**, "portion," to the Levites, these portions seem from the context in 2 Chr 31:4–5, 19 and Neh 12:44–45 to refer to tithes, not to parts of sacrificed animals. It may very well be the case that the scroll understood Deut 18:1–3 to mean that the entire tribe of Levi was to share in the portions listed there—the foreleg, the cheeks, and the maw. After all, the passage refers to "the priests the Levites, the entire tribe of Levi."⁴⁶

Further, this passage mentioned offerings which are essentially the Levitical tithes, so it is not so difficult to understand the entire context as apportioning also sacrificial portions to the Levites. That this passage was influential on our scroll text is clear from the use in 11QT 60:7 of the phrase **זוֹבַחֵי הַזֶּבֶחַ**, which is derived from Deut 18:3. Josh 13:14 might have been cited as additional evidence that the Levites had a portion in "the fire offerings of the Lord, God of Israel".⁴⁷

The shoulder is never mentioned in the Bible as an offering of any kind. One presumes, hence, from reading the Bible that the shoulder of whole-offerings is a part of the sacrifice eaten by the owners.⁴⁸ The shoulder is mentioned in a number of other passages in the scroll.⁴⁹ In 11QT 20:16, regarding the sacrifices accompanying the First Fruits

⁴³ Ibid., I, 155–156, and sources cited there.

⁴⁴ Milgrom, in *ibid.*, I, 171–172.

⁴⁵ Ibid., I, 172–174.

⁴⁶ Ibid., I, 169.

⁴⁷ Ibid., I, 170.

⁴⁸ The attempt of Yadin, *Temple Scroll*, I, 157, to relate this issue to Gen 48:22 in which **שָׂכָם** means "portion" (and not "shoulder" as it also can) is singularly unsuccessful.

⁴⁹ Cf. *ibid.*, I, 151.

of Wine Festival, the foreleg⁵⁰ is to be given to the priests, “up to the shoulder bone”. In 21:4–5 the shoulder is assigned to the Levites,⁵¹ although the “Levites” are restored here.⁵² In 22:10–11, we have an explicit assignment to the Levites of the shoulder of the offerings of the Feast of Oil.⁵³ There can therefore be no question that, first, the priestly emoluments did not include the portion from the shoulder bone and up, i.e. the shoulder, and, second, that the shoulder was to be presented to the Levites.⁵⁴

It is possible to explain this situation if we assume an a priori ruling that the Levites were to get a sacrificial portion. We can then assume that, unable to take more from the offerer than had the Torah itself, the author of the scroll decided to divide the foreleg into two portions, the lower one (closest to the hoof) going to the priests, in fulfillment of the Torah’s explicit command (Deut 18:3) and the other, the upper part of the foreleg which we call the shoulder, going to the Levites.⁵⁵ Further, this process was encouraged by the common ancient Near Eastern offering of the shoulder and foreleg together, as one unit. Finally, the anatomical necessity of severing the entire foreleg and the shoulder together meant that after the priests were given their dues, the shoulder remained unclaimed, severed from the main body of the animals. Hence, it was but a short step to decide to apportion it to the Levites in fulfillment of the biblical references discussed above.⁵⁶

C. *The Tribute from the Spoils of War and Trapped Animals*

In addition, the Levites are apportioned a tribute (מכס) from the spoils of war and trapped animals. We have already discussed the manner in which the scroll determined that the laws of booty from the

⁵⁰ For this term, cf. *m. Hullin* 10:4, *t. Hullin* 9:12; cf. Yadin, *Temple Scroll*, I, 158–159.

⁵¹ See Yadin, *Temple Scroll*, II, 92–93, which summarizes again his attempt to explain why the shoulder was allocated to the Levites.

⁵² *Ibid.*, II, 93, restores only in the commentary to line 04 but on p. 336 in the “reconstruction” he restores ללוים at the end of line 4, following his restoration of 11QT^b (*ibid.*, II, 91). Qimron, *Temple Scroll*, 32, reproduces here the text of 11QT^b 8 I, line 4 and restores יתנו ללוים, “they shall give to the Levites”, which differs from Yadin’s restoration of this fragment and, hence, of the text of 11QT^a.

⁵³ This passage is unfortunately not preserved in 11QT^b; cf. Yadin, *Temple Scroll*, II, 97, where it is restored, and Qimron, *Temple Scroll*, 35.

⁵⁴ Cf. Yadin, *Temple Scroll*, I, 157–158.

⁵⁵ *Ibid.*, I, 158.

⁵⁶ Milgrom, in Yadin, *Temple Scroll*, I, 176.

Torah, which were also included in the Law of the King, also applied to trapped animals. Further, the calculation of the Levitical portion was done as follows. Num 31:47 indicated that the Levites were given a fiftieth (האחוז אחד מן החמשים) as their portion. But this was of one-half of the booty—that belonging to the non-combatants. Hence, the total share of the Levites amounted to 1/100 of the entire booty.⁵⁷ It was this amount that the *Temple Scroll* fixed as the Levitical tribute from the spoils of war and trapping.

D. *The Pigeon Offerings*

The scroll also assigned a portion of 1/50 of young pigeons to the Levites.⁵⁸ Whereas the term מכס (“tribute”) appears in Num 31 for the priestly offering, and אחז (literally, “that which is taken out”) is used for the Levitical portion, the scroll uses מכס for both. But the term אחז (Num 31:47) is omitted in the LXX, Vulgate and Syriac,⁵⁹ so it is possible that it was lacking in our author’s *Vorlage*. But the restored text of 4QNum^b seems to contain this word.⁶⁰

From the context it appears that this text concerns pigeons that are trapped, rather than those offered on the altar. From wild pigeons which are trapped one is to give 1/50 to the Levites and, as we will see below, 1/100 to the priests. That such pigeons were trapped in ancient Palestine is apparent also from tannaitic sources.⁶¹ But it is not possible to understand this allotment, except to say that it is double that allotted for other trapped animals, even including fowl.⁶² It has been suggested that somehow these pigeons were considered half-wild, so that only a portion of 1/50 was necessary,⁶³ but this is pure speculation. We should, however, note that this same measure is the norm mentioned in tannaitic sources for the *terumah* offerings provided to the priests by an average person of normal generosity.⁶⁴

⁵⁷ Ibid., I, 166.

⁵⁸ See above n. 36 on the textual problems regarding this command.

⁵⁹ Yadin, *Temple Scroll*, I, 166.

⁶⁰ N. Jastram in E. Ulrich et al., *Qumran Cave 4. VII, Genesis to Numbers*; DJD 12 (Oxford: Clarendon Press, 1994) 252.

⁶¹ E.g. *m. Baba Qamma* 7:7, *t. Baba Qamma* 8:9 (Yadin, *Temple Scroll*, I, 166–167).

⁶² The apparent duplication here, since fowl are included above and now pigeons are mentioned, does lead to the possibility that actually this passage concerns a share of the pigeon (or dove) offerings brought to the Temple. But the derivation of this law from the laws of booty makes such a proposal very unlikely.

⁶³ Yadin, *Temple Scroll*, I, 167.

⁶⁴ *m. Terumat* 4:3, *t. Terumat* 5:5, which refers to Num 31:47.

E. *The Honey Tithe*

The scroll requires that wild honey be subject to a tithe of 1/10 apportioned to the Levites. This law apparently deals with bees' honey, not the common fruit honey usually designated by Hebrew דבש. It is obvious that fruit honey, essentially a syrup of fruits, would have to be tithed in its original state as fruit, so this law can only apply to bees' honey. Bees' honey is mentioned occasionally in the Bible (Judg 14:8; 1 Sam 14:25–26) but it was not produced domestically and was apparently rare.

The source from which the scroll learned that honey required a tithe is 2 Chr 31:4–6. In this passage, Hezekiah commands the inhabitants of Jerusalem to give the priestly and Levitical portions. These are then listed and among them there appears honey (verse 5), not found in any such list elsewhere in the Bible. It is possible to understand this allusion to refer to fruit honey,⁶⁵ but our author clearly did not. To him, this verse indicated an obligation to set aside a Levitical offering from bees' honey. That is clear from his classification of this tithe with the various offerings from trapping of animals.

Our approach so far has accepted the suggestion that the words ומעשר מן הדבש, “a tithe (literally) from the honey”, are misplaced in the manuscript.⁶⁶ An alternative approach is to assume that the term מעשר “tithe,” like Greek δεκάτη, can be a general term for offerings to the priests and Levites. The honey would then be assessed by the very same amount as the pigeons, 1/50 for the Levites and 1/100 for the priests.⁶⁷

III. AN ADDITION TO THE PRIESTLY ALLOCATIONS

The text concludes by adding one item to the list of emoluments given to the priests (11QT 60:9–11):

And for the priests one hundredth of the young pigeons, for I have chosen them (the priests) from all your tribes to stand before Me and to serve

⁶⁵ ג. *Bikkurim* 1:3 (63d); so Rashi to 2 Chr 31:5, following his general interpretation that unspecified “honey” in the Bible is date syrup, whereas “bees' honey” must be explicitly designated as such. Rashi is followed by Kimḥi, *ad loc.*

⁶⁶ Following Yadin and Qimron, see above n. 36.

⁶⁷ J.M. Baumgarten, “On the Non-literal Use of Ma'āšer/Dekatē,” *JBL* 103 (1984) 245–251, esp. 249–251.

and to pronounce the benediction in My name, he (i.e., Aaron) and all his sons always.

Clearly, this item is added here since the text was discussing the apportionment from the young pigeons to the Levites. Since it had omitted this emolument from the discussion of priestly gifts above, there was no other alternative but to refer back to the priests here.⁶⁸ The priests are to get 1/100, half of the Levitical portion. Whereas normally the priests are to get 1/10 of what the Levites receive, here they receive a much larger amount, one-half. They should theoretically have gotten only 1/500, following the pattern established in Num 31. It is possible, therefore, that an error was made here by the author who intended to assign them 1/500.⁶⁹

The final conclusion in lines 10–11 must relate only to the priests, and not to the priests and the Levites, since the text explicitly refers to the priestly benediction. This benediction may be said only by priests and not by Levites (Num 6:23–27). Further, a similar passage applying to the Levites appears immediately afterwards in the scroll in 11QT 60:12–15.

The text here returns to Deut 18:5 and paraphrases it.⁷⁰ The plural **במה** is substituted for MT **בו** to smooth over a linguistic problem in the text, since both verses 3 and 5b are in the plural. The deletion of the divine names has occurred as is usual in this scroll, and the text has been shifted into the first person so that God appears as the direct speaker with the intermediacy of Moses removed. For MT **לעמוד לשרת**, “to stand to serve”, we find **לעמוד לפני ולשרת** “to stand before Me and to serve”, behind which there stands a legitimate textual variant since the addition of “before Me” is based on “before the Lord your God” which is the reading of the LXX. The addition of **ולברך**, “and to pronounce the benediction”, is a harmonistic addition (cf. Deut 10:8, 21:5, 1 Chr 23:13) which is also attested in LXX and the Samaritan Pentateuch, and which therefore is not original to the *Temple Scroll*. Whereas our scroll has changed **בשם ה'**, “in the name of the Lord”, as in MT to **בשמי** “in My name”, placing it in the first person direct address, the LXX and Samaritan have **בשמו**, “in His name”. For MT **הוא ובניו**, “he and his sons”, the scroll has **הוא וכול בניו**, “he and all

⁶⁸ Yadin, *Temple Scroll*, II, 273.

⁶⁹ *Ibid.*, I, 167.

⁷⁰ See the notes in *ibid.*, II, 273–274.

his sons". But it is difficult to accept the suggestion⁷¹ that the addition intends to include all the Levites, since this is an implicit reference to Aaron. This is the case first because the Levites do not recite the blessing, as we have noted already, and second because the Levites can in no way be construed as the sons of Aaron exclusively.⁷²

CONCLUSION

The author/redactor of the *Temple Scroll* deviated extensively from the material he had before him in Deut 18 regarding priestly and Levitical emoluments. He initially sought to add material from the parallel in Num 18, but he made extensive use of what he considered to be the laws pertaining to the spoils of war in Num 31 from which he derived a variety of laws regarding priestly and Levitical offerings.

Our passage in the *Temple Scroll* contains a variety of types of material from the legal point of view. It includes some widely held rulings about which there was no disagreement in the various systems of Jewish law. In addition, it collects some ancient halakhic views that we know from other priestly sources in the Second Temple period. Finally, there are some original laws derived from the laws of the spoils of war. Our author, then, was both an innovator and a conservative. He tried to tie his every ruling to the biblical text, the words of which he felt free to adapt so as to assert that his law—the law of the *Temple Scroll*—was truly the word of God as revealed at Sinai.

⁷¹ Ibid., II, 274.

⁷² Cf. the use of בני אהרן for the priests in 11QT 22:5, 34:13, 44:5.

CHAPTER THIRTY-THREE

THE LAW OF VOWS AND OATHS (NUM 30, 3–16) IN THE *ZADOKITE FRAGMENTS* AND THE *TEMPLE SCROLL**

The biblical law of vows and oaths, found in Num 30:3–16 and in Deut 23:22–24, serves as the basis of several passages in the Qumran corpus. The expectation that the sectarians will fulfill these laws is alluded to in CD 7:7–9 = 19:4–5. A brief reference in CD 9:6 makes use of Num 30:15 to determine that the sectarian law of “reproof” required that witnesses to a violation of the law reprove the offender on the very same day as he transgresses.¹ This, however, is only a secondary reference to these laws. More prominent mention occurs in CD 16:6–13 which presents in detail the laws of the *shevu‘at ha-‘issar*, the “binding oath”. In addition, 11QT 53:9–54:7 constitutes a reworking of the biblical passages in question. This study will examine in detail the use of these biblical passages in the *Zadokite Fragments* and compare the exegetical basis of these prescriptions with the very different presentation of the *Temple Scroll*.

I. THE ZADOKITE FRAGMENTS

After treating the place of oaths in the process of returning to the Torah—that is to the life of the sect—the *Zadokite Fragments* address directly the various laws pertaining to vows and oaths found in the Torah:

- (A) As to that which He said, “You must fulfill what has crossed your lips,”² (this means) by carrying it out.

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¹ On reproof, see L.H. Schiffman, *Sectarian Law in the Dead Sea Scrolls, Courts, Testimony and the Penal Code* (Chico, CA: Scholars Press, 1983) 89–91 and F. García Martínez, “La Reprensión Fraternal en Qumrán y Mt 18,15–17,” *Filología Neotestamentaria* 1 (1989) 23–40.

² So NJPS to Deut 23:24.

- (B) Regarding every binding oath³ which a man shall impose upon himself to fulfill anything required by (lit. of) the Torah, let him not redeem it (his pledge),⁴ even at the price of death.
- (C) Anything which a man shall [impo]se upon himself (by a binding oath) to turn aside fr[om the To]rah, even at the price of death let him not carry it out.⁵
- (D) [Regar]ding a (married) woman's oath: As to that which He sai[d to the effect that] her husband may annul her oath, the husband may not annul an oath about [which] he does not know whether⁶ it ought to be carried out or annulled.
- (E) If it (the oath) is to violate the covenant, he should annul it and not confirm it.
- (F) The law is the same for her father (CD 16:7–13).

We shall in turn treat each of these clauses concentrating on the understanding of the text of Scripture which underlies each one.

A. *The Fulfillment of Binding Oaths*

The *Zadokite Fragments* treats the obligation to fulfill one's promises. From the law following this one (B.) it is most probable that our first clause also refers to the *shevu'at 'issar*, the "binding oath". We shall deal below with the precise definition of this term. Alternately, this may be taken as a general rule applying also to other types of vows and oaths. Our text is based on Deut 23:24 which deals explicitly with the *neder*, "vow", which in this verse seems to be synonymous

³ So RSV to Num 30:13; NJPS has "sworn obligation".

⁴ I.e. withdraw from it.

⁵ The alternative restoration proposed by L. Ginzberg, *An Unknown Jewish Sect* (New York: Jewish Theological Seminary, 1976) 97 to *kol 'asher yaqum 'ish 'al nafsho la-'avor 'averah 'ad...* is impossible in light of the preserved traces of the letters. Ginzberg wrote during the five-year period in which the genizah manuscripts were unavailable for inspection at Schechter's request. Ginzberg also suggested *kol 'asher yiddor 'ish 'al nafsho la-'asot yaqum devaro* (spelled *ḏbrh*) *we-'im 'ad meḥir mavet 'al yeqimehu*. This restoration is intended to introduce the missing vows (*nedarim*) into CD. In our view, CD has omitted them intentionally. Qimron, in his edition of the genizah copies of CD in M. Broshi, ed. *The Damascus Document Reconsidered* (Jerusalem: The Israel Exploration Society, The Shrine of the Book, Israel Museum, 1992) 41, reads *yqymhw*.

⁶ Schechter's restoration *lo' [yo]de[a'] 'adam* ignores the *nun* after the *'ayin*, as he himself admits [S. Schechter, *Documents of Jewish Sectaries* (New York: Ktav, 1970) 88]. On the other hand, the reading of C. Rabin, *The Zadokite Documents* (Oxford: Clarendon Press, 1954) 77, followed in this study, takes the traces before the final *mem* as an *'alef*. Qimron reads *[y]d'nh hm* and says that *hm* is equivalent to *'m*. Ginzberg, *Sect*, 98 suggested, without access to the MS, that we read *lo' le-harea' 'adam*, translating, "which contains nothing harmful to anyone". Despite the tannaitic material he cites in support of his restoration, this reading simply has no basis in the manuscript.

with the *nedavah*.⁷ Apparently, our author considers the law to be the same for vows and “binding oaths”.

The addition of *le-haqim* in the *Zadokite Fragments* is intended to clarify the ambiguous *we-asita* of Deuteronomy.⁸ The problem with this word in MT is to determine whether it is part of the preceding clause or that which follows. Our text from the *Zadokite Fragments* clearly takes it as part of the first clause, in agreement with the Masoretic accents. Yet one cannot help but note that a surface reading of the text would see this verb as serving the clause which follows. To avoid such an interpretation, the *Zadokite Fragments* passage adds *le-haqim* at this point.

The connection of Deut 23:24 with what follows in the *Zadokite Fragments* clearly results from the appearance of the phrase *moša' sefatayim* in this passage and in Num 30:13. The sect took the two passages as referring to the same regulations. This same identification is also made in the *Temple Scroll* as we will see below.

B. *The Oaths to Fulfill the Torah*

The text next begins the discussion of oaths to observe or (in *C.*) to violate the Torah. These constitute a special case for the author. A binding oath (*shevu'at 'issar*) to fulfill a commandment cannot be set aside, even at the cost of death. The MS clearly reads *yꝑdhw*.⁹ Nevertheless, Schechter has suggested emendation to *yeferehu*, “annul it”, which would fit the context well. This phrase appears not to be preserved in the cave 4 manuscripts. Yet investigation of those elements of this passage which are preserved in 4QD^c indicates that the medieval genizah manuscript, at least in this passage, follows the same text as the Qumran manuscript. If this emendation is rejected, as we prefer, the root *ꝑdh* must be understood as “setting the oath aside”, perhaps through some kind of substitution. After all, this root usually refers to exchanging the value of a sacred object for money which is then given to the Temple in its stead. 1 Sam 14:45 (*wa-yifdu*) may indeed be interpreted to refer to the notion that an oath could be set aside if a sum was donated to the Temple.¹⁰

⁷ Cf. Ibn Ezra. CD 16:13–18 (where the text breaks off in the genizah MS) treats the *nedavah* (“freewill offering”). Deut 23:22 is paraphrased in *Jub.* 31:29 as part of a speech by Isaac to Jacob.

⁸ Rabin. Cf. Ginzberg, *Sect*, 295 and n. 70 on *le-haqim*.

⁹ So Qimron.

¹⁰ Ginzberg, *Sect*, 95–96.

The Mishnah¹¹ and Tosefta¹² set forth one of the fundamental distinctions in rabbinic *halakhah* between a *neder* (“vow”) and a *shevu’ah* (“oath”). In the case of a vow, if one undertakes to fulfill or to violate a commandment, the vow is valid. In the case of an oath, such an undertaking is not valid at all.¹³ One who makes a vow declares that a certain action (or inaction) will be forbidden to him as if it were the meat of a sacrifice. One can make such statements regarding the fulfillment or violation of commandments. An oath is simply a declarative statement to the effect that one swears such and such. In the case of commandments, the entire people of Israel has already sworn to fulfill them at Sinai. Therefore, if one swears either to fulfill or to violate any of the provisions of the Sinaitic covenant, that new oath is not valid.¹⁴

Our text, however, seems not to accept this approach. It discusses only the *shevu’at ’issar*, the “binding oath”, choosing to ignore the *neder*, “vow”, mentioned in the biblical passage (Num 30:3, cf. Deut 23:24). Nevertheless, according to the *Zadokite Fragments*, an oath taken to observe or violate a commandment is valid. One who takes this type of an oath must stand behind his words.

The view of our text is that one must avoid violation of such an oath even if the cost is his life. This extreme ruling might be explained as the use of exaggerated language. Some parallels have been cited for the notion that violation of an oath requires the death penalty.¹⁵ This, it must be recognized, is not what our text is discussing. It proposes that the one who made the oath should risk or even lose his life to keep it if the vow concerns observance of a commandment.

Our passage has been seen by some as evidence that the sect rejected the annulment of vows and oaths. Indeed, while all tannaim accepted the annulment of vows (*hatarat nedarim*), an amoraic interpretation of a *baraita*⁷ claims that the annulment of oaths (*shevu’ot*) was accepted only

¹¹ *m. Nedarim* 2:2. Cf. Ch. Albeck, *Seder Nashim* (Jerusalem: Mossad Bialik; Tel Aviv: Dvir, 1974/5) 360, who compares the Mishnah with our passage in CD and compares also Philo, on which see below.

¹² *t. Nedarim* 1:5. Cf. S. Lieberman, *Tosefta’ Kifshutah* VII (New York: Jewish Theological Seminary, 1967) 404.

¹³ Cf. S. Lieberman, *Greek in Jewish Palestine* (New York: Feldheim, 1965) 117–120.

¹⁴ *m. Shevu’ot* 3:6. There, however, Rabbi Judah ben Batyra disagrees, taking the view that oaths to observe or violate commandments of the Torah are valid. The majority view is presented anonymously in *t. Shevu’ot* 4:2, *Sifra’ Hovah* parashah 9:6, and *Sifre Bemidbar* 153 (Horowitz edn, 200).

¹⁵ Ginzberg, *Sect.*, 95–96; S. Belkin, *Philo and the Oral Law* (Cambridge: Harvard University Press, 1940) 147f.

by the House of Hillel but rejected by the House of Shammai.¹⁶ The early Karaites opposed the annulment of vows and oaths, and similar tendencies are found in Geonic practice. Maimonides polemicizes against the “heresy” of denying the annulment of vows.¹⁷

Actually, the text of the *Zadokite Fragments* does not go that far. It discusses only binding oaths to fulfill a commandment. It is perfectly possible to maintain that oaths of this nature were seen by the text as not subject to the annulment procedure, whereas other oaths, those which were neutral or which required the violation of commandments (on which see below) could be annulled.

C. Oaths to Violate the Torah

Our passage now turns to the opposite case, one who takes upon himself through an oath not to observe a commandment of the Torah. Our text is in agreement with tannaitic legislation. It provides that if a person takes an oath to violate the Torah, under no circumstances should he carry out this oath.¹⁸

Whereas the previous section (*B.*) explicitly indicated that it was discussing the binding oath, this law gives no such explicit information. The use of *kol*, “anything”, might indicate a wider application. This interpretation does not appear to be correct, however. This is probably an ellipsis for the complete phrase *kol shevu'at 'issar* found in (*B.*). Similar abbreviation of clauses has been observed in the sectarian penal code.¹⁹ If so, this refers to an oath (*shevu'ah*), and the law in this case is the same as that of the tannaim which provides that an oath to violate a commandment of the Torah was not to be kept.²⁰ The very same view was held by Philo.²¹

¹⁶ *b. Nedarim* 28b; cf. *p. Nedarim* 11:1 (42c).

¹⁷ *h. Shevu'ot* 12:12; *Perush Ha-Mishnayot, Nedarim* 10, end; B. Revel, *Karaite Halakhah* (Philadelphia: Dropsie College, 1913) 81 and nn. 119–120; Ginzberg, *Sect.*, 401f.

¹⁸ *m. Nedarim* 2:2; cf. Ginzberg, *Sect.*, 97.

¹⁹ Schiffman, *Sectarian Law*, 161.

²⁰ Cf. Ginzberg, *Sect.*, 97. For an oath to transgress, cf. *1 Enoch* 6:4–5. This text is represented by 4QEn^a 1 iii [J.T. Milik, with M. Black, *The Books of Enoch, Aramaic Fragments of Qumran Cave 4* (Oxford: Clarendon Press, 1976) 150f.] and 4QEn^b 1 i (Milik, 166); cf. M.A. Knibb, *The Ethiopic Book of Enoch, A New Edition in the light of the Aramaic Dead Sea Fragments* (Oxford: Clarendon Press, 1978) vol. II, 68f. All these passages employ the root *ymyl'*, “to swear”. Rabin calls attention to *Ps. Sol.* 8:10 (11 in Rabin) which may refer to an oath to commit adultery.

²¹ *Special Laws* II, 12.

D. *The Annulment of the Oath of a Married Woman*

This section states that the law of annulment of oaths by the husband, found in Num 30:7–9, is to be taken as applying only in cases where the husband is certain that the oath should not be carried out. Otherwise, if he does not know, he should not annul it. This, at least, is the usual explanation. Whereas the biblical material discusses both the *neder* and *'issar*, our text refers explicitly to the *shevu'ah*, “oath”. Our text must have taken this biblical passage as referring to oaths, rather than to vows.

If the above interpretation is accepted, it is necessary to define what types of oaths are to be annulled and which are to be observed. It can be suggested that some distinctions similar to those of the tannaim regarding vows are in operation. Tannaitic law limits the right of annulment by the husband to vows of abstinence or self-affliction²² as well as vows which limit the married woman’s ability to discharge her obligations to her husband.²³ However, we have no right to assume that the sect would have had the same restrictions, especially in light of the tendency of the tannaim to circumscribe the laws of vowing as much as possible and to minimize the taking of vows.²⁴ Perhaps, the sect may have had some other restrictions of similar nature which specified the types of oaths for which the husband had the right to countermand his wife’s promises.

A completely different interpretation of this passage is also possible. One of the problems considered in tannaitic sources is what happens if a vow is annulled by the husband without informing his wife.²⁵ If she violates the vow, is she to be held culpable or not? It is possible to vocalize *yodi'ennah* (in line 11) and to translate our passage as follows: “The husband may not annul an oath about which he does not [in]form her whether it is to be carried out or annulled.” The law would then require him to let her know if he annuls an oath. At the same time it would prohibit him from telling her that an oath had been annulled when it had not.

²² *m. Nedarim* 11:1.

²³ *Sifre Bemidbar* 155 (Horovitz edn, 206–208), cf. *baraita* in *b. Nedarim* 79b.

²⁴ Lieberman, *Greek*, 115f. On the social context of vowing in Greco-Roman Palestine, see 118–141.

²⁵ Cf. *Sifre Zuta* to Num 30:6 (Horovitz edn, 327) and *Sifre Bemidbar* 153 (Horovitz edn, 202).

E. *Annulment of a Wife's Oaths to Violate the Covenant*

We have already discussed the view of the tannaim that oaths to observe or violate commandments have no validity, since they cannot in any way either annul or supplement the covenant at Sinai by which all Israel is obligated to observe the laws of the Torah. Our text, however, seems to take a different view. If indeed this passage does refer to *shevu'ot*, it provides that the husband should annul any oaths to violate the commandments. Apparently our sect, unlike the tannaim, believed that such oaths should be annulled by the husband. In other words, they took the view that even though one who swore an oath to violate a law of the Torah should not go through with the oath, there still was a valid oath which could be canceled by the process of annulment. Therefore, the sectarians expected the husband to annul the oath. To the tannaim, such an oath had no validity at all. It neither had to be observed nor annulled. The alternative of suggesting that this passage agrees with the tannaitic view but that it refers to vows (*nedarim*) is extremely unlikely since this entire list of regulations seems to apply exclusively to *shevu'ot*.

F. *Like Husband, like Father*

The final prescription of the *Zadokite Fragments* states that the laws for annulment are the same for the father as those which the text stated for the husband above. This is generally true in tannaitic tradition, but the tannaim did note some small differences.²⁶

The very same procedure is expected in CD 7:5–9 = 9:2–5 which represents a paraphrase of Num 30:17:²⁷

If they dwell in camps according to the custom of the land,²⁸ they shall take wives and beget children, and live according to the Torah, according to the law of binding vows (*'issarim*),²⁹ according to the regulation of

²⁶ *m. Nedarim* 10,2.

²⁷ Translating 7. The text of this passage in MS B (CD 19) is clearly an expansion of a text similar to that of MS A.

²⁸ MS B (CD 19:3) adds "as it was beforehand".

²⁹ So Rabin. Qimron reads *hyswrym*. In MS B 19:4 Qimron reads *hyswdym* and emends to *hyswrym*. In view of the biblical quotation, we would suggest that even if Qimron's reading of the genizah MS is correct, we emend to *'srym*. We were not able to locate a parallel text from cave 4.

the Torah, as He said, “between a husband and his wife, and between a father and his daughter” (emending *lbmw* to *lbtw*).³⁰

This passage affirms that sectarians, at least according to the *Zadokite Fragments*, are expected to marry and have children. It prescribes that in such cases, the laws of annulment of vows are to be observed by both husbands and fathers.

This text is of special significance since it occurs in the Admonition, that part of the *Zadokite Fragments* which catalogues, among other things, the areas in which the sectarians are expected to follow their laws although the rest of Israel is going astray. This indicates that in some way the sect’s interpretations of these laws differed radically from those of the rest of the Jewish community. It is not enough to say that this means that the general community ignored these laws. The transgressions mentioned in the Admonition are singled out as issues between the sect and the rest of Israel.

II. THE *TEMPLE SCROLL*

The treatment of the subject of oaths and vows in the *Temple Scroll* occurs in the last part of the scroll, the Deuteronomic Paraphrase.³¹ After presenting its brief adaptation of Deut 12:26, based in turn on 12:6 and 11, all dealing with the obligation to make good on votive offerings, the *Temple Scroll* turns to the subject of vows and oaths. 11QT 52:11–54:7 provides a detailed adaptation of Deut 23:22–24 and Num 30:3–17.³²

(A.) If you make a vow, you may not delay in repaying it, for I will surely require it of you, and it will be a source of guilt for you. If you refrain and do not vow, it will not be a source of guilt for you. What has crossed your lips you must fulfill, for you have voluntarily vowed (or: you have vowed a voluntary offering) with your mouth to do as you vowed.

³⁰ Cf. P.R. Davies, *The Damascus Covenant* (Sheffield: JSOT Press, 1983) 142 who sees this as an interpolation, but missed the point of the passage. Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983) vol. II, 243 rejects Rabin’s *’issarim*, reading instead, *’yesodim*. He therefore maintains that the author of the *Zadokite Fragments*, like the author of 11QT 54:5–7, took Num 30:17 as a general prescription, unrelated to the law of vows and oaths. Accordingly, he rejects the emendation of *li-veno* in CD to *le-vitto*.

³¹ See L.H. Schiffman, “The Deuteronomic Paraphrase of the *Temple Scroll*,” *RevQ* 15 (1992) 543–567 (pp. 443–469 in this volume).

³² For detailed philological notes, see Yadin, *Temple Scroll*, II, 239–243.

(B.) When a man makes a vow to Me or swears an oath to impose a prohibition on himself, he shall not break his words. According to everything which comes forth from his mouth he shall do.

(C.) If a woman vows a vow to Me or imposes an obligation on herself while in her father's house, by an oath (taken) during her youth (i.e. while a minor), and her father hears her vow or the obligation which she imposed upon herself, and says nothing to her, then all her vows shall be valid, and any obligation which she has imposed upon herself shall be valid.

(D.) If her father indeed countermands her on the day when he hears it, then all her vows and her obligations which she has imposed upon herself shall not stand. I will forgive her, since her father countermanded her.

(E.) [Lines 01–07, missing at the top of column 54.]

(F.) (As to) [any vow] or any binding o[ath to afflict oneself,] her husband may con[firm it] or her husband [may] annul it on the day when he hears it, in which case I will forgive [he]r.

(G.) But as to any vow (made) by a widow or a divorcee, whatever she has imposed upon herself shall be binding upon her, according to everything which comes forth from her mouth.

The text then concludes with an appeal not to add to or subtract from these commands. Here, the *Temple Scroll* has substituted Deut 13:1 for the concluding verse of the Pentateuchal code of vows, Num 30:17.³³

A. *The Keeping of Vows*

This passage is taken entirely from Deut 23:22–24. The only difference is that, as in most cases in the *Temple Scroll*, the author has transferred the discourse to the first person, so that God is seen as speaking directly to Israel. The same Deuteronomic passage is interpreted in Eccl 5:4–5 to mean that it is better not to vow than to do so and violate one's commitments. This issue attracted continued attention in the tannaitic period. Tannaitic tradition³⁴ preserves a dispute in which Rabbi Meir takes the view that the best path is not to vow at all. On the other hand, Rabbi Judah sees the best path as that of vowing and fulfilling the vow.³⁵

³³ Indeed, Num 30:17 may even have influenced the formulation of the paraphrase of Deut 13:1 (Yadin, *Temple Scroll*, II, 243). Cf. E. Qimron, "New Readings in the Temple Scroll," *IEJ* 28 (1978) 167 who corrects Yadin's reading of *'wtmh* (the supra-linear correction in 11QT 44:6) to *'wtkh*. Qimron notes that the *kaf* of *mšwkh* seems to have been erased by scraping, to yield *mšwh 'wtkh*.

³⁴ *Sifre Devarim* 265 (Finkelstein edn, 286). Cf. *Tg Ps.-J.* to Deut 23:22–24.

³⁵ Cf. Yadin, *Temple Scroll*, II, 239.

This dispute is connected with the exegesis of Deut 23:23. The Babylonian Talmud³⁶ understands this verse to mean: One who avoids vowing will be free of transgression. The implication is that one who vows is actually transgressing. This is the midrashic basis for the view of Rabbi Meir. Rabbi Judah's view is based on the following interpretation of the verse: If you had not vowed (in the case in which you failed to fulfill the vow), you would have avoided a transgression. In other words, Rabbi Meir sees Deut 23:23 as an independent command, whereas Rabbi Judah sees it as connected logically and syntactically with what precedes it.

The author of the *Temple Scroll* has made certain changes in his adaptation of this verse which lead us to believe that he took the view later attributed to Rabbi Meir. He has changed MT *we-khi teḥdal li-nedor* to *we-ʾim teḥdal we-loʾ tiddor*. Although the use of *ʾim* for MT *ki* is a linguistic feature of the *Temple Scroll*, the change to *we-loʾ tiddor* cannot be explained except as a halakhic variation. The author sought to emphasize the character of this verse as a negative commandment: Abstain from vowing, and you will thus avoid transgression. To his mind, then, one ought never to vow. Nevertheless, he prescribes the regulations regarding vows for those who have violated his command.

It is known from Josephus that Essenes avoided oaths.³⁷ Yet their initiation rites included oaths.³⁸ It is most probable that they refused to swear oaths in the name of God or using substitutes for the Divine name, but that they took other oaths under limited circumstances. Philo opposed the taking of oaths by God's name.³⁹ Matt 5:34 opposed all oaths. From this point of view, the *Temple Scroll* reflected a general trend observable in a variety of groups of Second Temple Jews.

B. *The Vows and Oaths of a Man*

The *Temple Scroll* now turns to Num 30. This law is simply a quotation of verse 3. Again, the author puts the command in the first person. The minor variation of 11QT *devaraw* with MT *devaro* seems to be of little significance.

³⁶ *b. Nedarim* 22a and 77b.

³⁷ *War* II, 135; *Ant.* XV, 371.

³⁸ *War* II, 139.

³⁹ *Special Laws* II, 1–2; cf. Belkin, 140–143.

C. *The Vows and Obligations of a Minor Woman*

The *Temple Scroll* then treats the material in Num 30:4–5. Again, the first person is substituted. Various minor variations differentiate this passage from its scriptural counterpart. The important difference lies in the addition of *bi-shevu'ah*, “by an oath”, to verse 4. This phrase defines the otherwise ambiguous first occurrence of MT *we-'aserah 'issar*, *11QT 'o 'aserah 'issar*. Indeed, the change to 'o in the *Temple Scroll* already indicates that the 'issar is to be distinguished from the *neder*, “vow”.⁴⁰ The addition of *shevu'ah* clinches this interpretation and defines the 'issar as an oath. Further references to 'issar in the following regulations of the *Temple Scroll* are accordingly to be understood in the same way. Indeed, an anonymous rabbinic comment defines 'issar in the same way as *shevu'ah*.⁴¹ As we found above, the same definition is accepted in the *Zadokite Fragments*.⁴²

A question apparently not clarified by our author is that of the meaning of the Bible's *we-'ishah... bi-ne'ureha* (verse 4). The use of the word 'ishah, “woman”, seems to imply an adult, while the phrase “during her youth” implies the opposite. The tannaim interpreted this verse to refer to the short period of time between achievement of majority at twelve years and one day (for a girl) and the status of full physical maturity, *bogeret*, at which point she became completely independent of her father's authority as regards vows and various other matters.⁴³

This severe limitation of the application of the annulment of vows is also reflected in the Mishnah.⁴⁴ There the physical symptoms of maturity are catalogued. We are told that after eleven years and one day a girl's vows are valid if upon investigation it is determined that she is aware that the vows are made to the God of Israel. From twelve years and one day they are automatically valid. The father may annul them up to the period of physical maturity (*bagrut*) only. Although tannaitic sources give physical symptoms for the onset of the status of *bogeret*, Babylonian amoraic tradition assumed a period of six months after the twelfth birthday.⁴⁵

⁴⁰ For the substitution of 'o for *we-*, see Schiffman, “Deuteronomic Paraphrase.”

⁴¹ *Sifre Bemidbar* 153 (Horovitz edn, 201).

⁴² Cf. Yadin, *Temple Scroll*, II, 240.

⁴³ *Sifre Bemidbar* 153 (Horovitz edn, 200).

⁴⁴ *m. Niddah* 5:6–8; cf. *b. Niddah* 45b.

⁴⁵ *Sifre Bemidbar* 153 (Horovitz edn, 200); *b. Ketubot* 39a, *b. Qiddushin* 79a, *b. Niddah* 65a, in the name of the amora Samuel.

It is unlikely that the Torah itself, or for that matter the *Temple Scroll*, envisaged such a limited applicability for this law. The original intent probably was that vows could be annulled for as long as the unmarried girl dwelled in her father's house. The role of the father as *pater familias* in respect to his daughter's vows and oaths ceased only when the husband assumed this role (Num 30:7–8, not preserved in 11QT). If so, we still must determine how the scroll understood “in her youth”, i.e. while she is a minor.

It is possible that the *Temple Scroll* took the Torah at face value. The status of *na'arah* may have been taken to refer to the age of legal majority for a girl, some time at the onset or conclusion of puberty. At that point the vows and oaths of the young girl attained validity. As long as this girl remained in her father's house she was a *na'arah* and she was subject to annulment of vows by her father.⁴⁶

We have already encountered the dispute between the houses of Hillel and Shammai regarding the annulment of oaths. The House of Shammai understood the Torah to provide that only vows could be annulled whereas the House of Hillel permitted also the annulment of oaths. Our scroll clearly takes the view later accepted by the Hillelites: oaths may be annulled by the father or husband.

D. *Annulment by the Father*

The *Temple Scroll* then adapts Num 30:7 except that the commands are here uttered in the first person by God. No variations of substance are to be found.

E. *Annulment by the Husband*

In the complete scroll, this section contained the scroll's adaptation of Num 30:7–13a. Verse 10, found below in the *Temple Scroll*, was omitted here and moved below in order to remove ambiguity in the following verses. Lines 1–2 contained the adaptation of Num 30:13b. The missing material dealt with the husband's rights to annul the vows and oaths of his wife, the requirement that the annulment occur on the same day, and the (presumably first person) statement that God forgives the

⁴⁶ The usages of *na'arah* in 11QT 65–66 do not help to define this term since, like our passage, these are simply reflections of Scripture to which the scroll provides no exegesis.

wife for the inability to fulfill oaths which the husband has annulled. Lines 1–2, concluding the lacuna, have been restored to adapt Num 30:16, which serves as a fitting conclusion to the section on the married woman.⁴⁷ This verse states that if the husband annuls the vow on a subsequent day (this is the meaning of the biblical *'ahare shome'o*), he bears the guilt for her transgression.⁴⁸

E. *A Wife's Vows or Oaths of Self-Affliction*

The *Temple Scroll* continues after the lacuna with its adaptation of Num 30:14–15. The passage leaves out the repetitive 15, including only the words *be-yom shome'o*, “on the day when he hears it”, a phrase which in fact tells the entire story of the omitted material. (Verse 16 has already been used in (E.)) The scroll repeats here the pronouncement that “I (God) will forgive her”, based on Num 30:13.

The entire section is a fitting continuation to the section on the oaths of married women (the lacuna of (E.)) since it takes up the special case of the married woman's vows or oaths of self-affliction and the husband's right to countermand them. The author of our scroll accordingly presented this and the following subtopic, the widow and divorcee, after the general case of the married woman. In this section he reorganized Scripture to be clearer, in his view.

The content of this law contains nothing not already found in Scripture. It therefore raises the same exegetical difficulty as the biblical text itself: Why single out vows and oaths of self-abnegation? The tannaim derived from this verse that only vows which involved self-affliction could be annulled by the husband.⁴⁹ In other words, the tannaim understood this command to cast light on the rest of the material in Num 30. This interpretation flounders on the question of why the entire prescription requiring annulment on the same day must then be repeated here. This repetition seems to argue that the original meaning of the text singled out the case of vows and oaths of self-abnegation for some reason. Our text in the *Temple Scroll* gives no inkling as to how this problem was dealt with by the author except that if he had understood the text as did the tannaim, he would certainly have folded this passage into the

⁴⁷ Yadin, *Temple Scroll*, II, 242.

⁴⁸ 1 Sam 1:23 in LXX and 4QSam^a pictures Elkanah as confirming the vow of his wife Hannah. See A. Rofé, “The Nomistic Correction in Biblical Manuscripts and its Occurrence in 4QSam^a,” *RevQ* 14/54 (1989) 247–254.

⁴⁹ *Sifre Bemidbar* 155 (Horowitz edn, 206).

general law of annulment of a wife's vows which originally stood in the lacuna. This is the method with which the *Temple Scroll* regularly deals with passages it regards as duplicating each other.⁵⁰

G. *Vows and Oaths of Widows and Divorcees*

The final law on this topic in the *Temple Scroll* is that concerning widows and divorcees. The author removed this material (verse 10) from its context in the middle of the discussion of married women in order to indicate his view that verses 11–13 referred to all married women, not just to the widow or divorcee. This interpretation most probably left a rather repetitious text, as might be seen if the text in the lacuna were preserved. The repositioning of verse 10 seems to result from a misunderstanding of verses 11–12. The actual meaning of these verses⁵¹ is that if the woman had vowed or taken an oath while still married (before her husband died or divorced her) then the applicability of the obligation after the termination of her married status would depend on whether her husband *had* confirmed or annulled it. Our author, however, took these verses as a repetition of the laws for a normal married woman and, therefore, rearranged the order of the verses. He may even have deleted them from his text, although the lacuna makes it impossible to know.

CONCLUSIONS

Num 30:3–16 served as the source for extended passages in the *Zadokite Fragments* and the *Temple Scroll*. Both passages dealt with a series of issues and presented extensive legal material. Certain fundamental differences, however, characterize the treatment of these issues in the two texts. The *Zadokite Fragments* derives only the rulings pertaining to oaths, ignoring the fact that the biblical text addresses vows as well. It is as if the author expunged the vow systematically from the Pentateuchal passage. Perhaps he believed that it was forbidden to vow, pure and simple. It cannot be maintained that to the author of the *Zadokite Fragments* vows and oaths were one and the same, in view of mention of vows (*nedarim*) in

⁵⁰ Yadin, *Temple Scroll*, I, 73–77 and Schiffman, “Deuteronomic Paraphrase.”

⁵¹ So Ibn Ezra to Num 30:11, cf. Rashi. Yadin, *Temple Scroll*, II, 242 seems to have misunderstood *Sifre Bemidbar* 154 (Horovitz edn, 205) and Rashi to Num 30:11.

CD 6:15, and possibly in 16:18. Further, the distinction is quite clear from the Bible itself. By contrast, the *Temple Scroll* goes out of its way repeatedly to include both categories in its legislation.

Whereas the *Zadokite Fragments* limits its discussion to only some of the cases discussed in the Bible, the *Temple Scroll* deals with all the issues raised in Scripture. Accordingly, 11QT treats vows and oaths of a man (*B.*), vows and obligations of a minor woman (*C.*), a wife's vows or oaths of self-affliction (*E.*), and vows and oaths of a widow or divorcee (*G.*). All these topics are omitted in the *Zadokite Fragments*.

Another difference relates to the relative sophistication and legal development of the two texts. Whereas the *Temple Scroll* relates only to the very same issues raised in the Bible, the *Zadokite Fragments* takes on subtle distinctions not raised in Scripture. It therefore discusses oaths to fulfill commandments of the Torah (*B.*), oaths to violate the Torah (*C.*), and the annulment of oaths to violate the covenant (*E.*). These topics are not raised in the *Temple Scroll*.

These differences cannot be explained simply as resulting from the differing literary character of these two works, the *Zadokite Fragments* and the *Temple Scroll*. Any of the laws in each text could easily have been set into the literary framework of the other and included. We must therefore seek some explanation for the striking incongruity we have noted.

These differences suggest two possible solutions. It might be suggested that despite the many parallels that do exist, we are dealing in the case of the *Temple Scroll* with a document which stems from a related but separate group. Hence, the differing interpretations of Num 30:1–16 in the *Zadokite Fragments* and the *Temple Scroll* serve to represent the divergence and variegation which existed in respect to biblical exegesis among the various sects and groups which constituted the Judaism of the Second Temple period. Yet there is another possibility. We may be dealing here with historical development. If indeed the *Temple Scroll* preceded the *Zadokite Fragments* chronologically we could explain the differences in regard to oaths and vows as reflecting different stages of development.

As research proceeds on 4QMMT and its relation to the *Temple Scroll*,⁵² it is becoming increasingly likely that the sources of the *Temple*

⁵² See L.H. Schiffman, "Miqsat Ma'ase Ha-Torah and the *Temple Scroll*," *RevQ* 14/55 (1990) 435–457 (pp. 123–147 in this volume).

Scroll and those of 4QMMT are to be located in Sadducean circles. These teachings were part of the heritage which some Zadokite priests brought with them when they formed the sect. Yet the *Zadokite Fragments* are to be seen as authored after the schism, indeed after the coming of the teacher. Accordingly, they reflect the later development of legal teachings which took place within the sect. These traditions can therefore be expected to diverge from those of the *Temple Scroll*, even if its redaction is to be dated to the Hasmonean period. This is exactly the situation we have observed in the comparison of the interpretation of Num 30 in these sources undertaken in this study.

What did these two approaches to Jewish law share, and indeed regarding these matters what do all systems of Judaism share? They both bespeak a profound commitment to realize in life the command of Deut 23:24: “You must fulfill what has crossed your lips”, whether promises to fellow man or to God. In this respect, the quest for sanctity of word and deed which was the purpose of life in the Hebrew Bible itself was espoused and inculcated in the Judaism of Second Temple times.

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