

Cult as the Catalyst for Division

*Cult Disputes as the Motive
for Schism in the Pre-70
Pluralistic Environment*

By

PAUL HEGER

Cult as the Catalyst for Division

Studies on the Texts of the Desert of Judah

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PREFACE AND ACKNOWLEDGMENTS

This book represents the fourth book of a study related to the developmental stages of the Cult in Ancient Israel, its significance in Israelite history, its impact on theological, financial and social issues, and on internal struggles and divisions. It comprises *The Development of the Incense Cult in Israel*, *The Three Biblical Altar Laws*, *The Pluralistic Halakhah*, and the current book, which completes this cycle with the bearing of cult on the split in Judean society at the late period of the Second Commonwealth, a decisive epoch for the cultural and political development of Western Civilization.

The consequences deduced for the cited data, represent evidently my personal considerations, though I received comments from a number of outstanding scholars, who read the text. They made important contributions with their guidance and advice, but did not impose their views on the basic philosophy of the thesis, which is mine. I wish to mention first and foremost Professor Henry Fox of the Department of Near and Middle Eastern Civilizations, who directed my first steps into this field of academic research, and continues guiding me with valuable advice. I wish to thank Professor Herb Basser of the Department of Religious Studies, Queen's University, Kingston, Ont., who read significant parts of the book from its beginning, encouraged me to continue to its completion and offered me constructive and significant suggestions. Last, but not least, I am most indebted to Dr. Diane Kriger, for her crucial contribution in the editing and preparation of the final text.

INTRODUCTION

Since the beginning of modern research into Israelite history, scholars have been intrigued by the divisions in Israelite society that run continually through events from prehistoric times until our day. This study discusses one well-known and intriguing schism that occurred in the last period of the Second Temple.

There is a scarcity of information concerning the character of the 'separatist' groups in this period and the motives behind their separation. Further, each of the few extant sources has different intellectual and historical objectives, and each is therefore considered to be more or less biased testimony. Scholars have therefore attempted to reveal the real motives that led to division that are concealed behind the recorded statements. A great number of studies were published between the mid-19th and mid-20th centuries, generally tainted to a certain measure by those sociological problems that were perceived as central in each author's era.¹ The discovery in the middle of the last century of authentic writings of a separatist group from the relevant period (i.e. the Qumran documents) had a dramatic effect, encouraging renewed scholarly efforts to decipher the contents of these writings, and, even more, to decode their hidden meanings. Many scholars undertook to further understand the group's philosophy/theology and its linkage to historical events. This objective is double-sided: to assess the influence of historical events on the group's ideology and its practical decisions, and, conversely, to assess the impact of the group's beliefs and practices on historical events. This enterprise is intricate and thorny, because of the complete lack of authentic evidence from the other groups contemporary with Qumran. The process is comparable to a judge attempting to establish the ultimate truth of a disputed issue from evidence presented by only one of the parties to the contest. Abundant imagination is required on the one hand, while on the other hand critical judgment and a readiness to change previously-held convictions are imperative.

¹ J. Neusner offers an extensive list and critical examination of such essays, and I may thus avoid listing and discussing them. See his "Appendix: Bibliographical Reflections" in 1971, especially pp. 326ff.

Despite these obstacles, the number of scholars who have devoted their time and energy to unveiling the circumstances of this period, and the resulting variety of opinions, are compelling evidence of the great interest in these events. This interest is primarily due to the fact that these circumstances occurred in the inter-testamental period; the historical and ideological events of this time have left an overwhelming and indelible impact on Western civilization, and consequently every detail, no matter how trivial, is deemed significant and deserving of extensive research.

My studies and publications² on the development of the Israelite cult in antiquity have convinced me of the cult's importance in the life of the people and its influence on historical events. The reciprocal linkage between cult and politics, in all their various aspects, takes many different forms. At times, innovative features of the cult triggered changes in political and historical circumstances; on other occasions, the cult endured the impact of political and historical events, and the adjustments it underwent were the effect of the events, rather than their cause. Similarly, there is a constant interaction between cult practice and theology, again without a definite pattern of cause and effect: in many cases a change in theology spurred a shift in the manner of cult celebrations, while in other instances alterations in cult practice that resulted from external influence furthered ideological adjustment. The expressions of the cult and its various fashions change with the continual changes in society, but its importance and substantial impact on society are constant.

Defining 'Cult'

The definition of 'cult,' the main element of the title of this book, is a complex issue. We may gain a sense of its essence from a few key ideas selected from the *Encyclopedia Britannica*: Cult is the focus of a religion; its associated ritual, the routine of worship, is to religion what habit is to life, representing the outward sign of a religion, and constituting an important element in maintaining the stability of a particular group, people or state.³ Cult is equally significant in both ancient and contem-

² 1996 and 1999.

³ We may note, for instance, the significance bestowed in the Roman Empire upon the sacrificial rituals, and the criticism of the Christians for their absence at these rituals.

porary times, independent of the changes in its elements. The form may change, but the core, and the importance of cult, remain stable.

Further, as with every other human achievement, there is contention surrounding cult; the intensity of the struggle, in its various appearances, is in direct relation to cult's importance, whether real or perceived. In broad lines, the contention may relate to the correct form of the cult, or to the question of who controls the cult politically and benefits from the resulting privileges and advantages. In some cases the struggle reflects genuinely pious motives, while in others it is driven by blatantly hypocritical and selfish objectives. History bears witness to an endless record of disputes on issues of cult, of a great variety of types and purposes.

The Israelite people were no exception to this rule. As they were 'historically conscious,' they left behind an unprecedented number of texts, thus allowing us to track their cult's various expressions. The relevant narratives sometimes record events openly; in many cases, however, the real events are concealed, most artfully at times. Scholars attempt to reveal the hidden kernel of truth in these records, each according to his fundamental attitude toward the historicity of Scripture and post-biblical writings; some deny the narratives any degree of historical value. Yet there is no denying the cult's exceptional significance in Israelite history.

The Israelite religious system bestowed major importance upon cultic practice.⁴ The overwhelming number of rules of practice found in Scripture, and the remarkable pursuit in post-biblical writings for clarification of the scriptural minutiae, attest to this feature of Israelite religion, right from its inception as an independent spiritual movement, distinct and detached from the surrounding cultures. Though the Israelite cult retained many external aspects of sacrificial worship in common with the surrounding cultures, its particular rules added another dimension to the cult: a way of life was created that was regulated by myriad apodictic, negative and positive ordinances.

For the purposes of this study, I deem every rule of practice to be a cult element, rather than simply a reflection of theological belief. Notwithstanding the correlation between these two basic and interwoven

See D. Rokeah, 1982, pp. 16ff., with respect to Celsus' polemic against Christians for their opposition to the sacrifices.

⁴ The motive for this is an interesting question, but beyond the scope of this book.

elements of religion, they are different; we must therefore divide them for analytical purposes. It is a matter of *opinio communis* that issues of belief, whether real or as pretense, lay behind the various disputes among Christians, whereas disputes regarding practical rules, or the appearance thereof, were at the core of disagreements among Jews. On the basis of this fundamental premise, I will attempt to reveal the motives behind the major split in Israelite society in that most crucial era of its spiritual development, the inter-testamental period in the last part of the Second Commonwealth. I refer, of course, to the division between the Pharisees, Sadducees, Essenes and/or the Dead Sea Scroll groups.⁵

Premises

This study is founded upon the generally accepted premise that the disputes before 70 C.E. between the particular groups or sects in Israel were of a halakhic and not a theological nature; nor were different apocalyptic beliefs the trigger for division. The latter beliefs were the result of specific events, rather than their cause. There are no accusations in the literature of the ‘dissidents’ or ‘separatists’ (terms that I define below) that their opponents were guilty of heresy or wrong belief; rather, such literature refers to the incorrect interpretation of Torah precepts. Although Josephus mentions philosophical differences between the Pharisees, Sadducees and Essenes, there was a common theological denominator among them, that stood in contrast to the theology of the Christian Jews; they all believed that the meticulous fulfillment of the Torah precepts, the expression of the divine will, was the Israelites’ most important duty. Correct interpretation of such precepts was at the core of their disputes. My analysis of the differences between the groups is therefore limited to halakhic disputes, since issues of theological belief, in contrast to issues of practice, were not of major concern to the Jews.⁶

Saldarini⁷ emphasizes the social aspect of the Pharisaic—Sadducean struggle and perceives the “religious attitudes of the Sects as the driv-

⁵ I do not intend to take a firm position regarding the identity of the Essenes, though their identification with the Dead Sea Scrolls group is now widely accepted. I do not include the Jewish Christian movement, though their splitting off was also due, in my opinion, to the overarching issue of cult—in this case, the obligation to fulfill the Torah precepts and avoid transgression of scriptural prohibitions.

⁶ L. H. Feldman, 1989, p. 422.

⁷ A. J. Saldarini, 1988, p. 5.

ing force on the political and social differences.” We may note, however, that he also acknowledges the role of religious differences between the Pharisees and Sadducees, stating: “Religion is a part of the social and political scene”; the groups “disagreed over how Judaism was to be lived to retain its Jewish identity” in view of the overwhelming shifts in the cultural and political circumstances in that period.⁸ This statement, however, does not refer to the group or groups associated with the Dead Sea Scrolls; these groups expected the Deity to vindicate their position and grant them their appropriate status, while the Pharisees and Sadducees each fought on their own behalf.

Our task in the analysis of this period is hampered to the extreme by the complete lack of first-hand records of the two most significant groups, the Pharisees and the Sadducees. With respect to the former, we can rely only on the writings of the later Rabbis who claimed to be their followers. These writings must be critically scrutinized and the utmost care taken before we may draw conclusions about the ‘real’ Pharisaic opinions and practice. The situation regarding the Sadducees is even more precarious, since both the Rabbis and Josephus, who transmitted some vague data about them, show a definite bias against them. It is an irony of fate that the only authentic material we possess originates from the Qumran group or groups that disappeared from the horizon of history shortly after this period, whereas we have no authentic writings from the Pharisees, whose connection with the Rabbis, though of debatable extent, is undisputed. And although we do possess authentic data from the Qumran groups, their writings lack any precise indication of their identity, and the identity of those with whom they disputed. Such identification is only vaguely hinted at. Nor is the identity of their revered leader divulged, or any other historical data that would allow us to draw a detailed picture of the relevant period; their literature is highly codified, and fits within their general environment of secrecy and the restriction of revelation to a chosen few. Since, however, we do not possess more reliable data from any other source, we have no alternative but to use these writings as our fundamental material for comparison and as the basis for creative reconstruction of the period.

In addition to these particular obstacles, there is also the general skepticism regarding the authenticity of biblical history and rabbinic narratives. As more attention has been reserved for biblical studies, the

⁸ *Ibid.* pp. 10, 59.

different approaches to this problem have been more amply debated and the different positions more clearly set out by the scholars involved in the evaluation of scriptural authenticity. We currently encounter either ‘minimalist’ or ‘maximalist’ approaches to the examination of texts. In my opinion, biblical historiography in particular has been negatively affected by the narrow viewpoint of ‘either/or’: either no historical credibility is conferred upon Scripture, or no effort is spared to bestow trustworthiness on narratives that are patently unreasonable. In consequence, adherents of one school utterly exclude the conclusions of the other. Yet such an attitude is not consonant with reality. There is never a single determinant or event that dominates the life of an individual or of a society to the exclusion of all others. A wide range of factors and occurrences will motivate the thoughts and deeds of a single person, and likewise of a people, and incite shifts in ideology and action. We must therefore consider this range of factors, according to our contemporary understanding and *Weltanschauung*, and analyze them according to a variety of scholarly methods. I have attempted, in my scrutiny of biblical and rabbinic sources, to take the ‘middle’ road, a multiform *modus operandi*, without assuming that there is only one correct method or taking an extreme position. Rendtorff would call such an approach a “methodological pluralism.”⁹ Though I need not agree with all of B. Halperin’s views concerning the authenticity of biblical narratives, I do concur with his statement that the historical question is “what is more probable, not the certain, cause of events and causation to posit.”¹⁰ My approach necessitates a critical analysis of the available data and the evaluation of each source and narrative on its particular merit; I will attempt to fulfill this commitment to the best of my abilities. At the same time, I do not assert that my conclusions are the only verifiable ‘truth’; no such statement can reasonably be declared by anyone working in this field, considering the precarious data on which any analysis is founded.

Object of this Study: The Focus on Cult Issues

As mentioned, I side with those scholars who assert that halakhic disputes were the ultimate cause of the sectarian division in the late period of the

⁹ R. Rendtorff, 1999, p. 63.

¹⁰ B. Halperin, 2000, p. 545.

Second Commonwealth. In this study, however, I attempt to sharpen this point and isolate the precise type of halakhah that instigated such a separation. This question is essential since, as I demonstrated in my study *The Pluralistic Halakhah*, a tolerant and pluralistic halakhic environment dominated Israelite society in this period prior to the destruction of the Second Temple. Most of the alleged disputes with the 'dissident' groups that appear in rabbinic writings could not have provoked division, let alone hostility, between the different groups; they shared a significant common denominator, the belief in the divine source of the Torah and the sacred obligation to fulfill its precepts and prohibitions with precision. There must have been a particular type of halakhah that rendered a common public life impossible, and compelled separation. Considering the importance of the Temple and its cult in that period, its centrality in the social structure of Israelite society, and the imperative to make cult practice perpetually stable, I conclude that disputes about the cult were the ultimate cause for the division. The lack of precise and detailed rules for cult procedures in Scripture, and a renewed zeal for accurate celebration, were the proximate causes of the division. I will attempt to substantiate this proposition through analysis of various sources, historical precedents and logical deductions.

The different expressions of the cult in the various stages of Israelite political and religious history are set out in the first part of the study. Since the cult was not institutionalized in its earlier period, prior to centralization, a significant motive in cultic struggle was control of the cult and its most revered sacred artifacts, in order to secure political and economic advantages. After centralization, commonly assumed to have been initiated by Josiah (639–609 B.C.E.) there began an extensive institutionalization of the cult, and consequently issues as to accurate practice arose. At this stage disputes revolved around the exact forms such practice was to assume. I trace the history of these struggles, from the beginning of Israelite written tradition until the start of the halakhic disputes.

The study then analyzes the proximate cause of the halakhic disputes regarding the cult—that is, the diverse interpretations of vague and insufficiently descriptive scriptural texts. The rabbinic exegetical system, its style of writing, and its premises and goals are compared to Qumran parallels. As noted above, rabbinic pronouncements are assumed to represent the halakhic decisions of the Pharisees, who are in turn assumed to be those whom the Qumran groups opposed in their writings. Meticulous analysis and comparison and contrast of these parallels

offer us logical insight into Qumran's fundamental thought, though this is usually hidden, or at least not directly divulged. Qumran's different approach to the authority of interpretation and to the source of this authority serves to confirm that conflicting cultic halakhot were at the core of disputes in this period.

From this foundation, the study then seeks to substantiate the thesis that the indefinite, and at times contradictory, scriptural commands regarding the sacrificial cult celebrations likely stimulated a great array of different interpretations and conflicting decisions. In particular, I will analyze numerous rabbinic regulations regarding the simple voluntary grain offering (*Minhah*) that were deduced through the exegesis of imprecise scriptural instructions. This imprecision creates a strong potential for disputes with respect to the correct rules of the sacrificial cult; I suggest, in fact, that such disputes provoked an unbridgeable chasm with respect to the Temple ceremonies.

The last component of the study concludes that disputes about the correct cult celebrations actually incited the physical and intellectual separation of the Qumran groups from Israelite society. The assumption that only cult disputes caused division also explains two odd circumstances related to this issue. One is the fact that there was no physical separation between the schools of Bet Shammai and Bet Hillel, who disputed almost every halakhah; the other is the disappearance of the various sects after the Temple's destruction, when disputes about the cult became irrelevant. I conclude that the divisions between the Sadducees and Pharisees were of an utterly different nature than the split between the Pharisees/Sadducees and the Qumran community. The cult disputes between the first were of minor importance; they did not stand in the way of a shared communal life, or of joint participation in the Temple service when the other party and its sacrificial rules happened to be dominant. The quarrel of the Essenes/Dead Sea Scroll groups, however, was with cult rules so fundamental that they could not participate in the Temple service; this caused their separation. As a corollary to this investigation, I will demonstrate that the Qumran groups cannot be identified with the Sadducees, as some scholars have suggested.

Detailed Outline

The first chapter offers a concise treatise on the significance of the cult in the pre-exilic development of the Israelite nation and its at times crucial political manifestations. This component of the study is founded upon deduction and speculation, due to the intent of Scripture's redactors to conceal in their narratives the real causes of the intertribal struggles.

The postexilic period, with the radical changes affecting Israel's thought resulting from the Temple's destruction and the exile, as well as the greater availability of written documentation from different sources, allows for a less hypothetical consideration of the disagreements relating to cult issues. Certain of these writings also attempt to conceal the causes behind the prophecies and narratives that are recorded, and I will analyze them to reveal the cult dilemmas that were the real order of the day. In this period we see a most interesting development: the attaching of the utmost significance to the cult. This development had far-reaching consequences; it led to the dramatic rise in the power of the priests, the cult clerics, which eliminated the political authority of the Davidic dynasty, and centralized the leadership privileges of cult and politics in one person, the High Priest. As it is inevitable that absolute power leads to corruption, this overthrow of the previous balance of power created the conditions that allowed the corrupt priests to introduce the process of Hellenization.

The last segment of this chapter serves as the connection between the earlier cultic struggles, mainly driven by the aspirations for control on the part of individuals or particular groups, and the new motive for disputes. Circumstances in the early Hasmonean period encouraged a zeal for the meticulous practice of scriptural decrees; as a result, cult disagreements now revolved around the correct interpretation of scriptural decrees. These exegetical conflicts created divisions between a number of groups in Israelite society, which I discuss in the second chapter.

The second chapter delves into the possible exegetical methods used at Qumran, which are usually not explicitly divulged. This stands in contrast to the numerous speculations in rabbinic literature, particularly the Midreshe Halakhah and amoraic deliberations in the Talmudim, on the sources of mishnaic decrees. In the absence of similar aids, it is futile to attempt to reveal the precise exegetical methods used by Qumran Sages; at the most, we may critically analyze the relevant scriptural texts that were likely the basis of Qumran halakhot and derive the motives that probably induced their decisions. I argue that both the Rabbis and

the Qumran Sages found the same apparent inconsistencies, lacunae and irregularities in the biblical text, and attempted to resolve these dilemmas by revealing the divine intention in the text. They had the same goal and applied similar exegetical methods, but did not always reach identical decisions, because they had different philosophical approaches. In the absence of any written sources contemporary with Qumran literature, a comparison with later rabbinic halakhic literature can assist us in our attempt to understand the reasoning behind Qumran's halakhic decisions and ways of thought. I discuss at length a number of such examples, analyzing the similarities and contrasts, and attempt to establish some typical patterns for each group. I am particularly interested in Qumran rules that extend far beyond the scriptural commands, such as the time limit for the consumption of the grain *Minhah*, as well as rules that are apparently without any scriptural support, such as the 'New Festivals' (which, Milgrom claims, are "beyond exegesis"). These rules are compared to similar rabbinic rules for which there is express exegesis showing their connection to Scripture.

I suggest that certain original rules established by Ezra and Nehemiah, without biblical support, may have served as a model for Qumran's halakhic innovations. This is supported by the fact that the Qumran groups believed themselves to be the first returnees from exile.¹¹ I further conjecture that some of these 'new laws,' as for example the 'New Festivals,' may indeed have been celebrated in one form or another in Israel before the final redaction of the Pentateuch, like many other rules; the Qumran groups insisted on their continuation, just as they persisted in using the solar calendar that had been abolished in Israel.

Attention is also paid to scholarly assertions regarding certain Qumran rules that are alleged to correspond to rabbinic practice—for instance, the rules of reproof, marriage with a niece, the age requirement for participation in the Passover offering, and a particular sacrificial rule. Different motives for the Qumran rules are proposed and corroborated. I demonstrate that Qumran exegesis was generally more faithful to the biblical text than the rabbinic system, which often took account of practical considerations in its halakhic decisions.

The second part of this chapter addresses the issue of the source of authority for the interpretation of Scripture. In contrast to the view of the Rabbis that they themselves had full authority to interpret the

¹¹ See Talmon, 1989, pp. 41ff.

words of Scripture that were conveyed by God to humans, the Qumran Sages believed that only divinely inspired revelation, bestowed upon their leaders and scholars, conferred authority on their decisions. I then question the label ‘Rewritten Torah’ and similar markers that have been assigned by scholars to Qumran’s non-biblical writings. As has been noted by scholars, Qumran’s biblical writings demonstrate a remarkable adherence to the conventional text. Minor variants in these writings typically reflect the *laissez-faire* attitude that was common before canonization; this attitude is evident in the different biblical versions from this period, and may be corroborated through comparison of different passages in the Massoretic text that unquestionably originate from a common source. The style of Qumran’s non-biblical writings, particularly the weaving of exegesis into the biblical text, is influenced by their belief in revelation as the source of their interpretation; hence, the same significance is conferred upon both the text and its exegesis. This does not, however, justify the label of ‘Rewritten Torah,’ because there was no such intention on the part of the Qumran scholars. Conversely, if this attribute is applied to Qumran writings, it should also be applied to the books of Chronicles, with their additions of various kinds that are woven into the text and their deliberate deletions.

The belief at Qumran that their spiritual leaders and scholars received divinely inspired revelation¹² for their interpretative activity also had a decisive impact on their halakhic decisions, as well as far-reaching practical consequences. Their halakhot, though founded upon interpretation, had the same significance as divine utterances; the rabbinic classifications *מדאורייתא* “biblical law” and *מדרבנן* “rabbinic decree” did not exist at Qumran. I suggest that Qumran’s belief in continuous revelation derived from their observation of similar occurrences recorded in Scripture. Ezra, for example, changed the dimensions of the Temple from those of Solomon’s Temple, and established new laws not in accordance with Scripture. Solomon built a Temple with dimensions different than those of Moses’ Tabernacle, constructed according to precise divine instructions.¹³ He also had certain artifacts made that were completely different in type and number than those Moses

¹² We read in CD-A III: 13–14: “revealing to them hidden matters.”

¹³ I do not assert that the instructions for the building of the Tabernacle in Exod 25–27 were indeed written before Solomon’s period, or the time of the redaction of 1 Kgs. Qumran scholars, however, undoubtedly believed so; therefore, this assumption is highly plausible.

was commanded to fashion. Qumran scholars may have assumed that Solomon and Ezra were complying with divine instructions received by revelation, and that it was unlikely they would have acted according to their own fancies. They thus may have believed that prophecy of some kind continued, as Josephus in fact records.¹⁴

The chapter lists additional similarities and contrasts between rabbinic and Qumran halakhah, resulting from their differing opinions as to the source of interpretative authority. I then discuss the question of whether revelation compliments exegesis or nullifies it. The conclusion of the chapter discusses the significance of requiring a precise Temple cult. Dependent as the cult was on the correct interpretation of vague, inadequate and at times contradictory biblical rules, intense disputes were provoked, leading to real conflicts and division. This serves as an introduction to the next chapter, which analyzes in detail a particular biblical command and illustrates the very evident potential for conflicting interpretations.

Chapter three concerns the biblical rules for the voluntary Minhah offerings that are contained in Lev 2:1–10. Lev 2:1–3 contains the ordinances for the flour offering, and verses 4–10 describe the rules for the baked offerings. I highlight the absence in this pericope of many crucial details regarding the precise offering procedure. The relevant rabbinic deliberations and rules are used to demonstrate the exegetical dilemmas facing those attempting to interpret these biblical verses with the purpose of establishing the precise rules for this cult ceremony in all their details. The Rabbis believed that no part of a cult ceremony should be left to random practice. One should not doubt that Qumran held the identical viewpoint, given the utmost significance they accorded to the Temple cult celebrations and its exact rules. The great number of detailed regulations that Scripture lacks and that had to be creatively deduced thus demonstrates the unlimited potential for different decisions; imagination is an individual human faculty that cannot be channeled by rules and regulations.

After a short introduction stressing the complexity of the biblical pericope, with its composition from various sources and later interjections, I discuss each lacuna in the biblical texts and cite the rabbinic solutions that attempted to fill in what was missing. Already in the first verse of the pericope, we are struck by the lack of data with respect to the

¹⁴ *Ant.* XIII: 282, J.W. I: 68 and J.W. II: 159.

minimum and maximum quantities required for the various ingredients of the Minhah offering. The Rabbis established the minimum quantity of flour as a tenth of an *efah*, and the maximum of sixty-tenths of an *efah* in one offering. There is no effort to reveal scriptural support for this rule; the practical reason for the maximum quantity is indicated by the Rabbis, but the reason for the minimum can only be guessed. By circular evidence the Rabbis established one *log* as the minimum quantity of oil, but then other complications arose: a) do the quantities of flour and oil increase in tandem, or are there two separate standards; and b) must the ingredients be measured as multiples of one-tenth of an *efah* of flour and one *log* of oil, or are any quantities of flour and oil acceptable as long as they are above the minimum of one-tenth an *efah* of flour and one *log* of oil. The Rabbis disputed about the quantity of oil required for offerings of more than one-tenth of an *efah* of flour, but agreed that the quantities must be standard—that is, one-tenth of an *efah* of flour and one *log* of oil, or multiples of these amounts. Many other elements of the Minhah offerings whose details are missing in Scripture are discussed—for example, the quantity of frankincense to be added to the flour, the method of taking the memorial part for burning on the altar, the application of this method for the flour and baked Menahot, and other uncertainties that result from vague and indefinite scriptural rules. The conclusion of the chapter analyzes the logic behind the rabbinic deliberations that aimed at supplementing the lacunae. Such deliberations demonstrate the great potential for disputes in the quest to reveal the true divine intent of the scriptural commands; this is the subject of the next chapter.

In the fourth chapter I first investigate the identity of the various contending groups, in both the Qumran and the rabbinic writings. I analyze the rabbinic references to disputes between the Pharisees and ‘dissident’ groups, such as the ‘Sadducees’ and the ‘Boethusians,’ questioning whether such references are to actual groups or are general designations subsuming a variety of differing opinions that the Pharisees wished to negate. I contrast in particular the references in rabbinic literature to a supposed rift with the ‘Boethusians’ over a solar versus a lunar calendar, to the complete absence of such reference in the known disputes with the Dead Sea groups on this issue. Using this and other evidence, I thus question the reliability of rabbinic records concerning the ‘dissidents.’

I next examine the proposal that the ‘Essenes’ can be identified with the Sadducees. The Qumran writings indicate that their contenders

were powerful, but do not identify them or indicate whether all their accusations (and in some case utter enmity) against them were directed at one or more specific groups. Rabbinic writings, on the other hand, do indicate names of two antagonistic groups, the Sadducees and Boethusians, in passages about conflicting halakhot. The Sadducees are also mentioned by external sources, in contrast with the Boethusians, who are totally ignored, or were unknown, by other literary and historical sources. The Essenes, vividly and amply portrayed in external sources, are utterly ignored by rabbinic literature. Moreover, the most important halakhic conflicts, such as the calendar issue that is the basic element of ritual ceremonies and communal life (as is evident in Qumran writings), are not recorded at all in rabbinic literature. Similarly, the most important ritual dispute with the Sadducees, regarding the incense celebration at the annual theophany on the Day of Atonement, is absent in Qumran writings. There are only two relatively trivial issues mentioned in Qumran writings as disputes with unidentified contenders that also appear in rabbinic literature as matters debated with the Sadducees. These confusing circumstances compel us to attempt a clarification of the situation, in order to understand which halakhot were so intensely disputed as well as the possible identification of the contesting parties. Since there is no mention of halakhic debates among the groups except in rabbinic literature, we must analyze the reliability of this literature with respect to these issues.

I postulate that a great difference existed between the Sadducees and the group or groups of the Dead Sea Scrolls. The first were a group that fought for their goals, sacred and secular, within the inner sphere of Israelite society, and at times attained dominance. The second group separated entirely from society. The precise nuances of such terms as 'groups,' 'factions,' 'sects,' 'cults' and similar words are a matter of debate, and it is not my intention to enter into this minefield, or to analyze the social and political aspects of the 'sects,' amply covered by Saldarini. But I think we must perceive a crucial distinction between the 'dissident' Sadducees and the 'separatist' group or groups of the Desert Scrolls;¹⁵ the divisions between each group and the 'mainstream' were of a different nature.

¹⁵ Although the Qumran group is commonly identified as the Essenes (e.g. by Josephus, Pliny and Philo), I will describe them simply as the Qumran group (or groups), in whose vicinity most of the scrolls were found.

Conclusion

Let me now, at the end of my Introduction, make some short personal statements. I wish to clearly assert that I do not declare my assumptions and conjectures to be the ultimate truth. They should be perceived as hypotheses, postulated on my inferences from textual and other sources. I attempt to present them as ‘more plausible’ than other conjectures. I may quote here a statement of P. R. Davies¹⁶ that knowledge “is a conclusion which data, method and reasoning have led us to assert as knowledge.”

I am aware that my examinations and conclusion are influenced by the current *Weltanschauung*, the product of our contemporary culture and modes of thought. But this is the only way we are able to apprehend and assess the past. Although I strove to shape my study as objectively as possible, I realize that in essence my thesis is based on my interpretation of the citations from the primary and secondary sources. Others may reach different conclusions from the same sources. I emphasize this particularly with respect to my analysis of the Dead Sea Scroll material, which is the basis of many of my conjectures and propositions. The exploration of this material is still in its initial stages; modifications and adjustments of previously assumed certitudes are the order of the day. These circumstances encouraged me to postulate propositions that may be considered controversial, or out of line with current generally-recognized opinion. To justify such a step, I wish to quote from a study by L. L. Grabbe: “There is nothing more dangerous to good scholarship than the comfortable consensus which lies unchallenged . . . questioning the consensus can only be salutary. . . .” He concludes: “We need to take account of all sources and possibilities.”¹⁷ I hope that the readers will evaluate my reflections and propositions, without any predisposition, keeping in mind this statement.

Presentation and Sources

It would have been preferable, in my opinion, to render the text of the quoted citations in their original language, with English translations. However, the length of the book and the problems inherent in Hebrew

¹⁶ P. R. Davies, 1998, p. 1.

¹⁷ L. L. Grabbe, 1997, p. 89.

typesetting call for a more practical approach: short citations of Hebrew keywords. On the other hand, I do repeat these short citations where necessary, to facilitate the uninterrupted reading of the text and save the reader the task of searching for the prior citations.

Some extended footnotes offer detailed explanations of concepts contained in the citations, though in some cases such explanations are not directly associated with the issues of the study, or absolutely necessary for the substantiation of my proposals. This is intended for the convenience of the inquisitive reader, who would prefer to fully understand the overall theme behind the citation. I also believe that it is particularly worthwhile to offer the reader who is not acquainted with the rabbinic style a small window into their methods of consideration and decision-making. I do realize that in some instances this may distract the reader from the flow of thought in the text, and I will attempt to achieve a compromise between the two opposing approaches: a thorough comprehension of the rabbinic exegetical methods versus the possible loss of cohesion of the central outline due to the mass of details. I hope that the readers will appreciate this procedure, and indulge the resulting expansion of the study.

I shall briefly note here the sources and translations used: Biblical translations are usually taken from the NIV. In specific instances, my own translation is indicated. Translations of Qumran citations are from *The Dead Sea Scrolls Study Edition* by Florentino García Martínez and Eibert J. C. Tigchelaar. Tosefta citations are taken from the Lieberman edition, where available, and otherwise from the Zuckermann edition; all other citations from rabbinic texts are taken from the Bar-Ilan database, which has the (presumably) most accurate manuscript versions. For the purpose of this study, I need not indicate the different variants in the manuscripts, particularly as this would hamper the reader. The translations of these texts are mine. Citations from the Septuagint are from the Göttingen edition, where available; again, the translations are mine. Citations from Philo and Josephus, and their translations, are taken from the Loeb Classical Library editions. Transliteration and abbreviation of rabbinic works and names follow those used in the *SBL Handbook of Style for Ancient Near Eastern, Biblical, and Early Christian Studies* (Peabody, Mass, 1999).

CHAPTER ONE

CULT DISSENSION IN ANCIENT ISRAEL

1.1 *Introduction*

My study has as its primary focus the disputes that occurred with respect to the celebration of the cult in the last period of the Second Temple, disputes that were at the root of a major schism in Judean society. In order to demonstrate the historical significance of the cult and its bearing on the struggles within Judean society, I will start with a short exposé of circumstances in the pre-exilic period, and then concentrate more intensively on the conditions of the post-exilic period. This division reflects the fact that the cult issues that tormented Judean society in these two periods were distinct. During most of the pre-exilic period the cult had not yet been institutionalized; therefore, various styles of cult performance were practised without being challenged by any central or local institution. The existing records regarding this period do not indicate any acute conflicts arising out of changes and innovations in the cult. Tensions in the pre-exilic period mainly reflect attempts to dominate the various sanctuaries and artifacts for political and financial advantage. In the post-exilic period, as a result of the ascendancy of the written commands and the centralization of the cult, consequent ideological issues and matters of exegesis regarding the cult became the main subjects of contention. The significance of scriptural exegesis in enabling the correct and exact performance of the biblical commands and prohibitions, stimulated by the reforms attributed to¹ Ezra and Nehemiah, continued to develop in the succeeding centuries. Political circumstances, such as the pre-eminence of the priestly class, intensified the importance of the Temple cult, and consequently of an accurate and unified sacrificial system. Exegesis, the foundation of the Judean 'religious' way of life, became the battlefield of the Judean clerics and intellectual groups, with the battle reaching its peak in the disparate opinions regarding the

¹ Regarding the authenticity of the narratives in the two books and the portrayal of the actual public attitude toward the official 'religious' policies of the two leaders, see P. Heger, 1999, pp. 335ff., and L. L. Grabbe, 1998.

Temple cult. The study will therefore concentrate on the circumstances in the post-exilic period, with specific emphasis on the Temple cult. Authentic primary sources of this period will be critically scrutinized for the revelation of events that have been concealed in these records. The lack of authentic pharisaic data of this period will be compensated for by analysis of rabbinic literature; this will offer insight into the evolution of the Pharisaic-rabbinic² legal system prior to 70 c.e., and a reasonable comparison to Qumran halakhah.³

1.2 *The Pre-Exilic Period*

The cult as the highest expression of human worship of the Deity was of utmost importance in the pre-exilic period, but this importance manifested itself in different ways than in the later period. A critical scrutiny of scriptural narratives on this period reveals the significance of the cult artifacts, and leads us to deduce a constant striving for control of these artifacts for political and economic advantage.

I will set out one example in detail that may be taken as a model for similar events. The biblical narratives regarding the Ark, the most prominent artifact of the early period, clearly suggest its importance; and, as is evident in Scripture, the changes in its control were unquestionably achieved at times by armed struggle. The many deaths suffered by the inhabitants of Bet Shemesh (1 Sam 6:19), the great number of military men amassed by David for the transfer of the Ark to Jerusalem, and his sudden and unreasonable change of mind to halt its transfer (2 Sam 6:1–11) hint at the real events crudely concealed by the redactor. Finally, David's transfer of the Ark from the Benjaminite Qiryat Ye'arim to the City of David had as its political objective the centralization of the sanctuary that harboured it,⁴ and the final defeat of the Saulide

² See P. Heger, 2003, "Excursus: The Association between Pharisees and 'Rabbis,'" pp. 249ff.

³ The term 'halakhah' for definitive laws is a rabbinic term, not used in Qumran literature. Though the same root with the identical connotation is regularly used in Qumran, it refers there to conduct and is not used as a noun. See, e.g., CD-A XII: 20–21: "And these are the ordinances/rules for the Instructor, so that he walks in them [that is, he obeys the antecedent rules]"; CD-A II: 15: "to walk perfectly in all his paths [as a general virtuous way of life]"; and CD-A III: 5, where it refers to a wicked way of life: "they walked in the stubbornness of their hearts." Since the general concept is identical in rabbinic and Qumran literature, I follow Schiffman in using the term halakhah in relation to Qumran rules.

⁴ F. M. Cross, 1973, p. 89, writes that "... at the period of the League, the status of

dynasty. David established the dominant status of Jerusalem by transferring the Ark there,⁵ and Solomon sealed this status by building the Temple to house the Ark,⁶ thus establishing the perpetual holiness of Jerusalem for three religions. This concise summary of the events linked to the Ark demonstrates the importance of the cult artifacts in general and the strong pressure to control them in the pre-exilic period.

1.3 *The Post-Exilic Period*

1.3.1 *The Effect of the Exile*

In the antecedent segment of the study I have summarized the likely existence of dissension regarding control of cult sanctuaries and artifacts. It is not logical, however, to assume that there were serious conflicts concerning the manner of cult performances in the period preceding centralization and institutionalization. We must assume that before Josiah's reform and the consequent institutionalization of the cult, the unquestionably varied cultic practices in Israel were duly accepted by Judean society. We do not encounter, for example, any criticism of the drastic changes in the sacrificial system accomplished by Ahaz.⁷ But the development of precise rules is a slow process, extending over a lengthy period. I will therefore begin the second segment of the study with the post-exilic period. Moreover, the ideological and concrete disputes in Israelite-Judean society after the return from exile can be much more easily and precisely deduced from Scripture than those in the earlier

the central sanctuary was not fixed; it was defined as the one where the portable Ark stood at that moment."

⁵ K. Rupprecht, 1977, who suggests that David may have conquered the town of Jebus because of a sanctuary that existed there. This supposition does not contradict my thesis that the Ark bestowed upon its location the aura of *the* central sanctuary among the other ancient sanctuaries.

⁶ In Solomon's supplications at the Temple's inauguration, he emphasizes the significance of the Ark. At the zenith of his invocation, in the concluding phrases, he affirms: "I have built the Temple for the name of the Lord, the God of Israel. I have provided a place there for the Ark" (1 Kgs 8:20–21). The primary objective for building the Temple was to provide a permanent, appropriate place for the Ark. M. Noth, 1960, p. 232 writes: "The royal Judean sanctuary in Jerusalem continued to attract the tribes living in the Kingdom of Israel with the Ark as the ancient common object of devotion." See also Heger, 1999, pp. 199ff., concerning the significance of the Ark's poles, the only elements of the Ark that were visible when it was in the Holy of Holies (1 Kgs 8:8), as a cherished vestige of the nomadic period.

⁷ See Heger, 1999, "Subject Index," on the many references to this issue.

period. The post-exilic texts, written much more closely in time to the events they portray, can be considered, after critical analysis, as a more reliable basis for the understanding of these events than those written after a greater lapse of time. A straightforward literary analysis of the post-exilic records, and the discrepancies between them and earlier literature, can generate reasonable assumptions, in contrast to the speculative hypotheses unavoidable in the scrutiny of earlier events. We tread here on more solid ground; the real facts are quite evident, they are only minimally concealed and it is easier to posit reasonable propositions and assess their impact.

In our investigation we observe significant differences of opinion regarding cult issues after the return of the exiles, but it is unknown when and where these new tendencies started, and what circumstances incited them. We have no explicit information about the ideological and theological developments among the exiles in Babylon and among the people who remained in Judah. The overwhelming majority of scholarly opinion considers the exile as the watershed between two distinct periods, the pre- and post-exilic eras. There is no doubt that such traumatic events as the destruction of Jerusalem and the Temple, the dismissal of the king (the symbol of national authority), the slaughter of the spiritual leadership and the exile of the leading class must have provoked the intellectuals among the people to an earnest consideration of the causes of the debacle, and to serious reflection on the best method for shaping the future. I postulate that this era of passionate reflection, on the relations between Israel and its God, the scope of this particular bond and the obligations required for the preservation of this distinctive covenant, was initiated by the classical literary prophets.

These prophets in fact promulgated an ideological shift, by stating that God required Israel to act justly and love mercy⁸ rather than to offer sacrifices.⁹ The sacrifices do not purvey divine necessities; God's decrees are not for God's advantage, but for the benefit of humans, God's creatures.¹⁰ Jeremiah still complained about the social injustices tolerated or practised by Judah's leaders, reiterating God's predominant

⁸ We read in Mic 6:8: "And what does the Lord require of you? To act justly and to love mercy." Isa 1:17 states: "Seek justice . . . defend the cause of the fatherless, plead the case of the widow."

⁹ We read in Mic 6:7: "Will the Lord be pleased with thousands of rams, with ten thousands rivers of oil?" Isa 1:11 declares: "The multitude of your sacrifices—what are they to me?"

¹⁰ See also Heger, 1999, pp. 33–35 on this statement.

desire for their correction and for the institution of justice and righteousness in the world,¹¹ rather than for offerings.¹² While this would indicate the failure of the earlier prophets to accomplish this shift in the theology and practice of Judah, we must assume that these prophecies had an impact on some segments of Judean society. The supremacy bestowed by these ideological prophets upon human behaviour in furtherance of the divine will, rather than on human worship through sacrifices, was unquestionably considered by some groups as a denigration of the previously supreme significance of the sacrificial offerings. It is seemingly a universal human weakness to consider that one must placate the ire of superior powers by conciliating them with servile conduct, or to seek privileged treatment by presenting them with offerings in exchange. Cult obligations and ceremonials of all kinds are revered and performed more willingly and with greater fervour and determination than the social precepts commanded by the same divine authority. Nonetheless, there were (as there are today) those who neglected the cult ceremonials and emphasized the rectification of social problems. I speculate that these later prophecies constituted one of the factors leading to a diversification of ideologies in Judean society in the early post-exilic period, as we observe them in the writings of the last prophets and of Ezra and Nehemiah.

1.3.2 *Ideological Dissension among the Returnees*

I have suggested the existence of ideological dissension among the returnees from exile, and likely also between some of the returnees and those who did not go into exile.¹³ These differences concerned a

¹¹ Although Jeremiah complained about certain idolatrous worship, his main concern seems to have been directed against the prevailing social evils. We read in Jer 9:23: "That I am the Lord, who exercises kindness, justice and righteousness on earth, for in these I delight." The divine eschatological promise for the deliverance of Israel was also linked to the fulfillment of these moral goals: "In those days and at that time I will make a righteous branch sprout from David's line; he will do what is just and right in the land" (Jer 33:15). The political issue of whether to collaborate with Babylon or with Egypt was similarly a matter of contention between the king, his 'false' prophet (Jer chap. 28) and Jeremiah (Jer chap. 37).

¹² In fact, Jeremiah claimed that God had not commanded the Israelites to offer sacrifices. We read in Jer 7:22: "For when I brought your forefathers out of Egypt and spoke to them, I did not give them commands about burnt offerings and sacrifices."

¹³ Heger, 1999, pp. 335–50. See also J. Blenkinsopp, 1990, who postulates the existence of powerful disputes in that period in Judean society, giving rise to the creation of a sectarian environment. I do not agree with his proposition about the nature of the

great number of issues, civil matters as well as the preeminence of the sacrificial cult; the latter issues were manifested in disparate attitudes toward the rebuilding of the Temple,¹⁴ the offering of sacrifices and the extension of decrees and prohibitions regarding the Sabbath. I have substantiated this assertion in my prior study,¹⁵ and shall simply reiterate the extent of this dissension by noting that Ezra had to rely on the force of the Persian authority to impose his interpretation of the law on those who objected to it.¹⁶ Syncretism was clearly no longer a contested issue, nor did there exist ideological disagreements concerning the creed of one supreme God; sacrifices and similar ritual observances were at the core of the dissension.¹⁷ Ezra and Nehemiah, in their zeal for the

dispute and its outcome; it is influenced by Christian ecclesiastical history, as he himself seems to hint (p. 19). See also n. 140, Chapter 2.

¹⁴ I. Willi-Plein, 1999, asks the question: Why had the Second Temple to be built? People lived in Judah and in the Diaspora without a Temple; furthermore, people did not participate personally in the sacrificial celebrations after Josiah's reform. He offers a few explanations: theological motives instilled by the prophets Ezekiel, Haggai, Zechariah and Malachi; the preaching of the "physical experience of the divine presence" at the Temple; the Temple as an object of prestige for the Persian Empire and the inhabitants of Jerusalem.

¹⁵ In Heger, 1999, and particularly pp. 345–350, I have exposed the contradictions between the records of Ezra and those of the prophets Haggai and Malachi with respect to the people's apathy regarding the rebuilding of the Temple; there was possibly even opposition to the renewal of the sacrificial cult and the financial implications regarding its maintenance and the remuneration of the clerics. See also John Kessler, 2002. He quotes the different scholarly opinions on the ideological conflicts in that period, under the heading "Haggai and Second Temple Sectarianism, Whose Side is Haggai On?" (pp. 12–17). After an extensive study of the book from various aspects, he concludes that there was a different vision of prophecy in Judah between Jeremiah and Haggai, and a difference of opinion regarding the significance of rebuilding the Temple: "In Jeremiah the temple becomes a false basis of hope for divine blessing (Jer 7). In Haggai a right response to the temple brings a restored relationship with Yahwe and, consequently his blessing (1:8)" (pp. 277–78). The different aspects of prophecy are, in Kessler's opinion, the main interest of the book, but we also observe the significance of the Temple as the practical core of the dispute in Judean society.

¹⁶ We read in Ezra 7:26: "Whoever does not obey the law of your God and the law of the king must surely be punished by death, banishment, confiscation of property, or imprisonment."

¹⁷ Although Morton Smith emphasizes that Nehemiah acted as the representative of the YHWH party, he perceives a clash in that period between the priestly authority and laypeople's traditions, as the forerunner of the later sectarian division. He also suggests (1971, p. 152) that acute social issues were an inducement to divisions in the post-exilic period. He suggests, however, that the earlier divisions had different names and ideologies in the later period. J. Blenkinsopp, holds a similar opinion, influenced by Christian history and philosophy. See my comments on his theory in Chap. 2, n. 140. I discern a different character in the controversies of that period, as deduced from scrutiny of the relevant biblical texts; see Heger, 1999, pp. 335–350.

restoration of the Temple and its sacrificial cult, empowered the priestly class, probably to an extent they did not intend.¹⁸ Once the clerics got hold of power and succeeded in harnessing it to their benefit, there was almost nothing to stop their inevitable drive for absolute hegemony, except the predictable decadence and subsequent inner disintegration of this class.

We do not possess any explicit data on the various stages in the progression of priestly power. We can only deduce such progression from the supreme influence on the Pentateuch of the redactors of the P stratum¹⁹ and the institution of an elaborate system of sacrificial worship, overshadowing any other type of liturgical rite. The concentration of political and religious power in one person, the High Priest, the chief of the priestly clan, is a further substantiation of this process. We can also assume that such a shift in theology and politics was not achieved without opposition, but this can be validated only through logical deduction. The prophet Zechariah still mentioned two leaders of the people, a

¹⁸ The struggle between the Levites and the priests is a much debated issue and it is beyond the scope of this study to quote the various opinions. I shall therefore quote a few relevant biblical citations that point in this direction. Ezek 44:10–16 explicitly accuses the Levites of going astray and serving the idols, and therefore they were degraded to a position in which they did not offer the sacrifices but served as assistants to the priests in fulfilling auxiliary functions. Only the priests could come near to God and offer the fat and blood of the sacrifices. Nehemiah had to undertake steps to stop the priests from depriving the Levites of their share of the tithes brought by the Israelites. We read in Neh 13:10: “I also found out that the portions of the Levites had not been given to them.” Scripture does not clarify by whom this was done. Rashi tries to exonerate the priests and says that the Israelites did not give them their dues, but the context of the subsequent verses points undoubtedly to the fact that the priests were the perpetrators of this wickedness. V. 12 states: “And all Judah brought the tithes of the grain, wine and oil into the store houses,” and v. 13 records the steps undertaken to ensure distribution: “And I appointed as treasurers over the storehouses the priest Shelemiah, the scribe Zadok and Pedaiah of the Levites, and as their assistant Ganan son of Zakkur son of Mattaniah for they were considered faithful; and their duty was to distribute to their associates.” We observe that the task of the appointed committee was to equitably distribute the tithes brought by the Israelites, and its members had to have the confidence of both parties. We also observe the power struggle for the domination of the Temple service and its remuneration among the commanding priests, to the Levites’ disadvantage; see Heger, 1999, pp. 202–203, 212–213 on this issue.

¹⁹ It is not of consequence whether the priestly source was of an early or late authorship, a debated issue. The issue is when it was accepted as a mandatory element of Scripture. Knohl, 1995, p. 107 supposes that the Qumran sect opposed the revelation of the priestly law to all the people of Israel, preferring secrecy.

priest and a prince;²⁰ but the political leader of the house of David,²¹ still in an eminent position in the first days of the return from exile, disappeared from the Judean horizon. There is no hint as to the reason for this unexplained shift to a single leader. One may also deduce from Zechariah's prophecy that there were already signs of tension between the two authorities; the prophet opposed this situation, and foretold harmonious collaboration between the two chiefs. We must also consider the fundamental and extreme reversal of authority that occurred; whereas the king had the supreme authority in the First Commonwealth period and nominated or dismissed the chief priest, the new circumstances reached a climax in the king's utter vanishing from the public domain.²² In consequence, the struggles between these two authorities and their followers must have been fierce, but were well concealed from the eyes and consciousness of future generations, to avoid any denigration of the priestly class, and any mention of the arbitrary conduct that likely assured their victory. I have also speculated²³ on the possibility that the cessation of prophecy in Israel may have been the result of priestly hegemony in all 'religious' matters, and the forced exclusion of any rival elements.²⁴ Such were the developmental stages of the priestly class, leading to Hellenization.²⁵

²⁰ We read in Zech 6:13: "And there will be harmony between the two." See also Heger, 1999, 357–360.

²¹ We read in Ezra 1:8 of Sheshbazzar, the prince of Judah. We hear about him again as governor, in Ezra 5:14. It is not within the scope of this study to examine the relationship between this person and Zerubavel, the other political figure, who appears in numerous occasions in the books of Haggai, Zechariah, Ezra and Nehemiah.

²² Rainer Albertz, 2003, p. 130 writes that a group of priestly reformers who had returned from exile, after having achieved independence due to the end of the monarchy, and being influenced by the Babylonian autonomy of the priests, strove for and achieved a "cult administered solely by the priests themselves."

²³ See Heger, 1999, p. 360.

²⁴ M. Hengel, 1994, pp. 26–27, writes that having received the text of Scripture, the priests and Levites argued that God's will and commands were revealed and consequently the function of the prophet was redundant. He also conjectures that the priests perceived the prophets as competitors and opposed them.

²⁵ See Heger, 1999, pp. 360–361.

1.3.3 *Priestly Power and Hellenization*

The circumstances in Judah led to an attempt at Hellenization by the aristocracy²⁶ and the priestly upper class,²⁷ and a consequent rebellion of the lower priestly elements and the humble masses. Yet the features of this inner Judean conflict cannot be considered simply a dispute about the introduction of syncretism into Judean culture, or about differences in the manner of performance of the cult; it was a radical and uncompromising struggle for the future character of the Judean people. One segment of society urged an unqualified acculturation of the Jewish people to Hellenism, as in Syria and Alexandria, and the other group remained firmly dedicated to their ancient traditions and utter separation from alien culture and conduct.²⁸ It was a struggle for the very existence of the Jewish people and its particular culture.

1.3.4 *Changes in the Practice of Law in the Maccabean Period and its Aftermath*

I have presented and supported a plausible hypothesis concerning the character of cult conflicts in Judean 'religious' life from its beginning until the Maccabean rebellion. I do not deny that there were also disputes, in earlier periods, concerning syncretistic practices, as appear in some prophetic literature; from the biblical historical passages, however, I perceive a rather pluralistic, dispassionate approach to the differences in the performance of the cult in the pre-exilic era. The real conflicts were about the control of holy and revered artifacts and sanctuaries and the use of the cult for political and economic advantages. In the later period, disputes about the performance of the cult became primary. The Maccabean rebellion had a particular character, *sui generis*, and the creation of the sects following the success of that insurrection was again the result of disputes with respect to the performance of the cult.

²⁶ M. Hengel, 1994, p. 60.

²⁷ It is not within the scope of this study to elaborate on the various scholarly opinions with respect to the factors that intensified the process of Hellenization, provoking the rebellion.

²⁸ M. Smith characterizes this friction as a division between separatists and assimilationists.

1.4 *The Impact of Scripture on Judean Society*

1.4.1 *The Significance of Exegesis²⁹ in the Period of Ezra and Nehemiah*

We may now return to the period of Ezra and Nehemiah, the great reformers of Judaism after the return from Babylonian exile. There is no doubt in scholarly opinion that the Mosaic law enjoyed a renaissance in that period, characterized by strict observance of and enhanced attention to all of its numerous details. Such attentiveness to the performance of the biblical precepts must have induced a spate of interpretive activity around the cryptic and ambiguous biblical texts. We encounter for the first time a requirement to read the Torah before the people³⁰ and to interpret it. The emphasis is on interpretation and understanding, as we see from the statement of Ezra's intentions in Ezra 7:10,³¹ and the accomplishment of this task in Neh 8:7–8.³²

²⁹ I wish to emphasize that we have no data as to how these new rules were represented to the people—that is, how they should be perceived as founded upon Scripture. I would speculate that they were simply presented to the uneducated masses as founded upon the Torah. Although the books of Ezra and Nehemiah record a pattern of teaching and interpreting the law, it is most likely that these teachers did not show how they derived these new rules from the Torah. We are also unaware of the precise text of the Torah in their hands at that period. I use the terms 'exegesis' and 'interpretation,' as these are the terms utilized in later periods to describe part of the process of creating new law. I am obviously not stating that Ezra acted according to the method of 'creative interpretation' (see notes 97 and 434 Chap. 2 for an explanation of this term); on the contrary, I assume that his decisions were founded upon his understanding of the general intent of the Torah, without attempting to detect specific scriptural support. The term 'interpretation' utilized in my exposition should be perceived in its broadest aspect as Ezra's understanding of the Torah's *Grundnorm*. See also Heger, 1999, pp. 337ff. and 407ff., on the reforms of Ezra and Nehemiah.

³⁰ In Deut 31:10–12 the public reading of the Torah was to be performed only once in seven years: "At the end of every seven years, in the year for canceling debts, during the Feast of Tabernacles." From the texts of Ezra and Nehemiah, one has the evident impression that this was a permanent institution, with clerics appointed to teach the people God's precepts and make these precepts comprehensible to the masses. The texts were translated and formulated into practical rules.

³¹ We read there: "For Ezra had devoted himself to the study of the Law of the Lord." The biblical term שָׂרַר has many nuances, but I think that we must interpret it in Ezra as "to investigate" or "to inquire," as in Deut 13:15 (v. 14 in KJV)—"inquire, probe and investigate"—rather than as in Exod 18:15, in which it is interpreted as "to seek God's will."

³² We read in v. 7: "And the Levites instructed the people," and in v. 8: "making it clear and giving the meaning so that the people could understand." The term פָּרַשׁ as used in v. 8 does not appear often in the Bible; we may consider it in light of this term in Lev 24:12, "made clear to them" and in Num 15:34, "it was not clear." The LXX translates the term in the Pentateuch with the verb διακρίνω or συνκρίνω "distinguish," and in Neh with διέστειλλεν ἐν ἐπιστήμῃ "distinguish in the knowledge."

New interpretations were necessary to introduce the application of the law into daily life, and the people had to be persuaded that these new regulations were actually embodied in the Torah. Thus, a legal basis was created for the many reforms: the extension of the Sabbath prohibitions and intermarriage laws,³³ innovations in the performance of the holy day rites³⁴ and other cult rituals, and changes in the financing and systematization of the cult celebrations,³⁵ as recorded in the books of Ezra and Nehemiah. There is no textual evidence with respect to the system of interpretation used, the body of knowledgeable people who accomplished this task, by whom they were appointed, or the extent of their authority. We are also in the dark concerning how the tension was resolved between existing traditions, new exigencies and the results of the interpretation of biblical commands.³⁶ We can only be sure that these problems arose in proportion to the intensity and vigilance exhibited by the people and its leadership with respect to the fulfillment of the Torah's commands. We may also assume that the authority invested in

³³ For a detailed explanation of these two laws, see Heger, 1999, pp. 407–411.

³⁴ Concerning the Feast of Tabernacles, there is definite evidence of changes. We read in Neh 8:13–18 about heralding the celebration of the Feast of Tabernacles and living in booths, and the comment in v. 17: “From the days of Joshua son of Nun until that day, the Israelites had not celebrated it like this.” The rules for the fulfillment of the divine command, communicated to the people in v. 15, do not correspond to the decree in Lev 23:40. There is no general consensus as to when the New Year and the Day of Atonement were introduced into the Israelite cult, or when the amalgamation of the Feast of Passover with the Feast of Unleavened Bread occurred; these issues do not, however, have a bearing on my thesis.

³⁵ See next note for details.

³⁶ The books of Ezra and Nehemiah attest only to the many newly-promulgated rules, probably considered necessary for the orderly function of the Temple and its ceremonies, as well as for the preservation of the Judean people as a separate cultural and national entity, distinct and isolated from the surrounding populations. It is not within the scope of this study to elaborate on these reforms, and I shall therefore simply mention briefly their main components. The introduction of the yearly levy of a third of a sheqel for the sacrificial celebrations, the casting of lots for the supply of wood for the altar, and the reorganization of the tithes and other grants for the sustenance of the clerics were statutes decreed to ensure the smooth and flawless performance of the Temple ceremonies. The extension of the prohibition against intermarriage and concerns about the subsistence of the Hebrew language led to measures designed to secure the isolation of the Judeans as a distinct people. Some of these edicts consisted of a renewed endorsement of Torah rules, some were interpretation of ambiguous commands, and some were in fact in opposition to Torah rules. R. F. Person, 2002, postulates a clash between the Deuteronomic School, “the law in use since the time of Zerubabel,” and Ezra’s new “law of the God of Heaven.” He suggests that Ezra’s mission led to the “demise” of the Deuteronomic School (p. 152).

the Jerusalemite priesthood in Deut 17:8–13,³⁷ enhanced by the political power of the High Priest, granted the latter the power to decide differences of opinion between members of the legislative–interpretative body. We do not know (with the exception of a restricted number of issues, pertinent to matters and manners of public life and ceremonials) whether there was a desire, or even a notion, to establish a uniform legal codex, or whether a total freedom of interpretation was the norm.³⁸ Nor do we know whether the practice of the Torah rules was at all institutionalized. It is plausible that people adhered to the main biblical decrees in an indefinite way, as they are portrayed in Scripture, but each individual or small community supplemented the missing details as they considered appropriate. There is a common process of growth in the development of every law codex, but it is obviously more evident in the first stages of its evolution when it is not yet institutionalized. Such, it seems, were the circumstances prevailing in Judean society, as we may deduce from the lack of details in a great number of scriptural laws.

Whatever the particulars regarding the process of legal evolution in Israel, its further developments and modifications were no doubt radically altered by the period of Hellenization.³⁹

³⁷ I shall quote only v. 12, which indicates the extent of the Jerusalemite priests' authority: "The man who shows contempt for the priest who stands ministering there for the Lord your God or for the judge must be put to death."

³⁸ Since the Torah decrees also comprise civil matters, it is plausible that there was no necessity to establish a rigid code on these issues. We do not know whether a set of interpretive rules was applied, such as those introduced in the rabbinic period by Hillel (*Sifra*, *parshah* 1, *pereq* 1, *Baraita DeRabbi Yishmael*) and later elaborated by Rabbi Ishmael (*ibid.*), or whether the explanation of the ambiguous biblical laws was left open to the consideration of each scholar. On the other hand, the rules for the correct performance of the sacrificial celebrations and public ceremonies in the Temple had to be precisely defined and their continuity guaranteed through elaborate written details, thus avoiding imprecise and inconsistent interpretations of the biblical laws. The rigid financial and administrative ordinances instituted by Ezra and Nehemiah (n. 55), decreed in the name of God and the Torah, had similarly to be determined exactly to ensure the smooth working of government.

³⁹ The circumstances narrated in 2 Macc 4:11–17, which describe the abolition of the old law and the introduction of new laws contrary to the Torah, with the result that the priests abandoned the altar and ran to the wrestling places, indicate a total disintegration of the previous order. Such conditions could not co-exist with a keen interest in the performance of the Torah rules and punctilious study of biblical texts to ensure the correct implementation of its commands. 1 Macc 1:49 also informs us that Antiochus' decrees aimed at influencing the people: ὥστε ἐπιλαθέσται τοῦ νόμον καὶ ἀλλάξαι πάντα τὰ δικαιώματα "so that they might forget the Law and to change all the way of living." Josephus describes in *Ant.* XII: 256 the brutal proceedings undertaken by the authorities for the destruction of all sacred books of the law. We must, therefore, consider that there was a complete interruption in the study and knowledge of the law.

1.4.2 *Exegetical Disputes*

We must search for clues of the new circumstances created by the Hasmonean revolt and the renewed concern for the rigorous observance of the Torah's precepts.⁴⁰ Relevant to this issue is the question of when the Pharisee and Sadducee and/or other sects⁴¹ began their activities, and the background to their disputes. We have no evidence for this Pharisee-Sadducee split in Judean society before the Hasmonean period, and it is no wonder that the majority of scholarly opinion accepts the theory that they emerged at that time.⁴² Historical circumstances validate the

⁴⁰ Cf. I. H. Weiss, 1965, Vol. 1, chap. 12, p. 65, who describes the same conditions during the period of Ezra, after the return from the Babylonian exile.

⁴¹ Boethusians, Essenes, the Qumran group(s) and possibly others who fell into oblivion.

⁴² See A. I. Baumgarten, 1995, p. 54, who states that the "schism began in the years immediately after the ascent of the first Hasmonean ruler." On the other hand, in 1997, p. 20, he states that the inception of the sects occurred much earlier, in mid to late 3rd century B.C.E., but was only historically recorded later. Quoting the different scholarly views and the relevant bibliography, he conjectures that the Maccabean revolt brought changes in Jewish life and a breakdown of the old order, circumstances favourable to the flourishing of sects, and notes: "Ancient Jewish Sectarianism can only be considered fully formed from the Maccabean era onwards" (p. 25). F. G. Martínez, 1999, p. 444, writes that the desecration of the Temple by Antiochus acted as a catalyst, increasing the sensitivity towards purity problems, a subject paramount in Qumran literature and law. Hanan Eshel, 2004, pp. 24–9, conjectures, like many scholars before him, that the Qumran group became active around 170 B.C.E., during the period of Hellenization and the time of their interpretation of the prophecy of Dan 9:24 as relating to the 490-year chronology. But their split occurred about 20 years later, with the appearance and leadership of the Teacher of Righteousness, and at the occasion of the introduction of the lunar calendar by king Jonathan, in 152. The latter act triggered the separation (p. 43); the MMT portrays the circumstances of that period (p. 46). A. Rofé, 1993, attempts to substantiate a different thesis, retrojecting the establishment of the sects to the period of Ezra and Nehemiah, and representing their reform as a struggle against the social evils of the ruling and corrupt plutocracy. I think that this socially-initiated split, called "Proto-Sectarianism," by S. Cohen, 1987, should not be classified as sectarianism; further, it was terminated by the vigorous actions of Ezra and Nehemiah, and has no direct connection to the later Pharisee–Sadducee split. I doubt whether there was even a similarity between the issues that provoked the rift in Ezra and Nehemiah's period and those that affected the sects from the middle of the second century B.C.E. Any affinity between the two distinct movements would be remote, like the suggested link between the Sadducees and the Karaites. The appearance of sects at various periods does not indicate any ideologically or socially founded interdependence among them. Such divisions are rather the result of disagreements that were encouraged by the nature of Judean belief and practice. I hope to elaborate upon this thesis on another occasion.

Cf. S. Talmon, 1994, pp. 22–4, who perceives the root of the *yahad* prophetic/apocalyptic philosophy already in existence at the return from the Babylonian exile, competing with the rationalist stream of Ezra. See also R. T. Beckwith's extended theory about Proto-Sectarianism (1982). Josephus mentions Pharisees, Sadducees and Essenes in

thesis that disputes regarding the correct interpretation of the Torah, the legitimacy of traditional customs and their application in the public life of Judah would have started with the revival of the observance of Torah law. Although the sacrificial system in the Temple was interrupted for only the relatively short period of three years,⁴³ it is obvious that Hellenistic influence and neglect of the traditional Torah precepts had started much earlier, and most likely left their mark on the system. M. Stern⁴⁴ perceives the influence of Hellenization from 200 B.C.E.,⁴⁵ the era of Seleucid domination of Judah, when Greek names appear in Jewish society. The narratives in the books of Maccabees also attest to an extended period of incubation of Hellenistic culture and political power struggles,⁴⁶ before the climactic interruption of Judean sacrificial celebrations and the defilement of the altar in the Temple court (167 B.C.E.).⁴⁷

It is only natural that the Hasmonean rebellion provoked a vigorous counter-reaction aimed at reintroducing the traditional way of life, and a relentless effort to ensure the performance of the Torah precepts

Ant. XIII: 171–173, in the middle of his record of Jonathan the Hasmonean (152–140), and starts his report with the expression “At that time”; he does not, however, inform us specifically when these sects were created. M. Kister, 1996, deduces the same conclusion as Baumgarten, from another viewpoint, declaring that “the splitting up into sects took place after... the Hasmonean revolt” (p. 103). Jörg Frey, 1999, p. 191, writes that The Teacher of Righteousness, the leader of the Qumran group, left Jerusalem when Jonathan, a non-Zadokite, became High Priest. L. Schiffman, 1991, p. 268, also conjectures that the Dead Sea Sect came into being at the same time; Jonathan decided to prevent the Zadokites/Sadducees from serving as High Priests, because they had collaborated with the Hellenizers and participated in the defilement of the Temple.

⁴³ *Ant.* XII: 321, based on the narrative in 1 Macc 1:54 (145 in Seleucid chronology, or 167 B.C.E.) and 4:52 (148 in Seleucid chronology, 164 B.C.E.).

⁴⁴ M. Stern, 1993, p. 68.

⁴⁵ He cites the year 198 B.C.E., after the battle of Panias. Israel L. Levin, 1996, p. 287, assumes that the Hellenization process had already begun in the previous (third) century, and reached its climax with Jason’s reform.

⁴⁶ The books of Maccabees do not elaborate upon the developmental process inherent in every ideological and political shift, but we read in 1 Macc 1:1: ἐν ταῖς ἡμέραις ἐκεῖνας ἐξῆλθον ἐξ Ἰσραὴλ υἱοὶ παράνομοι “In those days came out from Israel lawless people.” From the context of the preceding v. 10, it appears that this had occurred at the beginning of Antiochus’ reign, that is, in 137 Seleucid chronology, 175 B.C.E. At that time, we observe that πολλοὺς “many” followed the culture of the surrounding people. Such a movement by a great number of people to a new way of life could not have occurred suddenly; we must assume therefore a slow penetration of Hellenistic influence, together with the abandonment of the traditional practices and ceremonies that reached a climax in 175 B.C.E.

⁴⁷ It occurred in the year 145 in Seleucid chronology, as appears in 1 Macc 1:54–59.

with punctilious literalness.⁴⁸ But, alas, this was an insurmountable task, because the protracted interruption of the traditional way of life effected the falling into oblivion⁴⁹ of the earlier rules and regulations that had pertained in all aspects of life: cult celebrations, public administration and organization and probably certain matters of individual conduct. Two compelling and contrasting circumstances came to a distressing peak; the supreme zeal⁵⁰ for correct performance of the Torah commands was stymied by a lack of enlightenment on how to achieve this goal, or was confronted with divergent memories regarding previous rules and customs.⁵¹ We must keep in mind that a great part of the intellectual class—the priests, and especially those of the Jerusalemite clans, who had been the bearers of tradition and the teachers of the Torah—turned to the Hellenistic culture, as we know from the narratives in the books of Maccabees.⁵² The Hasmonean priests, loyal to tradition and

⁴⁸ We read an interesting report in *m. Ma'as. Sh.* 5:15: “Yohanan, the High Priest [134–104 B.C.E.] has abolished the statement of confession with respect to the donation of the tithes [Deut 26:12–15; there are opposing interpretations with respect to this reform]. He also abolished the custom of the Levites to sing [Ps 44:24 (v. 23 in KJV)—‘Awake our Lord, why do you sleep? Rouse yourself! Do not reject us forever’—to avoid a possible insinuation that God was sleeping] and the hitting [of the calf on its head before its slaughter]; until his days the sound of the hammer battering was heard in Jerusalem [during the half holidays, and he prohibited it]; and in his days one did not need to ask whether the tithes were separated [*b. Sotah* 48a].” We observe that the Hasmonean king and High Priest introduced reforms to ensure both the accurate performance of the law and correct theological concepts. See also Y. Sussmann, 1994, p. 196.

⁴⁹ Even if not everything was forgotten, there might have been doubts concerning the changes accomplished by the Hellenizing priests and cultural leadership in the earlier years of their influence. Moreover, one may assume that the dominant priests, who were also the teachers of the law, excluded the provincial, lower-class priests from the activity of interpreting the law. Hence, their knowledge was interrupted for a longer period, and this could explain their ignorance or their lack of certainty with respect to the correctness of their learning.

⁵⁰ See A. I. Baumgarten, 1997, p. 56.

⁵¹ We have no convincing evidence as to whether traditional customs and applications of the law, like the interpretations that were part of the later oral law, were put into writing before the Hellenization process. I would suggest that this was the case (the prohibition against writing was a later pharisaic stipulation), but that these texts were destroyed during Hellenization, as Josephus asserts (*Ant.* XII: 256; see above n. 39). Josephus explicitly refers to both the “Sacred Book” and the “Torah.” If any works had survived, they were likely ultimately eradicated in the rabbinic period, just as the later Sages successfully removed all apocryphal literature from the Jewish canon. It is plausible that the *Sefer Gezerata*, “the Codex (of punishments)” cited in Tractate *Ta’anit* as in the possession of the Sadducees, was actually salvaged by them from both Hellenistic and Pharisaic/rabbinic destruction. There was thus no authentic and reliable information on the traditional customs.

⁵² 2 Macc 4:13–16.

the leaders of the uprising, were of provincial origin, and probably not particularly erudite in Torah law.⁵³

The new class of spiritual leaders, who were competent in the interpretation of the Torah and its adaptation to daily problems, had to start their activity almost from scratch. Differences of interpretation, the contrasting recollections of previous ways, and, last but not least, personal preferences regarding the best solutions to the exigencies of progress, all lay at the root of the rabbinic legal system, probably initiated by the Pharisees and Qumran scholars, and were the source of the opposing-arguments style, refined and perfected in the talmudic literature. Further, M. Hengel⁵⁴ conjectures that the apocalyptic tendency developed by the Qumran group came about in the spiritual crisis created by Hellenization, which revealed the inadequacy of existing thought and ways of life, and demanded new answers from a different interpretation of Scripture.

1.4.2.1 *Sabbath Law and the Development of Relativity in the Law*

We must not overlook the seriousness of the problems confronting these leaders and scholars. In addition to the myriad ‘technical’ problems that had to be solved to adapt the ambiguous and incomplete Torah commands to the issues of daily life,⁵⁵ we must consider the severe philo-

⁵³ According to the organization of the legal system decreed in Deut 17:8–13, only the Jerusalemite priests and clerics were endowed with the authority to decide the correct interpretation and application of the law. In v. 8 we read “go to the place the Lord your God will choose [to inquire about judicial matters that are unclear].” The exclusivity of Jerusalem is again emphasized in v. 10, where the people are exhorted to obey these decisions: “You must act according to the decisions they give you at the place the Lord will choose,” and again in v. 12, with respect to the admonition against anyone who disobeys. This apparently superfluous repetition of the “chosen place—Jerusalem” indicates the significance bestowed upon the exclusivity of Jerusalem as the one and only legal center for the entire country. One must therefore assume that the provincial priests, with no authority to decide on legal matters, did not concern themselves with the study and interpretation of the Torah, with the possible exception of the specific rules of the sacrificial cult; they may actually have performed such rites, though only occasionally.

⁵⁴ M. Hengel, 1994, pp. 43–44.

⁵⁵ The examples are manifold and well-known, and I shall cite several that can be compared with the conditions that prevailed in Judah after the return from exile. The Sabbath laws in the Pentateuch do not indicate precisely which kinds of work are prohibited, with the exception of a few specific types. Nehemiah extended the restrictions to include trading (Neh 13:15–21). The laws of the tithes in Deut 14:22–29 are ambiguous and inconsistent with the rules that appear in Num 18:8–32. Nehemiah established a definite system of levies and set up an appropriate organization for their collection and distribution (Neh 10:33–40 and 13:10–13). Just as there were different opinions at

sophical dilemma resulting from the clash of divine commands with matters of life and death. The best known example is the problem of whether the Sabbath could be desecrated to allow self-defence in time of war; this issue arose during the initial phases of the Hasmonean rebellion, as narrated in 1 Macc 2:29–42.⁵⁶ The Hasmoneans came to the logical conclusion that they had to change their opinion regarding the absolute applicability of the Torah law in a manner that admitted no exception. In accordance with this ideological change, they introduced the concept of relativity in the fulfillment of the commandments. This was an unprecedented and revolutionary idea⁵⁷ in the relationship between the Jews and the commandments of God; in the Torah there is not even a hint of any sort of mitigation that would permit the non-fulfillment of the divine orders.⁵⁸

The relevant text of Maccabees (1 Macc 2:39–40) is mute concerning the identity of the people who thus decided to override the Sabbath law on the basis of logical considerations; it simply records: καὶ εἶπεν ἀνὴρ τῷ πλησίον αὐτοῦ “And the men said each to his neighbour...” We must assume that such a weighty decision was taken by certain acknowledged spiritual leaders, whose decisions were accepted by the specific group. At the same time, we can observe differences of opinion between this and other groups, probably led and instructed by other leaders who enjoyed the trust of the people. After the decision regarding self-defence on the Sabbath, cited above, we read in 1 Macc 2:42 some very interesting information: τότε συνήχθησαν πρὸς αὐτοὺς συναγωγή Ασιδαίων, ἰσχυροὶ δυνάμει ἀπὸ Ἰσραηλ, πᾶς ὁ ἔκουσιαζόμενος τῷ νόμῳ. Καὶ πάντες οἱ φυγαδεύοντες ἀπὸ τῶν κακῶν προσετέθησαν αὐτοῖς καὶ ἐγένοντο αὐτοῖς

that time because of the exile’s interruption of regular life and its ‘religious’ routine, we must assume that similar circumstances prevailed after the successful Maccabean rebellion.

⁵⁶ We read there: “Men said to each other: ‘If all of us do as our brothers did, and we do not fight the foreigners for our lives and our Torah, they will now quickly erase us from the face of the earth.’ And they came to a decision that day, saying: ‘If any man makes war on us on the Sabbath day, we will fight him, and we will not all die as our brothers died in the hiding places.’”

⁵⁷ Cf. B. Bar-Kochba, 1993.

⁵⁸ Regarding the Sabbath, for instance, there is an unequivocal order to cease work in all situations, even during difficult economic conditions. In Exod 34:21 we read: “You shall work six days, and on the seventh day you shall stop; plowing and harvesting you shall cease.” We are aware of how vital it is to the farmer to complete plowing and harvesting in season, given that his entire economic existence in the coming year is tied to these two important acts. The Bible emphasizes that despite their importance, one must avoid carrying them out on the Sabbath.

εις στήριγμα “Then were gathered to [the Hasmoneans] a congregation of Hasidim, mighty warriors of Israel, all volunteers for the Torah. And all who fled from the troubles gathered to them and were a support to them.” Through textual analysis we see that two different groups of men are spoken of, which are described with different terms: Hasidim, and those who escaped. It is perfectly understandable that those who until now had fled and did not fight, since they did not want to be killed on the Sabbath without a battle, now joined with the fighters, since they saw a possibility of defending their lives and fighting under conditions that were acceptable to their beliefs. We do not know, however, exactly who the Hasidim were,⁵⁹ and there are various opinions on this; nor do we know the reason which now brought such people, with their own definite beliefs, to join the Hasmoneans in their struggle. The first word in this verse, τότε, can mean “then” (as I have translated it)—that is, as a result of the occurrences described above, particularly the decision to defend themselves on the Sabbath; it can also mean simply “at that time.” It is perhaps possible to assume that the spiritual leaders of the Hasidim had already concluded from their own ideological viewpoint, or according to their memory of past traditions, that it was permitted to defend oneself on the Sabbath, and they joined with the Hasmoneans when they too came to the same conclusion.⁶⁰

On the other hand, the opposite opinion is also evident, as we read in the book of *Jubilees* 50:12–13: “Any man who does work or goes out on the road... or makes war on the Sabbath... he shall die, so that Israel will cease work (on the Sabbath).” I think that we stand here before the first textual evidence of disagreement in the interpretation of the Torah laws and their application in practical life. This postulate does not exclude the existence of prior disagreements with respect to the correct fulfillment of the Torah laws and the traditional customs, but we have no textual evidence of them. The Maccabees narrative substantiates, however, that religiously-inspired customs were not yet uniformly institutionalized before the Maccabean revolt. It seems unreasonable to assume that such a significant and vital rule as the overriding of the Sabbath for the saving of

⁵⁹ On the attempts to identify this group, see A. Tcherikover, 1974, pp. 101 and 159ff.

⁶⁰ The Rabbis accept the permission to desecrate the Sabbath in order to save life as a common principle, as is evident in the well-known narrative in *b. Yoma* 85a, in which it is asked: “How do we know that saving a life overrides the Sabbath?” The question is where do we find in the Torah a justification for this established maxim.

human life⁶¹ and self-defence against enemies would have been forgotten, as other less essential rules were. We must therefore assume that even such a significant rule was not yet institutionalized.

1.4.2.2 *Contention Concerning Sacrifice*

The unusual circumstances of the rebellion against Hellenization in Judah explain the remarkable proliferation of disputes with respect to rules and customs that should not have incited controversy under normal conditions. We read in *m. Hag* 2:2, concerning the laying of hands on the sacrificial animal on holidays: “Yose ben Yo’ezer says [one] must not lay hands, Yose ben Yohanan says one must lay hands, Joshua ben Perahyah says [one] must not lay hands, Nittai of Arbela says one must lay hands . . .” and so on; five pairs of Sages dispute on this issue.⁶² According to the Talmud,⁶³ this issue of cultic significance was the first

⁶¹ It is possible that healing as such (not its interaction with a specific prohibited work) was not yet deemed to be a transgression of the Sabbath law, as was later established by the Pharisees, but we observe that at the time of Jesus it was already a prohibited deed (Mark 3:2; Luke 13:14, 14:3).

⁶² The Mishnah ends with the specific identification of the Sages and their elevated status: “. . . the first [of each pair] were Nesi'im and the second were the heads of the Court.” In *t. Hag* 2:8, there is a dispute regarding identification: which of each pair was the Nasi and which was the President of the Court?

⁶³ Since this statement is crucial to the study, I shall quote a number of talmudic citations substantiating it. We read in *t. Hag* 2:8: “There was no dispute in their period other than with respect to the laying of hands.” There follows the list of the five pairs, beginning with Yose ben Yo’ezer. Similarly, we read in *y. Hag* 2:2, 77d: “At the beginning there was no dispute [on matters of halakhah] except on the issue of laying the hands.” The most revealing quotations are found in *b. Tem*. 15b: “With the death of Yose b. Yo’ezer and Yosef b. Yohanan of Jerusalem, the *eshkolot* (a cluster of grapes) vanished; [this is metaphorically interpreted as] ‘a man with every merit [i.e. erudite].’ Rav Judah said in the name of Samuel: All the erudite [Sages] of Israel from the time of Moses until the death of Yose b. Yo’ezer mastered the Torah like our teacher Moses; from then onwards, no-one learned the Torah like Moses our teacher.” The following text indicates the meaning of “mastered the Torah like Moses”: declaring a clear law with no doubts or disputes surrounding it. We read there: “[How do you reconcile the above statement with the declaration of] Rav Judah in the name of Samuel that three thousand halakhot were forgotten in the days of mourning for Moses? [Answer:] What they forgot, they forgot, but what they taught [i.e. transmitted halakhot] they taught like our teacher Moses.” The discussion goes on to list the particular merits of Yose b. Yo’ezer, and states: “There was no flaw in the [halakhic decisions] of all the erudite Sages of Israel from the days of Moses until the death of Yose b. Yo’ezer, but from then on, there were flaws.” We observe the watershed that occurred in the period of Yose b. Yo’ezer regarding disputes about the law, according to the talmudic tradition. The above citations suggest that the disputes started only after his death, and therefore the *Gem.* goes on to ask (16a): “[How can you make such a statement] since Yose b. Yo’ezer himself already disputes on the issue of laying of hands? [Answer:] This occurred at the end of his life, when his heart was weak.”

dispute among the Sages. How did such a controversy arise? The first Sages mentioned in the Mishnah that were involved in this lengthy confrontation, Yose ben Yo'ezer⁶⁴ and Yose ben Yohanan, lived around the middle of the second century B.C.E.⁶⁵—that is, after an extensive period during which the three yearly festivals were observed. There must therefore have been some tradition in place to guide them; tradition was an extremely significant factor in the Judean legal process, and therefore would not have been overlooked by the Sages. I. H. Weiss,⁶⁶ in fact, assumes that the priests were well-versed in all the relevant issues with respect to the sacrificial celebrations, and wonders about the motive behind this dispute. He offers a complex solution linked to the issue of

⁶⁴ The first halakhot in the Mishnah (*Ed.* 8:4) also appear in his name.

⁶⁵ We possess no exact dates regarding the lifespan of Yose b. Yo'ezer, but it is assumed that he lived in this period. He and his partner Yose b. Yohanan are among those Sages considered to have received the tradition and transmitted it to the next generation (*m. Avot* 1); this Mishnah may serve as an indication of their period. References to his rules in the Talmud seem to me to imply his activity after the Hasmonean rebellion. He is identified as a Nasi, and initiated the first dispute concerning a cult issue; neither fact would be likely to have occurred during the period of Hellenistic dominance and the interruption of the sacrificial celebrations. His involvement with issues of ceremonial purity, mainly related to the Temple (*b. Shabb.* 15a, *m. Ed.* 8:4 and other sources), and particularly the donation of all his property to the Temple (*b. B. Bat.* 13b), attests to conditions after the restoration of the Temple and reinstatement of all the relevant rules and regulations regarding the celebrations and the relevant purity laws. There is a legend in *Gen Rabbah* 65 that Yose ben Yo'ezer was crucified by his nephew Yakin, a wicked person. Some traditional commentators have identified this man as Alchimus; 1 Macc 7:9–17 describes him as an abominable traitor, a priest who killed sixty righteous men who believed his deceptive message. I am not convinced of the authenticity of this legend; but in any case, the narrative in Macc took place in 151 in Seleucid chronology, that is, 161 B.C.E., three years after the consecration of the Temple, and hence does not contradict the thesis that the disputes concerning the laying of hands occurred after the reinstatement of the sacrifices. The chronology in *m. Avot* 1 of the Sages who received the Oral Torah by transmission from generation to generation also validates the thesis that Yose ben Yo'ezer was active much later than 161 B.C.E., the time of Alchimus' alleged massacre. Even if we doubt the early date of this Mishnah, we have no valid reason to question the underlying tradition with respect to the generational sequence. It is assumed that Simeon the Just, the last member of the *בְּנֵי הַגְּדוּלָה* “The Great Assembly,” was active about 200 B.C.E. (see H. D. Mantel, 1981). His successor was Antigonos of Sokho, and Yose b. Yo'ezer followed him. If Yose was still active around 140, when Simeon was confirmed as High Priest, or even later at the beginning of John Hyrcanus' reign (134–104), there were Sages of three generations (Simeon the Just, Antigonos, and Yose ben Yo'ezer) active during the 70 years between 200–130. This would seem likely. Joshua ben Perahyah followed Yose b. Yo'ezer and Simeon b. Shatah followed him; the latter was definitely active during the period of Alexandra Salome, who reigned in the years 76–67. If, on the other hand, we assume that Yose b. Yo'ezer was executed in 161, it would not be plausible that in the next ninety years, until 70, only two Sages, Joshua b. Perahyah and Simeon b. Shatah, were active.

⁶⁶ I. H. Weiss, 1965, vol. 1, chap. 12, p. 99.

the controversy between the Pharisees and Sadducees with regard to the legitimacy of the Oral Torah. In any event, it is significant that the first recorded dispute connected with this early Hasmonean period refers to an issue regarding the sacrificial system.⁶⁷

I suggest that the riddle may be explained by my thesis that in the Hellenistic period there was an interruption of the sacrificial celebrations, and the correct observance of the traditional laws fell into oblivion; these rites had to be reconstructed after the Hasmonean rebellion. The controversy thus offers both clear evidence and substantiation of my thesis. In such conditions, one may certainly expect a proliferation of different opinions and divergent recollections of previous procedures. I reiterate the extraordinary phenomenon that this first rabbinic dispute coincides with the period of the renaissance of Judean culture and tradition, after the rebellion against Hellenization. As noted above, two significant circumstances coincided: the resolute determination to meticulously observe the divine laws,⁶⁸ as a reaction against the previous attitude of contempt and negligence, and the scantiness of tradition, invalidated and distorted during the Hellenization process. The convergence of these two circumstances engendered and empowered the consequential system of Bible interpretation, and the rise of a class of prominent scholars to promote and expand this study. An ongoing process was thereby created, still active in our days. The Midrash and Mishnah interpreted the Bible, and the *Gem.* examined the Mishnah; successive generations of commentators have continued the task of interpretation of these canonic oeuvres, to understand the methods of contemplation and deliberation, and apply them to the solution of new issues. It is obvious that the Sages could not explicitly declare these historical circumstances as the stimulus for the 'revived' search for previous traditions and for biblical hermeneutics. Such an admission would have invalidated the 'fiction' of the continuity of the Oral Torah transmitted at Sinai, and offered forceful support to the Sadducees, who contended against such transmission.⁶⁹

⁶⁷ See Heger, 2003, pp. 263, 279–80, in which I argue that there were no halakhic disputes of the type later found in the Mishnah in the period before the Temple's destruction.

⁶⁸ J. Efron, 1987, p. 294, states: "... a vibrant, vigorous religious-national movement, arousing folk piety, formed in the Hasmonean period."

⁶⁹ The calendar dispute—the introduction of the lunar calendar instead of the solar calendar, a fact that had the greatest impact on the correct performance of the sacrificial rituals, and was the dominant cause that triggered the split in Judean society—will be discussed separately in chapter 4.

1.5 *Conclusion*

The above-cited narrative concerning the applicability of the Sabbath laws in time of war supports the thesis that there was a radical change in the practice of the law in the Maccabean period. Although the general conditions in Judah—the occupations by the Persians and then by the Greeks—probably did not engender a lot of military engagements, one cannot avoid assuming that there were some occurrences in which the Jews were required to defend themselves⁷⁰ on holy days. They did not possess any reliable traditions of how to behave on the Sabbath in time of war, and needed to analyze the law anew. The same reconsideration must have been applied to the question of whether the Sabbath could be desecrated to save a life in imminent danger,⁷¹ such as from fire or a collapsed building, events that undoubtedly occurred before the Hellenistic period.

The talmudic and Maccabean narratives⁷² offer implicit evidence of how and when the differences of opinion regarding the interpretation of biblical commands originated, and the main reason behind such differences. The Rabbis were puzzled by the question of how to explain such divergences in the supposedly unbroken line of transmission of tradition and laws. They proposed various solutions, such as the great number of incompetent disciples of Hillel and Shammai,⁷³ or the assumption that many laws were forgotten in the period of mourning for Moses.⁷⁴ But it seems that these explanations were not considered satisfactory even in the eyes of orthodox believers and traditional scholars. Rav Jacob son of Nissim Gaon of Kairouan and the elders of this community were, in 987 c.e., still tormented about the problem of the development of the Talmud, and approached Rav Sherira, the Gaon of Pumbedita, asking him five fundamental questions in this respect.⁷⁵ In his reply, Sherira Gaon discussed this issue of disputes. Though he generally followed the

⁷⁰ We know for example that the Jews sided with the Persians against Alexander, and this must also have been connected in some way to participation in battles.

⁷¹ See n. 58.

⁷² I do not include the apocalyptic literature because of the differing scholarly assumptions regarding the period of its composition.

⁷³ *T. Hag* 2:9. For an evaluation of this alleged motive for dissent, see Heger, 2003, pp. 222ff.

⁷⁴ This talmudic saga from *b. Tem.* 15b is quoted above in n. 63.

⁷⁵ Their questions do not explicitly relate to our issue of when the disputes between the Rabbis began, but one must deduce that this was their concern. Rav Sherira Gaon, in his reply, explicitly reviews this issue.

talmudic dicta,⁷⁶ he added his own seminal explanation for the myriad disagreements: the period of severe tribulations in the three generations from the destruction of the Temple⁷⁷ until the work of Rabbi Judah the Prince, who arranged the final edition of the Mishnah. In my opinion, Rav Sherira's rationalization that the hardships existing after the Temple's destruction set off the halakhic controversies indicates that he too was not convinced by the talmudic rhetoric, which reveals many textual and historical inconsistencies.⁷⁸

We must understand that the traditional commentators could not openly admit to a gap in the transmission of tradition in the Hellenistic period; this would have destroyed belief in the continuous chain of transmission from Sinai. The Rabbis and those who followed them thus came up with different solutions, which remained unsatisfactory because they attempted to conceal the unpalatable truth. Only a thorough and critical analysis of the various texts can assist us to attain a plausible solution; I believe I have offered such an analysis.

We may now revert to the main topic of our study, the disputes concerning the cult celebrations in the Temple. In the next chapter I will discuss the nature of exegesis in rabbinic and Qumran literature. In chapter three I will review the many possibilities for divergent interpretations of the biblical rules and regulations regarding the relatively simple individual voluntary Minhah offerings. This will give us an insight into possible motives for contention regarding the correct execution of the sacrificial cult, with its infinitely more intricate rituals, which in turn led to friction and schism.

⁷⁶ We read in the *Iggeret* of Rav Sherira Gaon (Rabinowitz, p. 20), that the only dispute until the time of Hillel and Shammai was about the laying of hands; Hillel and Shammai disputed on three additional issues. I have deliberated above (p. 35) concerning the first dispute, and have critically analyzed this assertion in 2003, pp. 225, 366.

⁷⁷ See above pp. 35ff. and notes 63 and 65.

⁷⁸ See Heger, 2003, pp. 222ff. for a critical analysis of his statements on this issue; I argue there that the alleged participation of the Great Sanhedrin in the settlement of halakhic disagreements is illusory.

CHAPTER TWO

QUMRAN EXEGESIS

2.1 *Introduction*

Much attention and thought has been given in recent years to certain issues regarding Qumran literature: its relationship to particular books of Scripture, its hermeneutic method, and its comparison to rabbinic literature. An array of titles, labels and designations has been applied to the different scrolls; some have been characterized as ‘rewritten Torah,’ ‘reworked Torah,’ or ‘paraphrased Torah,’ and related to specific scriptural books. I will focus on two topics: the similarities and contrasts between the Qumran and rabbinic literatures, and whether characterizations such as ‘rewritten Torah’ are justified.

I have compared a number of Qumran laws, homilies and other types of literature, cited by scholars in their studies on Qumran biblical interpretation,¹ with the parallel rabbinic literature. Rabbinic material is, to our regret, the only, and indirect, connection we possess with the Pharisees, the contemporaries of the Qumranites.² The outcome of these comparisons has led me to conclude that both sources applied a generally identical system and technique of interpretation,³ though not the same particular method for each particular subject. The learned scholars and leaders of both groups came across apparent inconsistencies, lacunae and similar irregularities in the biblical text. Believing that God’s utterances are perfect, they attempted to resolve this dilemma

¹ See e.g. G. Vermes, 1989; M. Fishbane, 1988; and B. Nitzan, 2003, among others.

² On the connection between the Pharisees, the contemporaries of the Qumran groups, and later rabbinic law, see Heger, 2003, pp. 249–252 (“Excursus: The Association between Pharisees and Rabbis”). Given this connection, we may compare the later rabbinic laws with the earlier Qumran halakhic writings. See also Fraade’s statement in n. 13 and H. K. Harrington, 2000, p. 76.

³ I will not review the issue of possible Hellenistic influence on rabbinic and Qumran hermeneutics. Regarding such influence on rabbinic material, see D. Daube, 1949. S. D. Fraade, 1991, pp. 7ff., reviews and compares Philo’s interpretations with those of Qumran and rabbinic literature (*Sifre*). Regarding Hellenistic influence on Qumran materials, see Lee I. Levine, 1998, pp. 110–111.

by revealing the divine intention behind the texts,⁴ and assuming the apparent inconsistencies to be merely the result of human misperception. Both groups also perceived this exercise as the fulfillment of the Israelite's duty to study the Torah.⁵ Identical motives⁶ thus influenced the hermeneutic efforts of the two groups.⁷

In many instances, however, they did not reach the same end results, because each approached the task with a different philosophical-theological background. The distinct ideology of each group guided its interpretative endeavours and shaped its decisions. Further, as each group perceived its interpretative authority to be based on a different source, this too affected the literary style of its writings.

I will not make general comparisons between the two literatures, a task already addressed by other scholars, and will limit myself to a comparison of those rules that provide some insight into the specific thinking processes of their authors. I will also comment on certain comparisons carried out by other scholars and explain my own comparative system. The analysis of these rules may assist us to understand the underlying exegetical principles; at the same time, it may also cause us to question whether we possess the ability to reveal the precise methods utilized by the respective Sages of each group to reach their decisions.

With respect to a comparison of the hermeneutic methods utilized by each group, we stand before two weighty problems. Qumran literature does not always convey its biblical source or its interpretative

⁴ J. Kugel, 1992, p. 2 writes that the aim of the post-biblical authors was: "to solve a problem in the biblical text or to account for something that cries out for explanation."

⁵ The general decree to study the Torah refers to all Israelites: "Talk about them [the laws] when you sit at home and when you walk along the road, when you lie down and when you get up" (Deut 6:7). Ps 1:2 blesses the man who "meditates on the Torah day and night." We read in the Rule of the Community, 1QS VI: 7: "And in the place in which the Ten assemble there should not be missing a man to interpret the law day and night, always, one relieving another. And the Many shall be on watch together for a third of each night of the year in order to read the book, explain the regulation." There are many other mentions of the term *דרש התורה*.

⁶ The Introduction to *Religion in the Dead Sea Scrolls* states (2000, p. 5) that both Qumran and the Rabbis were concerned with similar issues. See also A. I. Baumgarten, 1997, p. 56 on the insignificance of the differences between the groups regarding halakhic issues, and the "fundamental similarity of the different groups of that era."

⁷ S. Talmon, 1994, p. 5, cautions against equating "the Community of the renewed Covenant with any one socio-religious group, movement, sect, etc." I am not taking a position on this admonition, but I wish to clarify that in my study the comparison is limited solely to the hermeneutical scope and methods of Qumran material, and I emphasize that their philosophical-theological approach is utterly different.

method.⁸ Similarly, the Mishnah, the rabbinic literature closest in time to Qumran material, does not divulge its methods at all; the majority of halakhic dicta do not cite the relevant biblical verses that are assumed to be the sources of the decisions.⁹ Only the Midreshe Halakhah offer some insight into the rabbinic exegetical methods; the later *Gem.* also attempted to speculate on the probable hermeneutic foundation of the mishnaic dicta, according to the rules attributed to Rabbi Ishmael¹⁰ and others. I will argue that without these bits of information we would be unable to reveal the hermeneutic methods likely used by the Rabbis. It is possible in any particular case that Qumran Sages applied a particular exegetical formula to arrive at a halakhic decision, while the Rabbis used another; though the intent of each group to reveal God's intention was identical, their distinct aims and ideologies guided their selection of methods. In some instances their decisions are identical, while in others they differ. Even the use of the same system and formulas would not necessarily generate identical laws; as evidence of this point, we note the disputes in rabbinic literature on almost every law, though rabbinic opinions were supposedly founded upon the same interpretative system. The Rabbis were indeed aware of these variations.¹¹

The second problem is the lack, as I have mentioned above, of Pharisaic literature. This problem is acute given that we must rely on indications from later interpreters to reveal its hermeneutic system.¹² Since we have no authentic Pharisaic halakhic writings, we may question who first introduced the all-encompassing hermeneutic system into Jewish culture. I would not have excluded the possibility that the forefathers of the Qumran Sages devised this system,¹³ and that this was later refined

⁸ As S. D. Fraade, 1998, p. 68, puts it, the products of their exegetical labour "are presented without its process."

⁹ A. Shemesh, 1999, p. 163, states that the "legal literature from Qumran... resembles the Mishna more than halakhic midrash."

¹⁰ See Heger, 2003 p. 94, n. 3 regarding these rules.

¹¹ We read in *b. Sanh.* 34a: "From one biblical verse we can deduce more than one thing." In *b. Qidd.* 20a there is an explicit statement that Scripture can be interpreted in opposite ways: "Since these biblical verses can be interpreted both in a lenient and in a strict way, why have you chosen to interpret them in a lenient way; let's interpret them in a strict way."

¹² In certain alleged debates with the dissident groups, the Rabbis presented the hermeneutic formulae they supposedly used. See e.g. the interpretation of Lev 16:2 imputed to the Sadducees, regarding when the High Priest should put the incense on the burning coals of the censer (*b. Yoma* 53a).

¹³ Although S. D. Fraade, 1998, p. 62, is hesitant in "employing rabbinic midrash halakah to uncover the midrashic methods" of Qumran literature, because of "an

by rabbinic schools,¹⁴ were it not for Josephus' statement¹⁵ that the Pharisees were "the most accurate interpreters of the laws" (*J.W.* II: 162). We must assume that the hermeneutic system was a common method employed by both Qumran scholars and the Pharisees,¹⁶ the presumed forefathers of the Rabbis. This assumption would exclude the Sadducees from consideration, if we take literally Josephus' assertion in *Ant.* XIII: 297 that the Sadducees did not follow the unwritten laws transmitted by tradition. In fact, I doubt this claim, though it is commonly interpreted to mean the Sadducees rejected laws derived by hermeneutics.¹⁷

uncomfortable circularity," he states that the Dead Sea Scrolls halakhot "establish strong Second Temple antecedents to its rabbinic formations."

¹⁴ L. H. Schiffman, 2003, pp. 22–3, poses the question whether rabbinic tradition is a post-70 creation or a continuation of earlier exegetical activity; he considers it a continuation. See also his declarations on this issue in 1998, p. 554, and his conjectures about "continuity and discontinuity" (pp. 567–569).

¹⁵ As suggested by various scholars, we may question the precision and reliability of Josephus' portrayals of the 'sects' in this and other occurrences. See Chapter 4 nn. 15 and 17. See Heger, 2003, p. 20 n. 53 and p. 265. In U. Rappaport, 1982, a number of studies discuss Josephus' reliability with respect to a variety of topics in his writings.

¹⁶ See M. Bernstein's postulate on this issue in 2000, top of p. 377.

¹⁷ We do not possess any first-hand writings or other statements of the Sadducees, and we rely exclusively on the (mostly) antagonistic writings of their later opponents, the Rabbis. From the arguments alleged to have taken place between the Pharisees and the Sadducees (if the identification of the contestants is correct at least regarding the incense dispute—see below), we must deduce that the Sadducees too had a hermeneutic system with which they approached apparent inconsistencies in the biblical texts, but had different views on how to harmonize the inconsistencies. See e.g. the alleged discussion in *b. Yoma* 53a between the Pharisees and the Sadducees, on the correct interpretation of a scriptural command, that is supposed to have served as the basis of the dispute regarding the proper method of celebrating the incense celebration by the High Priest on the Day of Atonement in the Holy of Holies (discussed further in chap. 4, p. 276). If we give some credence to the Scholion of *Megillat Ta'anit*, we may also deduce from it that the Sadducees followed unwritten laws received by tradition. It is alleged there that the Sadducees had a book that prescribed the different methods of executions, but could not provide explanations as to how these were deduced from Scripture; Scripture in most cases lacks these specific details. Hence we must assume, according to this record, that the Sadducees possessed and observed ancient traditions from their ancestors, in plain contrast to Josephus' declaration. Nor can we take literally Josephus' statement about the halakhic attitudes of the Sadducees. Contrasting the Pharisees and the Sadducees, he characterizes the Sadducees as ones who tend "to dispute with the teachers" (*Ant.* XVIII: 16). Such a state of affairs does not describe a group that is against interpretation and tradition; disputes are conceivable only on such issues as different interpretations or traditions, as is evident throughout rabbinic halakhic literature. On the other hand, Josephus considers the Pharisees "the most accurate interpreters of the laws" (*J.W.* II: 162), and states further: "Nor do they rashly presume to contradict their [the elders'] proposals" (*Ant.* XVIII: 13). Though we have no authentic Sadducean texts to verify Josephus' description of their attitude, his characterization of the Pharisees is certainly not consistent with the post-70 rabbinic manner of arguing about almost every halakhic topic.

Despite the assumed similarities in hermeneutic method, however, there is, as mentioned, a significant distinction between the Qumran and rabbinic literatures regarding the presentation of the halakhot that are derived. This distinction is evident in each group's description of its interpretative source and in the style in which scriptural texts are cited. I will question the common use of such designations as 'rewritten Torah' to describe the style of Qumran writings, arguing that it was not their intention to rewrite the Torah, and will offer other reasons for these diversities between rabbinic and Qumran halakhic literature.

2.2 *Example: The Grain Minhah—the Limited Time for Consumption*

I will start with a topic that has been the subject of scholarly comparisons between Qumran and rabbinic halakhot, and will demonstrate that every apparently negligible detail must be considered in order to do a proper analysis. The topic is a complex rule regarding the maximum time within which one may eat the grain Minhah. The comparisons here are quite interesting; on one element of the rule the Rabbis and at least one Qumran writing (and possibly another)¹⁸ agree, while on the second element they disagree.

We can assume that the differences are based on differing exegeses of a vague biblical verse: "The meat of his Fellowship offering of Thanksgiving must be eaten on the day it is offered; he must leave none of it till morning" (Lev 7:15). I shall analyze at this stage only the first part of the verse. This command, read in a straightforward way, refers exclusively to the meat of the particular Thanksgiving offering. It does not concern the regular שלמים "Fellowship" offering, its related offering that may be eaten two days after the celebration; nor does it mention the same limitation for the cakes offered together with the animal at this particular offering. According to the typical hermeneutic rules, one would deduce from the text that the cakes are excluded from this time limit. Another ambiguity arises from the fact that the term Minhah is not mentioned in this pericope, and Scripture does not clarify whether the particular

New Testament statements that the Sadducees did not believe in resurrection (Acts 23:8) may indicate that they rejected this particular alien tradition as having no plausible basis in Scripture, in contrast to the later rabbinic homilies on this subject that are deduced from various scriptural verses (*m. Sanh.* 10: 1, *b. Sanh.* 90b, *Sifre Deut pisqa* 47, *Mekhilta deRabbi Yishmael BeShalah, parshah* 1 and *Mekhilta deRabbi Shimon b. Yohai* 15:1).

¹⁸ I shall explain this qualification in due course.

cakes of this offering are its Minhah complement, instead of the auxiliary Minhah for the regular Fellowship offering, or are in addition to the usual auxiliary Minhah, decreed in Num 15:2–16.¹⁹ Logically, one would not expect an extension of this time restriction for the meat component, which seems justified due to the risk of deterioration of the meat, to the vegetal component, for which there is no such risk.

The Rabbis, in their constant quest for harmonization, decided that the cakes of the Thanksgiving offering, as well as the individual voluntary Menahot, must be eaten by the priests on the same day, just like the meat of the Thanksgiving offering.²⁰ We read in *m. Zevah*. 6:1: “The handfuls of the Menahot were removed anywhere in the Temple Court, and eaten inside the posts by the male priests, regarding any form of food, for a period of one day until midnight.” A complex exegesis found in *Sifra*²¹ and in *b. Zevah*. 36a is used to justify this rule.

TS 11QT^a XX: 10–13 has similarly extended this time limit to all the Menahot that require the taking of a handful. We read there, in a similar style and structure:

And every offering with which incense is offered, or if it is a dry offering, they shall collect the part of the memorial, and they shall burn it on the altar; the remains of it they shall eat in the inner courtyard. The priest shall eat them with²² unleavened bread; they shall eat no yeast. It shall be eaten on this day and upon it the sun shall not set.

The second Qumran rule on this topic is found in 4QMMT^a I:12–14:

¹⁹ The Rabbis decided that the cakes of the Thanksgiving offering are in addition to the regular auxiliary Minhah. We read in *m. Menah*. 9:6: “All the public and individual offerings require an auxiliary Minhah [except for a few listed offerings].” In *b. Menah*. 90b there is an explicit clarification: “How do we know that the Thanksgiving offering [also requires an auxiliary Minhah, in addition to the cakes]? [A.] Because it is written ‘or a Fellowship offering’ [and this includes the Thanksgiving offering].”

²⁰ They did not refer to the auxiliary Minhah of the regular Fellowship offering, since according to their opinion the auxiliary Menahot were entirely burnt on the altar.

²¹ We read in *Sifra Zav, parshah 7*: “[From Scripture (Lev 7:15)] we would know only that the meat of the Thanksgiving offering [must be eaten on the first day]. How do we know that the cakes too [are subject to the same limit]? [A.] [It is written] ‘its offering’ [the simple meaning of the term ‘on the day it is offered’ is adjusted to mean ‘its offering’; hence it is apparently superfluous and] comes to teach us that [it refers to] the cakes [that are included in the limitation].” The LXX translates the term as a passive verb $\delta\omega\rho\epsilon\iota\tau\alpha\iota$ “[on the day] it is offered.”

²² This is, as usual, Martínez’ and Tigchelaar’s translation. But in this occurrence I must make corrections. From the second part of v. 11, most of the verbs are in *nifal* and the translation should read: “... the remains of it should be eaten in the inner courtyard. The priests shall eat them as matzot; it should not be eaten leavened. It shall be eaten on this day...” See also Yadin, 1977, Vol. 1, p. 89.

And also concerning the cereal offering of the sacrifice of the peace offering, which they leave over from one day to another, and also that the cereal offering should be eaten with the fats and the meat on the day of their sacrifice for the priests should oversee in this matter.

According to the most plausible reconstruction of this text, it explicitly concerns the cakes brought with the Thanksgiving offering.²³ This is a detail Schiffman has overlooked in his comparison, as he refers to Shelamim.²⁴ Schiffman assumes, though there is no evidence in the text, that the MMT author also maintained an extension of the time limit to all Menahot, like the TS author, and that this is a condemnation of his opponents' custom to allow consumption until dawn. However, the text of the MMT refers unquestionably to the Thanksgiving cakes, called here Minhah, though this is not the scriptural term, and does not indicate any rule with respect to the regular voluntary Menahot.

There is also no indication in this text regarding the second element of the problem: whether, as in the TS, sundown is considered the time

²³ Although the first part of the dictum, "the cereal offering of the sacrifice of the Peace offering," refers generically to all cereal offerings, we must assume that it concerns the Thanksgiving offering exclusively, as detailed in the second element of the dictum. Only the cakes of this offering are eaten together with the offering. Though it is not documented by written evidence, we may assume that Qumran held that the auxiliary Minhah brought with the regular Shelamim was burnt on the altar, as the Rabbis did (*m. Menah.* 6:2). But even if we were to assume that Qumran halakhah provided that the priests eat the auxiliary Menahot, founding such an assumption on the authenticity of the Scholion of *Megillat Ta'anit* that attributes such a rule to the Sadducees, this would not fit with the MMT text. This text justifies its decision by the fact that the meat of the offering is eaten on the same day, but the relevant biblical command for the auxiliary Menahot refers to both the Shelamim that are eaten for two days and to the burnt offering that is totally burnt. The linkage to the biblical command for the auxiliary Menahot would therefore be inappropriate. The linkage to the command for the Thanksgiving offering, however, is appropriate and corresponds to the MMT text.

²⁴ L. Schiffman, 1996, writes on p. 86: "The TS (11QT 20:11–13) requires that šelamim sacrifices (gift offerings) be eaten by sunset on the very same day that they are offered. This law is paralleled by MMT B 9–13 where it is stated that the meal offering of the šelamim is to be offered (eaten?) on the very same day." The relevant text in the TS does not mention the Shelamim offering; it refers exclusively to the Minhah, as is evident from the above-cited text. Schiffman's explanation of Shelamim as "gift-offering" does not indicate exactly what type it is; but one may assume that he refers to the תודה "Thanksgiving offering," since the regular Shelamim may be eaten for two days (Lev 7:16–17), and there is no reason to assume that the author of the MMT would decree a rule against an explicit and clear Torah provision. Moreover, as stated, the text of the TS refers to all types of Menahot without any connection to a meat offering. Schiffman's association of the two Qumran dicta may be assumed, since they refer to the same issue of the time limits, but here the explicit parallelism ends. The MMT text concerns the cakes of the Thanksgiving offering exclusively, as explained in the antecedent note, and the TS text refers to all the Menahot.

limit for the consumption of the Menahot. The expression **מיום ליום** “from one day to another” is, to say the least, ambiguous,²⁵ and cannot serve as evidence that the author intended sundown as the time limit. He does not use the clear language of the TS that explicitly states “sundown,” nor does he use the biblical language of Lev 7:15, the source of the decree, to justify his decision, as he does in many other occurrences. Moreover, the reconstructed text reads: “and also concerning the cereal offering of the sacrifice of the peace offering,” clearly emphasizing that the scope of this declaration concerns the time limit for the Minhah, although Scripture refers explicitly to the meat: “The meat of the Fellowship offering.” I suggest that the author extended the time limit for consumption of the meat to the accompanying cakes through logical, simple-sense interpretation,²⁶ and not by exegesis.²⁷ Even if we consider that the author did indeed justify his decision by referring to Scripture,

²⁵ In Scripture this expression **מיום ליום** appears in two other instances, and means “every day,” or “day after day” (NIV) in Ps 96:2, or “from day to day” (KJV) in Esth 3:7. The similar expression **יום אל יום** appears once in 1 Chr 16:23 and means “every day,” or “day after day” (NIV). In rabbinic literature, which may or may not give insight into the Qumran understanding of scriptural expressions, **מיום ליום** means usually a full day (twenty-four hours from the time something started until the next day at the same time); see *m. Ned.* 8:1, *m. B. Bat.* 3:1 and *m. Parah* 1:3. The exception regarding the time limit within which a husband can nullify his wife’s vow is a particular case, because in the relevant pericope (Num 30: 3–15) Scripture emphasizes five times the expression **שמעו ביום** “on the day he heard” (“in the day that he heareth” in KJV, v. 5, and similarly in the other verses). Thus, *m. Ned.* 10: 8 declares: “The nullifying of vows can be done the whole day,” explaining subsequently that this means during the day the vow was made. Thus, if it was made after sundown, the husband has the time until the next sundown, but if it was made shortly before sundown, he can only nullify it until sundown, because the day is over. This is founded upon the rabbinic regulation that the day starts after sundown and ends the next day at the same time. In *b. Ned.* 76b there is an explanation of this peculiarity: “[It is written] ‘on the day he heard it,’ and that means on the same day he heard it [as opposed to **יום אל יום** as in Num 30:15, meaning a full day of twenty-four hours].” And indeed, those Rabbis who do declare the expression to mean a full day are said to base their decision on **מיום אל יום**, which regularly means a full day of twenty-four hours. The Rabbis were well aware of the subtle variations in language. We read in *m. Ned.* 8:1: “If I take a vow not to taste wine today, it is forbidden only until sundown.” Subsequently, we read: “If one said: one day, one Sabbath, one month, one year, one week—it is forbidden **מיום ליום** for a full day [that is, twenty-four hours, and similarly with respect to the other periods].”

²⁶ J. Milgrom, 1989, p. 171, considering a similar issue, describes the method as homogenization attained by an “exegetical manoeuvre.” It may be a matter of semantics, but I believe that such a manipulative system fits the rabbinic mind and procedure better than it does the author of the TS.

²⁷ In *DJD* X: 3–13, Qimron and Strugnell did not reconstruct the term **כתוב** after the term **ואף** on this rule.

as reconstructed in 4Q395 (4QMMT^b) “and it is also written,”²⁸ it is still not evident that he founded his decision upon exegesis, because his scriptural reference is extremely vague.²⁹ G. J. Brooke³⁰ states that in the MMT the term כתוב “written” “never introduces biblical verses,” but indicates rather more of a paraphrase; in this case one cannot even detect a paraphrase.³¹ Scripture does not declare that the Minhah must be eaten together with the meat. Moreover, the cakes of the Thanksgiving offering are not called Minhah in Scripture, as the Rabbis also noted.³² The author may have understood, without using any particular reference,³³ that Scripture associated the two elements of the offering, and this was his justification. Consequently, the elements must be consumed together; just as the meat must be eaten the same day, so must the cakes. The rest of his statement, “. . . and also that the cereal offering should be eaten with the fats and the meat on the day of their sacrifice,”

²⁸ In *DJD* X: 14–15 Qimron and Strugnell did reconstruct the term כתוב in the text, probably because it is an expression often used in 4QMMT.

²⁹ The reconstructed text reads: “and it is also written . . .] that the cereal offering should be eaten with the fats and the meat on the day of their sacrifice.” The style of this text does not correspond to the relevant biblical text, but does not represent a deliberate deviation; rather, it represents the author’s deductions from the interpretation of the biblical text. Moreover, if he had indeed intended to discuss the issue of the time limit (that is, whether it was until sundown of the day, or the dawn of the next day), he would have had to refer to v. 16, in which only the expression: “on the day it is offered” appears; there is no addendum “he must leave none until the morning” as in v. 15, which clearly limits the meaning. But v. 16 refers to the regular Freewill and Vow offerings and these sacrifices may also be eaten the day after the offering. The same would apply if he referred to Lev 19:5–7, a decree that clearly allows the consumption of the offering over two days. The Rabbis in fact approached the interpretation of these two verses in a straightforward way, dividing them into two separate rules. The Thanksgiving offering may be eaten until the next morning, whereas the other Vow and Freewill offerings may be eaten until sundown of the second day. The rabbinic preventative rule limiting the consumption of the Thanksgiving offering until midnight does not apply to Vow and Freewill offerings. See *b. Pesah*. 3a.

³⁰ G. J. Brooke, 1997, p. 70.

³¹ See p. 129, regarding the use of the expression כתוב without a scriptural foundation.

³² See note 19 on this rabbinic statement.

³³ The Rabbis interpret the term קרבנו “offering” in Lev 7:15, the foundation of this rule, to include both components of the offering, the meat and the cake; see n. 21. There is a relevant dictum in *b. Menah*. 81b: “Rav Huna said: One who made a vow to offer the cake of the Thanksgiving offering must bring the animal and the cakes. Why is that? Because the man [who made the vow] well knows that one does not offer the cakes without the animal, and he meant to say the animal and the cakes of the Thanksgiving offering.” We observe a logical equation of the offering’s two components. G. J. Brooke, 1997, p. 85, writes that the MMT author “was not bound by its [Scripture’s] precise letter but . . . was very careful to fit it suitably, in its own phraseology, to the context of the debate.”

demonstrates that it is this linkage of the meat and cereal elements that is the core issue, not the time limit of evening, midnight or the next morning. These indications in the text seem to have been previously overlooked.³⁴

The MMT author's debate with his contenders, assumed to be the Pharisees, does not serve as definite evidence that he was censuring a decision to allow consumption of the Thanksgiving cakes until midnight, as the Rabbis later ruled. We cannot be sure that at the time of the Temple, and in the period of Pharisaic domination, the celebrations were performed exactly as the Rabbis discussed two hundred years later.³⁵ I will demonstrate in the next chapter that some of the rabbinic

³⁴ Cf. G. J. Brooke, 1997. He writes that the author wanted to assert that "everything should be eaten before sunset" (p. 71), although he does not mention sundown. Brooke refers to an edition in which the term **כתוב** appears in the reconstruction. This reading does not negatively affect my understanding of the text; the author clearly declares that his evidence refers to the rule for the cakes and meat to be eaten together, not to the time limit for the meat.

³⁵ It is difficult to generalize, as for instance, G. J. Brooke, 1997, p. 101, does in stating: "The practice required by the TS clearly does not accord with the reality of the Second Temple." For instance, the rabbinic rule that the frankincense of the Showbread should be burnt on the outer holocaust altar (*t. Menah.* 11:13) seems illogical, and its exegetical justification in *b. Zevah.* 58b is extremely vague in comparison with other rabbinic hermeneutics. We read there: "This is a mnemonic device: whatever is taken out from inside the Temple to be used outside should be placed at the closest spot to the inside, and what is taken from outside to be employed inside should be taken from the closest spot to the inside." Then it is asked to what this rule refers, and the answer is: "'What is taken out from inside the Temple to be used outside' refers to the two containers of frankincense of the Showbread [which are taken from inside the Temple, from the table, and burnt on the outside altar]; we deduce it from the remainder [of the blood of the High Priest's sin offering that is taken from inside the Temple, after some is sprinkled on the curtain, to be poured at the base of the burnt offering altar outside (Lev 4:7)]." This rhetorical deliberation relates to the question of where—i.e. on which corner of the outer burnt offering altar—the frankincense must be burnt, taking for granted that it must be burnt on the outside altar. I have not found any other explicit rabbinic dictum on this, or any hermeneutic justification. The TS rule in Col VIII: 10–12 that decrees it must be burnt on the golden incense altar seems more rational, since that altar was particularly constructed for this purpose according to its name in Exod 30:1: "an altar for burning incense." It is therefore plausible that in this particular instance (and perhaps others), the dissident custom was actually the one in practice, rather than the later rabbinic theoretical rule. Cf. B. Nitzan, 2003, p. 360, who, using the expression "modernization" for the TS method of "adjusting the law to contemporary reality," includes the TS annual Milu'im Law as such a "modernization," implying that this ceremony was indeed performed at the Second Temple. There is, however, no evidence at all for this, and I would not support it. As a final example, L. H. Schiffman, 2003c, p. 19, writes on the issue of the evening prayer: "The Qumran texts, therefore, provide evidence for the earlier practice." Yet the issue is more complex; for extensive citations and deliberation on this issue see chap. 3 *Minhah* p. 219.

dicta concerning the sacrificial system, reached by theoretical exegesis, could not have been performed in practice. We cannot exclude the possibility, however, that the cakes brought with the Thanksgiving offering were actually eaten in the Temple the next day; it is certainly plausible that the time limit established in Scripture for the meat of this offering was not extended to include the cakes, for logical and textual reasons.³⁶ The MMT author objected to this practice, and extended the time limit for the meat to the accompanying cakes, because he considered them two elements of one offering. It is also possible that the MMT author maintained the same opinion on this topic as the TS, especially if we make the (debatable) assumption that all Qumran rules were identical in all writings and valid for all groups and splinter groups at all times.³⁷ I doubt, however, that such a position can be deduced from the text of MMT, and reiterate my understanding that it refers to the extension of

³⁶ In fact, the above-cited *m. Zevah*. 6:1, which states that the Menahot may be eaten until midnight of the first day, does not include the cakes of the Thanksgiving offering, since they are not included in the term Minhah. We read in *b. Menah.* 46b: “The cakes of the Thanksgiving offering are not called a Minhah.” The cakes are also not within the group of קדשי קדשים “holiest offerings,” which must be eaten on the first day. Nor are they included in the list of the holiest offerings and their particular provisions listed in *t. Zevah*. 6:16: “The Sin offering, the Guilt offering and the public Fellowship offering, and the fowl Sin offering, and the suspended Guilt offering, and the *log* of oil of the leper, and the two loaves of the Feast of Weeks offering, and the Showbread, and the remainder [after removing the handful to be burnt on the altar] of the Menahot, and the Omer are all ‘holiest offerings’; they must be eaten inside and are eaten inside the posts by the male priests, in any food combination, for a period of one day until midnight.” The cakes of the Thanksgiving offering are simply “holy offerings,” as we read in *m. Zevah*. 5:6: “The Thanksgiving offering and the ram of the Nazir are holy offerings; they may be slaughtered at any site of the Temple precinct; their blood must be sprinkled twice as if it were four [i.e. the sprinkling is done on the opposite corners of the altar in such a way as to hit both flanks; this is in contrast to the ‘holiest offerings’ that require four separate sprinklings—*m. Zevah*. 5:3 and Rashi *b. Zevah*. 53b]; they may be eaten in all the city [of Jerusalem] by any person in every food combination during the [first day] and the night until midnight.” We observe that with respect to all other ritual requisites the Thanksgiving offering is classified as a regular Fellowship offering, except for the time limit of one day, because it is specifically decreed in Scripture. Only in *Sifra Zaa, parshah 7* and in *b. Zevah*. 36a is the time limit for the meat of the Thanksgiving offering extended to its cakes. We read in *Sifra*: “[We read in Lev 7:15]: ‘the meat of his Fellowship Thanksgiving offering must be eaten on the day of its offering.’ This teaches us about those offerings that must be eaten on one day. But we would assume that it refers only to the [meat of the] Thanksgiving offering; how do we know that [Scripture intends to] extend it to the cakes? [A] The [expression] ‘offering’ teaches us [that it includes the entire offering, meat and cakes alike].” We observe that the simple meaning of the text exempts the cakes from the time limit; it is therefore plausible that in the Temple this rule was not applied, and the cakes were not included in the time restrictions.

³⁷ See J. M. Baumgarten, 1992.

the time limit to include the cakes of the Thanksgiving offering, rather than the issue of sundown or dawn of the next day.³⁸ I believe my questions and arguments support doubt on this issue. As I have noted above, general comparisons of Qumran halakhot with rabbinic rules should not be undertaken without a meticulous scrutiny of even seemingly insignificant details in the texts, particularly considering the numerous ramifications of rabbinic decisions.

However we understand the MMT text, it is evident that the TS author has extended the biblical time limit for the meat to all Menahot, as the Rabbis did. There is, however, a difference of opinion as to whether the particular day in question ends at sundown or dawn. Lev 7:15 states: “it must be eaten on the day it is offered; he must leave none of it till morning.”³⁹ At first glance, there is a discrepancy between the first part of the phrase, requiring consumption on the day of offering, which would imply until sundown, and the second part that prohibits leaving any of it until the next morning. The TS author might have perceived this discrepancy, and decided on the stricter mode of interpretation; he thus forbade consumption after sundown, as we have seen in TS XX: 13. But it is also plausible that he compared this rule to the purity regulations that consider sundown the end of the day; his use of the expression “[and upon it] the sun [shall not set]” from Lev 22:7⁴⁰ supports this assumption. In that case, he would have employed a ‘homogenizing’ procedure, a common method in both Qumran and rabbinic writings, rather than preferring the stricter element of the command. He might have asserted, as the Rabbis often did, that each element of conflicting decrees relates to a different case. As an example of this method in rabbinic literature, we may look at the obvious contradiction between Lev 13:21 and Num 15:22–26, with respect to the offering to be brought for an unintentional transgression by the entire Israelite community. In Lev, an ox is required for the “Sin offering”; in Num, an

³⁸ The expression מיום ליום utilized in the MMT also seems to be understood as referring to the next day, not to the suggested dispute regarding the rabbinic permission to eat the offering until midnight; this time limit is not mentioned in the debate. The MMT text suggests rather the entire next day; this would be appropriate for the cakes, which are only a “holy offering,” and logically not included in the particular scriptural exception for the meat component.

³⁹ I shall not discuss the problem of the possible relationship of this issue to the general question of when, according to biblical law, a new day starts.

⁴⁰ We read in Lev 22:7: “When the sun goes down, he will be clean, and after that he eats the sacred offerings.”

ox for the “burnt offering” and a male goat for the “Sin offering” are required. *Sifre Num pisqa* 111⁴¹ resolves the problem by stating that the Num pericope refers exclusively to the sin of idolatry,⁴² which requires a different sacrifice than that for other transgressions. In this case, the text also lends itself to such an interpretation. Scripture emphasizes two distinct actions and two different times: “it must be eaten on the day it is offered,” and “he must leave none of it till morning.” The TS author may also have decided that one must eat the offering only until sundown, but one may extend its burning until the next morning. We actually find a rabbinic decision to this effect on the related subject of the regular Fellowship offering; one may eat the offering only until sundown of the second day, but one may burn its remains up to the dawn of the next day.⁴³ It seems to me, however, that this last possibility must be rejected, because the author’s expression “upon it the sun shall not set” seems to indicate that the vegetal part must not be in existence at sundown and must be disposed of before this time.

The Rabbis, as it seems to me, did not perceive a contradiction between the two elements of the command of Lev 7:15, and declared that all the offerings that must be eaten within one day may be consumed until the dawn of the following day.⁴⁴ They probably considered the second part of the command a clarification of the term “on the day” used in the first part. Supporting this supposition is the fact that they deduced from this phrase⁴⁵ the exceptional regulation that the night is to be considered as following the day for all decrees concerning the sacred offerings, instead of the usual rule that the day follows the night.⁴⁶

⁴¹ We read there: “[It is written in Num 15:24, in a style different than that of Lev 4:13] ‘and if this is done unintentionally without the community being aware of it.’ Scripture singled out this command as a particular independent precept, and what could that be? It is [the transgression of] idolatry.” See also Heger, 1999, p. 334, n. 43 on this issue.

⁴² We read in *m. Hor.* 1:5: “If the Court has delivered [an erroneous] ruling and all, or the majority, of the community acted [mistakenly] in accordance with this, they bring an ox; and if [the mistake involved] idolatry, they bring an ox and a goat.”

⁴³ See *b. Pesah.* 3a.

⁴⁴ We read in *m. Ber.* 1:1: “And all [the offerings] that are eaten during one day, their rule is [that they may be eaten] until the rise of the morning star. So why did the Sages say that one may eat it only until midnight? [This was done] in order to prevent a possible transgression by the people [who might erroneously protract the time and consume the offering after dawn].”

⁴⁵ We read in *b. Zevah.* 36a: “We learned [from that verse] that the Thanksgiving offering may be eaten [during] the day [of its offering] and the following night.”

⁴⁶ A baraita in *b. Hul.* 83a reads: “Ben Zoma declared this homily [in *m. Hul.* 5:5, that the day follows the night with respect to the prohibition against slaughtering a cow

Despite the use of different exegetical rules, we observe that both the Rabbis and the Qumran scholars had the same conceptual system of interpretation. Both extended the time limit of the meat component to the Minhah, although this is not stipulated in Scripture, but they differed on the precise definition of the limit. We also observe that many different contingencies are possible, and plausible, in exegetical deliberations, and consequently how difficult it is (if not impossible) to reveal the method employed to deduce the final halakhah.

2.3 Example: 'New' Laws

I will now analyze a different kind of exegesis, concerning laws that “are no longer applicable as written” and laws that go “beyond hermeneutics,” in the words of Milgrom.⁴⁷ He quotes two examples: the replacement of Moses’ functions with those of officiating and elder priests, and the institution of festivals not mentioned in Scripture.⁴⁸ Milgrom divides the two issues, but I consider them conceptually intertwined, and will therefore discuss them together.

2.3.1 Consecration of Priests⁴⁹

The celebration of the annual consecration offerings in 11QT XV–XVI⁵⁰ has no scriptural root in Exod 29:1–37 and Lev 8:2–30, 36, which concern the initial consecration of the first priests, Aaron and his sons. At this event Moses sprinkled the blood of the Sin offering bull on the four corners of the altar for its first purification, described by the specific term “purifying the altar” (Exod 29:36 and Lev 8:15, with different

or a sheep and its young ‘on the same day’ (Lev 22:28)], since this decree is associated with sacred things [because the antecedent v. 27 concerns sacred things], and regarding sacred things, the rule is that the night follows the day [therefore he had to justify the exception in this case through appropriate exegesis].”

⁴⁷ J. Milgrom, 1994.

⁴⁸ In his previous paper presented at the International Congress on the TS, Manchester, 1987 (Milgrom, 1989), Milgrom perceived the New Festivals as homogenization, not as “beyond hermeneutics.”

⁴⁹ In the NIV, whose biblical translation I mainly use, it is the biblical term מְלוּאִים that is taken as “consecration”; but Martínez, whose translation I follow for Qumran writings, uses here the term “consecration.” In order not to create confusion, I will refer to “consecration.”

⁵⁰ It is an *opinio communis*, following Yadin, 1977, Vol. 2, p. 61, that this dictum refers to a perpetual yearly celebration.

verbal forms). In addition to this lack of scriptural support, the text of QT XV, particularly with respect to the types and numbers of the offerings, offers additional difficulties as it is extremely complicated; further, the task of disentangling the text is made almost impossible because of the fragmentary nature of the relevant columns.⁵¹ It is not clear from the text which biblical verses could be the basis for XV: 1–14⁵² that relate to the yearly consecration celebration. Nor is it clear whether and how XV: 15–XVI: 18, concerning the investiture of a High Priest, relates to the investiture celebration recorded in Lev 9:2–21. The numbers and types of offerings and of animals in the QT text do not fit any one of these consecration celebrations in Scripture, or a combination of them.

Yadin suggests that the number of animals listed in XV: 1–2 corresponds to the sum of animals for three particular events,⁵³ but this does not concur with the text,⁵⁴ or resolve the basic dilemma of the total number of animals.⁵⁵ There are other discrepancies between the reconstructed text and the biblical text. QT XV: 3 reads “and for the consecration one ram for every day,” suggesting that the subsequent instructions relate to this particular offering. These instructions

⁵¹ See Yadin, *ibid.* Vol. 1, p. 91.

⁵² Yadin’s suggestion for this division between the rule of the general consecration and the particular consecration of a High Priest (*ibid.* Vol. 2, p. 61) seems correct; the literary style of v. 15, starting with the term **וּמָתַן** “and when” indicates the beginning of another subject.

⁵³ He writes (*ibid.*): “The first line of this column may thus sum up all the sacrifices to be offered on that festival, including the regular additional offering for the New Moon, the additional offering for the first day of the first month and the rams for investiture for that day.”

⁵⁴ The text reads clearly “every day,” and the seven lambs of the New Moon are offered only one day.

⁵⁵ If we add only the lambs of the New Moon and those of the first day of the first month, as in XIV: 13 “except the burnt offering of the month,” there are fourteen lambs (Num 28:11), and the QT text mentions only seven. We might interpret the term **מִלְבָּד** in XIV: 13 as “except,” and not as “in addition to.” In a recent article (Heger, 2006), I have suggested that the CD author may have so understood Num 28:11. In this case the number of seven lambs and one ram and a he-goat would correspond to the offering of the first day of the first month, though there is no offering for this event in Scripture. If we consider that the number of animals in XV: 1–3 corresponds to the offerings of the first day of the first month, plus those of the first day of consecration, the total number of animals would correspond, but the text would be odd. The ox of line 1 [restored] would originate from the consecration ritual and the two rams of that ritual would appear in line 3. This is in addition to the difficulty mentioned above, that the text in line 1, relating, as suggested, to the animals of the first day of the first month, says explicitly that they should be offered every day, and this is unfeasible; the offerings of the first day cannot be performed during seven days. Considering the above, I think it superfluous to contest Yadin’s suggestion that it refers to the total of the three events.

(XV: 6–12), which describe the waving procedure together with the innards and the cakes, indeed correspond exactly to the biblical rules for these procedures in Exod 29:22ff. and Lev 8:25–28. But in Scripture they refer explicitly to “the consecration ram,” whose flesh must be eaten by the priests (Exod 29:31–33 and Lev 8:31). The QT text, however, declares twice that this is a Holocaust offering.⁵⁶ This cannot be taken as referring to the first Holocaust ram, because Scripture orders the slaughter of the consecration ram after the *burning* of the first Holocaust ram (Exod 29:19 and Lev 8:26). There is no waving for the Holocaust ram, which is also identified by the name “the ram for the Holocaust offering” (Lev 8:18).

The Qumran pericope concerning a High Priest’s investiture also differs in its second part from the biblical text. This part starts with “And if the High Priest will be about to serve the Lord” (v. 15), and seems to indicate a distinct occurrence that has no direct connection to the antecedent rules.⁵⁷ Those rules concern the appropriate celebrations relating to the first day of the first month, and the reenactment of the primeval seven days.⁵⁸ These celebrations take place every year at the

⁵⁶ The first part of v. 6, stating the list of the elements to be waved and burnt, reads: “a burnt offering of a ram,” and the last part of v. 12 reads: “it is a burnt-offering.” Yadin’s reconstruction at the end of line 5 is: “the right thigh”; he suggests (1977, Vol. 1, p. 64) that the phrase: “it is a burnt-offering” refers only to this part of the consecration offering, since it is burnt, and this is an exception. (Exod 29:22 and Lev 8:26 include the thigh in the elements to be waved and burnt. This is an exception, since all the other parts of this offering are dealt with as a Peace offering, of which the thigh is usually eaten by the priests.) This suggestion does not seem plausible. The name of the animal, “the consecration ram” in Exod 29:26 and Lev 8:22, distinguishing it from the other Holocaust ram, does not change simply because a part of the animal is to be specially burnt. Even the right thigh, the part to be burnt, is purposely called “consecration offering” in Lev 8:28 to stress the fact that it is a consecration offering, despite being burnt. Exod 29:34 also reiterates the correct type of this offering, by stating: “and if any of the meat of the consecration ram is left over. . . .” The phrase “it is a burnt-offering,” in the concluding sentence of all the elements to be burnt in QT XV: 12, also emphasizes the type of offering, and does not support Yadin’s suggestion that it refers to the specially burnt thigh.

⁵⁷ See note 389 on the connotations of **QNI**.

⁵⁸ Yadin’s comments on the yearly consecration ceremony (1977, Vol. 1, p. 76) suggest that he understood this to refer to an actual consecration of new common priests. Hence the celebration was not just a yearly commemoration of a primeval event (like the building of tabernacles as a remembrance of the booths in which God housed the Israelites during the exodus from Egypt, according to Lev 23:43), but a real consecration ceremony. He deduces this from the phrase in XV: 11: “and those who are offering shall wave,” assuming that they are not yet called priests as they are in the process of consecration. This would imply that new priests would be consecrated once yearly, not when they reached the appropriate age; this is certainly not implied in the text, and I would

appointed time in the first days of the first month, whereas the investiture of a High Priest is performed whenever it is necessary to install a new one; a perpetual rule for the investiture of a High Priest cannot be linked to a particular day of the year. It does not seem reasonable that the TS author would decree that at the investiture of a High Priest, independent of the day on which it occurs, one must perform two parallel celebrations: the consecration celebration, as decreed in Exod 29 and Lev 8, and the investiture celebration, decreed in Lev 9.⁵⁹ Again, the types and numbers of the offerings and animals in Scripture do not concur with those listed in QT XV: 15–XVI: 18.⁶⁰ Nowhere in Scripture is there any requirement of a bull as a Sin offering for the people. We cannot consider the bull for the purification of the altar, decreed in Exod 29:36–37, as a Sin offering for the people,⁶¹ in addition to the Sin offering bull for the priests decreed in Exod 29:1. Moreover, if the consecration and investiture procedures were seen to be an everlasting obligation, they should be celebrated at the consecration of every priest, not only at the investiture of a High Priest; the consecration celebration is decreed in Scripture for both Aaron and his sons, the only exception being the particular anointing of the High Priest.⁶² But the TS text does not require a consecration for the common priests, and decrees this procedure only for the High Priest.

consider it, to say the least, strange. I suggest this phrase indicates that those priests who celebrate the offering must wave them, as opposed to other priests. The author had to devise a system for performing these consecration ceremonies, including which priests would be chosen for these particular celebrations. We note that a general instruction is indicated in v. 5 as “according to the priestly divisions they shall offer,” and the subsequent instruction indicates that the officiating priests perform the waving and receive the remuneration, the meat and the cakes.

⁵⁹ Such a proposal would at least resolve the great discrepancies on this matter between Scripture and QT. The investiture of the priests decreed in Lev 9 does not require cakes, contrary to the QT. The elements to be waved are also entirely different in Scripture (Lev 9:21) than those listed in XV: 6–12.

⁶⁰ The relevant vv. in QT mention two oxen for Sin offerings, one for the priests and one for the people, and there is no mention of rams, unless they were mentioned in the lacunae. But they are also not mentioned at the sacrifice stage in the succeeding legible text. Lev 9:2–21 requires one calf for Aaron’s Sin offering and one ram for a Holocaust offering. The people must offer one ox and one ram for Peace offerings, one calf and one lamb for Holocaust offerings and one he-goat for a Sin offering. The lists of the offerings are completely different.

⁶¹ I will revert to this issue below in the discussion of Yadin’s proposal.

⁶² The consecration of the garments is decreed separately for Aaron, the High Priest, and for his sons, the first common priests, because they refer to different types of garments; but it is essentially the same type of consecration.

Yadin⁶³ suggests that the TS author of QT XV: 15ff, requiring two bulls at the High Priest's investiture celebration, one as Sin offering for the people and one for the priests, based his decree on an interpretation of Exodus. That is, he understood that the bull decreed in 29:1 refers to a Sin offering for the priests, while the bull mentioned in 29:36–37⁶⁴ refers to an additional bull, as a Sin offering for the people. Yadin's proposition does not resolve the puzzle, and makes it even more confusing. If the source of these Qumran rules is Exod 29, a similar consecration would be required for every common priest, as argued above, as well as a consecration of seven days, as specified in v. 35. But QT XVII: 3, at the conclusion of this celebration, reads: "this day," not "this week." It is also difficult to assume that Qumran scholars would extend the celebration of the seven consecration days of Exod 29 to a perpetual holiday, but would require only one day for the consecration of the High Priest, based on the same rules. Moreover, the bull mentioned in Exod 29:36 is explicitly to be dedicated for the purification of the altar and cannot be considered as a Sin offering for the people; in Lev 9:15, in contrast, there is a specific reference to a he-goat for such an offering: "the goat for the people's Sin offering." In addition, there are no regulations as to how to perform the offering of the bull in Exod 29:36, if indeed it refers to an additional bull. There are specific rules for the bull decreed in Exod 29:1, and we would expect detailed regulations for the offering of this second bull, if there were a second one. In conclusion, whether we speculate that the QT rules relate to Exod 29 and Lev 8, or to Lev 9 alone, or to both together, the character of the offerings, the animals and their number do not agree with the biblical texts.⁶⁵

I have demonstrated the complexity of the problems concerning this pericope in the QT, and it would be superfluous to point out other

⁶³ 1977, Vol. 1, p. 95.

⁶⁴ It is not clear whether these verses refer to a second bull, or to the first bull required in 29:1. The simple reading of the text would seem to require a second bull, and it is certainly plausible that the Qumranites understood it in this way. The Rabbis considered that there was no second bull and that the one mentioned in v. 36 is identical with the bull in v. 1. See *Sifra*, *Mekhilta deMilu'im*, *parshah* 1, which also attempts to explain why it is identified as a Sin-offering only in v. 14, and not in v. 1. Rashi, who obviously accepted *Sifra's* interpretation, attempted in his comments to Exod 29:36 to explain why this verse had to be repeated.

⁶⁵ I do not perceive any problem with the replacement of Moses by the elder priests in the performance of sacrificial celebrations; since Qumran scholars maintained that these celebrations must be performed perpetually, it was only logical that Moses be replaced by other respected persons.

ambiguities and lack of concordance with the relevant biblical texts. I do not at this point seek a solution to these problems, as my focus is a comparison with rabbinic exegetical procedure.

I shall thus proceed with a critical scrutiny of the relevant biblical texts, specifically the divergence between the regulations decreed in Exod 29 and the record of their execution in Lev 8. This is not for the purpose of biblical criticism, which is beyond the scope of the study, but rather is intended to demonstrate the problems with the biblical texts that were, in my opinion, the source of the different and at times inexplicable interpretations by the Rabbis and Qumran scholars.

Lev 8 has as its main theme the record of the consecration celebrations, for which detailed instructions are set out in Exod 29. Nevertheless, the chapter starts by stating again God's mandate to Moses, which seems superfluous. Only one new regulation is added, a command in v. 3 to gather the entire assembly, which seems senseless. There is no reason for the people to attend a procedure strictly relating to the consecration of priests, performed repeatedly during seven days. However, their participation on the eighth day of the priestly investiture is justified, since they take part in the offerings. On that day, five animals are brought by, and offered for, the people; the divine epiphany and the miraculous fire, recorded in Lev 9:23–24, instill awe in the people, indicating God's dwelling among them, and His approval of Aaron's investiture.⁶⁶ For the consecration ceremonies in Lev 8, the people do not bring offerings. The conclusion of the narrative in 8:31–36, and particularly v. 36, indicates that these commands and their execution relate to "Aaron and his sons." The people are not mentioned at all in the consecration celebration, in contrast to the concluding verses of the investiture celebration on the eighth day (Lev 9:22–24, especially v. 24), in which the people are the exclusive subject of the events. Another oddity, which may have been at the root of the TS's apparently inexplicable decree on this issue, is the unusual manner in which the relevant commands are expressed. As noted, the divine commands for the consecration celebration are stated twice, in Exod 29 and Lev 8;⁶⁷ on the other hand, in Lev 9, there

⁶⁶ *Sifra Zav, Mekhilha deMitu'im, parshah 1* attempts to justify the presence of the people at the consecration ceremony decreed in Lev 8:3 on the basis that Aaron's divine approval had to be made known; but no such indication is manifest on that occasion. The passage indicates, however, that the Rabbis too had some concerns regarding the motive for the people's convocation at this celebration.

⁶⁷ Lev 8 records only a short divine command, but even this repetition seems odd, especially comparing it to the related investiture celebration.

is no divine command at all connected with Moses' statement regarding the investiture celebration,⁶⁸ though this would be expected.⁶⁹ It is the repetition, which seems to us to relate to an identical celebration, that may have influenced the TS decree.

There are many other difficulties. Exod 29:5–9 sets out at length the exact procedure for anointing the garments of Aaron and his sons. The sequence of the different steps and the list of the elements⁷⁰ do not correspond precisely to the performance described in Lev 8:7–9. Lev 8:10–11 records the anointing of the “Tabernacle and everything in it” *before* Aaron's anointing; oil is to be sprinkled on the altar seven times, anointing it together with all its utensils, as well as the basin with its stand. In Exod 29 there is no detailed command for all these acts; we encounter simply an incidental and indefinite reference in 29:36: “and anoint it [the altar] to consecrate it,” *after* the completion of the entire consecration process and Aaron's anointing. There is no precise indication here that the anointing of the altar is to be performed with the *שמן המשחה*, “the consecrating anointing oil” explicitly specified for Aaron in Exod 29:7 and Lev 8:12, and for the anointing of the Tabernacle and its utensils in Lev 8:10. I have discussed above the ambiguity in Exod 29:36–37 regarding the question of whether two oxen are required: one for the priest's Sin offering and one Sin offering for the purification of the altar. Milgrom has noted the discrepancy between Exod 29 and Lev 8 regarding the order of the waving.⁷¹ Other scholars have observed many more such difficulties;⁷² I think the above outline suffices to give a sense of the problems confronting the Rabbis and Qumran scholars in their reading of these texts.

⁶⁸ We read in Lev 9:1: “On the eighth day Moses summoned Aaron and his sons and the elders of Israel.” V. 5 also confirms: “They took the things Moses commanded.” Only in v. 6, at the start of the technical rules regarding the performance of the celebration, does Moses ascribe them to God's command: “This is what the Lord has commanded.”

⁶⁹ In Exod 16:32 and Num 30:1 we encounter rules decreed by Moses without prior divine command; but he starts his opening discourse with the assertion: “This is what the Lord has commanded,” and again confirms in Exod 16:34 that this refers to God's commands (though in an odd change of style from the second person to the third). In Num 30:17 (v. 16 in KJV) an anonymous conclusion reiterates that “the aforesaid rules were included in the regulations the Lord gave Moses.” Moses' decision in Num 36:5 is “at the Lord's command,” or, as *Tg Onq.* translates it: “according to God's words.” The reference is to Moses asking God for His decision on this issue, as recorded in Num 27:1–2.

⁷⁰ The Urim and Tummim of Lev 8:8 are missing in Exod 29.

⁷¹ J. Milgrom, 1994.

⁷² M. Noth, 1956, pp. 68ff., has commented at length on the irregularities of the text and the discrepancies between the two relevant texts.

One scholarly solution to these and similar inconsistencies, as well as to differences found between parallel texts, is the proposition that there were different biblical authors. However, neither the Rabbis nor the Qumran scholars could admit to such circumstances; they had to reconcile these discrepancies through other means; they also had to decide, in many instances, how to comply with the various decrees. My focus in this study consists in trying to determine how they might have understood the texts and reached their particular conclusions. In some cases plausible explanations for their decisions can be proposed, but we also encounter apparent reconciliations whose motives and methods are beyond our imagination. I believe the current topic is one of these instances, as I shall demonstrate.

As mentioned briefly in the introduction to this chapter, the Qumran sources, like much tannaitic material, rarely offer justifications for their rules. For the tannaitic material, however, the Midreshe Halakhah and the Amoraim have provided us with explanations assumed to underlie the tannaitic decisions.⁷³ They indicate the probable biblical sources and the likely forms of exegesis applied, within a framework of established methods. Whether or not we accept these conjectures, they do furnish us with the methods of thought and speculation that were likely in vogue at the time of the Tannaim who preceded them. I am often amazed at their almost boundless creativity, which was quite productive. I will demonstrate examples of this in the next chapter regarding the Minhah offering, in an analysis of the countless rules envisaged by the Rabbis to supplement the biblical lacunae regarding the vegetal Minhah offering.

2.3.2 *Qumran's Additional Festivals*

I would now like to offer an example of similarity between rabbinic and Qumran exegesis; I will compare the additional Qumran festivals, described by Milgrom as “beyond hermeneutics,” with a rabbinic halakhah that is also “beyond hermeneutics.” Since we possess the exegeses assumed to underlie the rabbinic halakah, I will analyze that halakah first, and then discuss Milgrom’s Qumran material. A review of the rabbinic methods employed will enable us to propose a plausible description

⁷³ For a substantiation of this statement see the extended discussion in Heger, 2003, pages indicated in the Subject Index under the heading “Tannaim and Amoraim,” p. 413.

of the Qumran mode of reasoning, which is similar, in my view, to the rabbinic method.⁷⁴

2.3.2.1 *Rabbinic Exegesis: The High Priest's Minhah*

The rabbinic halakah again relates to the subject of priestly investiture, and our example illustrates the astonishing imagination of the Amoraim in their description of the reasoning supposed to underlie the law. Through rather farfetched exegesis, applied selectively, they were able to devise particular regulations and justify their relation to relevant scriptural decrees. I suggest that it is unlikely that anyone could deduce any consistent line of reasoning in these justifications.

The particular subject is the High Priest's Minhah, in the fixed quantity of a tenth of an *efah* of flour, which is to be baked in a specific manner and brought in two portions, half in the morning and half in the evening (Lev 6:12–16; 19–23 in KJV).⁷⁵ The Rabbis instituted additional rules on the basis of this pericope: Every common priest must bring, at the initiation of his priestly service, a one-time Training Minhah.⁷⁶ At the investiture of a High Priest, he must bring on that day an identical Training Minhah to mark his initial service as a High Priest, as well as the particular Habitin Minhah of the High Priest, which must be brought every day. If he has never before officiated as a common priest, he must bring at his investiture three Menahot: two Training Menahot, one for his initiation as a common priest and one for his initiation as a High Priest, as well as the Habitin, the High Priest's daily Minhah.⁷⁷

⁷⁴ See J. M. Baumgarten, 1996, p. 22, in which he states that the study of the tannaitic halakhah is an “indispensable tool for understanding what the Qumran legists were teaching.”

⁷⁵ For the convenience of the reader I will quote the entire pericope: “The Lord also said to Moses. This is the offering Aaron and his sons are to bring to the Lord on the day he is anointed: a tenth of an *efah* of fine flour as a regular grain offering, half of it in the morning and half in the evening. Prepare it with oil on a griddle; bring it well-mixed and present the grain offering broken in pieces as an aroma pleasing to the Lord. The son who is to succeed him as anointed priest shall prepare it; it is the Lord's regular share and is to be burned completely. Every grain offering of a priest shall be burned completely; it must not be eaten.”

⁷⁶ This term was coined by Maimonides in *Hil. Ma'aseh HaQorbanot* 12:4: “The Minhah that every priest brings the first time he enters his service and celebrates it himself is called ‘Training Minhah.’ The Minhah that the High Priest brings every day is called Habitin.” The term “Training Minhah” does not appear in the Talmud; in the deliberations on this Minhah we find the expression “[the Minhah] for his training.” For convenience I am using the simpler term of Maimonides.

⁷⁷ We read in *b. Menah. 78a*: “Rav Hisda said: When a High Priest starts in office, he must bring two-tenths of an *efah* [two separate offerings]: one [tenth] for his being

I will discuss below the distinct features of these two types of offerings, including the difference regarding the period of their obligation.

Before attempting to reveal how the Rabbis reached these decisions from the relevant text, I will critically analyze this text: what is its simple meaning, and what are the ambiguities and discrepancies that may have enabled or influenced the Rabbis to deduce such complex regulations. The first impression is that this entire pericope is a later interjection, since it interrupts a list of commands all starting with the introductory phrase “this is the ordinance.” It was placed appropriately after the regular Minhah; but the fact that it was introduced with words indicating a new command attests to the fact that it was not originally an element of the Minhah pericope.

The first rule of the pericope (Lev 6:13; v. 20 in KJV) already displays a number of inconsistencies. It starts as a command addressed to Aaron and his sons, that is, to all the priests, but then it is delimited: “on the day he is anointed”; it is thus restricted to the High Priest, since he is the only one anointed, and to the day of his anointing. We then encounter another inconsistency: the attribute “a perpetual [or constant] Minhah” indicates a regular, daily offering, in plain contradiction to the previous phrase of the verse. Scholars have proposed various solutions to this evidently perplexing text, but we are interested in what the Rabbis deduced from these dilemmas.

I maintain that, notwithstanding the above inconsistencies, we can interpret the text in a simple way as commanding a particular Minhah, to be offered in two equal portions, on the first day of the High Priest’s investiture. This command, addressed to “Aaron and his sons,” would refer to Aaron’s descendants when they became ordained as High Priests,⁷⁸ since only they could serve in this function. Verse 15 (22 in KJV) specifically elucidates this, clarifying that the obligation to bring this particular offering refers solely to the High Priest, the only anointed priest, and that it is a perpetual obligation on the first day of each High

anointed and one for his training [as a High Priest]. Mar bar Rav Ashi says [he must bring] three [offerings]. And they do not conflict, [since the one who requires two offerings refers to a situation] when [the High Priest] had already officiated as a common priest, and the other [who requires three offerings refers] to [a High Priest] who has never officiated as a common priest [and therefore must bring three offerings].”

⁷⁸ Rashbam, a traditional commentator, has the same understanding. He comments on the biblical text: “‘Aaron and his sons’—according to the plain meaning, the High Priests who will serve in his stead. The Sages interpreted it that every common priest must train [himself for the office] by bringing a Minhah offering.”

Priest's investiture. Exod 29 decrees the particular, one-time offerings to take place at the first consecration and investiture of Aaron and his sons. Thus 6:15 emphasizes that this particular Minhah is not of the same character as the offerings of the first investiture; the obligation for offering does not apply exclusively to Aaron, the first High Priest, but rather to all investitures of future High Priests.

Let us now examine in detail how the Rabbis deduced the rules that do not appear in Scripture. I shall first list the distinctions⁷⁹ in rabbinic literature between the features of the common priest's Minhah and those of the High Priest's Minhah, and speculate on how the Rabbis deduced so many different elements from the same general words of the pericope:

The High Priest's offering is called Habitin, while the common priest's offering has no specific name.⁸⁰

The High Priest brings the Habitin every day, while the common priest brings his offering only on the first day of his service.⁸¹

The High Priest's Habitin offerings override the Sabbath (that is, they must be offered on Sabbath), while the common priest's offering must not be offered on Sabbath.⁸²

⁷⁹ I have discussed the dissimilarities first, since many of the supporting citations also contain the relevant exegesis.

⁸⁰ Habitin is the name used in all talmudic deliberations on the particular daily Minhah of the High Priests. The name "Training Minhah," which I am using for convenience, seems to have been coined by Maimonides. See above n. 76. The talmudic term "the priest's Minhah" probably includes the Habitin; but it may relate only to a regular voluntary Minhah offered by a priest, which has different rules than the same Minhah offered by a layman.

⁸¹ The continual obligation of the High Priest, which is not clearly mandated in the scriptural text, is supported by an exegesis in *Sifra Zav, parshah* 3: "[It is written] 'on the day of his anointing.' [This means] from the day of his anointing he brings a tenth of an *efah* for ever; or maybe it is not so, and it says 'on the day of his anointing' [meaning that he brings a tenth of an *efah*] on the day of his anointing and then ceases? [No, as] Scripture states 'perpetual Minhah.' What then is the meaning of the phrase 'on the day of his anointing'? It means on the day of his anointing he brings a tenth of an *efah*, for ever." Through a slightly adjusted reading of the biblical text, the contradiction between the two terms was resolved and a new rule was created. Josephus confirms this daily offering in two halves in *Ant.* III: 257, but does not specify whether it related to every priest or only to the High Priest; he simply states ὁ ἱερεὺς "the priest."

⁸² I have not found an explicit exegesis justifying the specific rule that the Habitin offering overrides the Sabbath. It seems that it is accepted as a given, at least in a rhetorical question asked of Rabbi Meir in *m. Tem.* 2:1: "But [we find that] the Habitin of the High Priest and the ox offering of the Day of Atonement are individual offerings and override the Sabbath! [Hence the previously quoted rule that individual offerings

The High Priest's Habitin offerings consist of a tenth of an *efah* of flour, half of which is brought in the morning and half in the evening; the common priest's offering, also a tenth of an *efah*, is brought at a single time.⁸³

The High Priest's Habitin must be brought together with three *logim* of oil,⁸⁴ while the common priest's offering has no established quantity of oil.

The applicability of different rules to the High Priest and common priests is deduced in *Sifra Zav, parshah 3*,⁸⁵ through exegesis of the term η "this" that employs the method of *mi'uta*, a system that interprets this and similar terms as denoting limitation or exclusion. Such a limitation is not, however, applied here to related rules, as for example the identical requirement of frankincense for the offerings of both High Priest and common priest.⁸⁶ The use of such limitation-exclusion terms, as

do not override the Sabbath is not correct. The correct rule is that an] an offering that has a fixed time [and thus must not be postponed overrides the Sabbath, and those that have no fixed time do not override it]." Rabbi Meir's short statement appears in a more extended version, stated as a positive rule, in *b. Yoma* 50a: "Hold this rule in your hand: every [offering] that has an appointed time overrides the Sabbath and the purity regulations, even an individual [offering]." Since the Rabbis decided that the Habitin was offered perpetually, they used the idea of "a fixed time" to justify the overriding of the Sabbath. The training offering of the common priest, an individual offering that has no fixed time, must not be offered on Sabbath. They also attempted to justify this difference with appropriate exegesis (see n. 85).

⁸³ The offering in two halves is explicitly indicated in Scripture. For the exegesis justifying the different requirement for the common priest's offering, see n. 85 below.

⁸⁴ We read in *Sifra Zav, parshah 3*: "[It is written in our pericope] 'with oil on a griddle.' This teaches that [it has to be prepared in] a vessel. [The term] 'oil' [teaches] that oil must be added and I do not know how much, so I compare as follows: this [offering] requires oil and the auxiliary offering requires oil, and just as the auxiliary offering requires three *logim* for a tenth of an *efah*, so this one requires three *logim* for a tenth of an *efah*." Other comparisons to the auxiliary offering follow, founded upon similar exegeses; one is on the term η common to both relevant verses, and another is on the common term η , but using a different type of comparison. The exclusion of this requirement for the common priest's offering is discussed in the succeeding note.

⁸⁵ We read there: "Should we think that just as Aaron brings [his offering] every day, so should his sons? [No,] the [limiting term] 'this' teaches us [that it relates only to Aaron]." The same discourse is then applied to the other dissimilarities: the overriding of Sabbath and purity, the particular requirement of bringing the offering in two halves, and the requirement of three *logim* of oil; all these relate solely to the Habitin.

⁸⁶ In *t. Sotah* 1:10 it is stated: "All the Menahot [listed] in the Torah require oil and frankincense, except the Sin Minhah and the Jealousy offering for a suspected unfaithful wife [because they are explicitly excluded in Scripture]." The addition of frankincense to "all the Menahot" is not mentioned in Scripture, but this is deduced by exegesis in *Sifra Zav, parshah 2*: "[It is written, in Lev 6:7; 6:14 in KJV:] 'These are the regulations

well as other methods of harmonization, are not applied in any coherent fashion;⁸⁷ the Rabbis applied them selectively according to the conclusions they wished to reach in each case.

Two other dissimilarities must be noted:

The High Priest's *Habitin* must be prepared in a particular manner, *רבוכה*,⁸⁸ while the common priest's offering does not require this type of preparation.⁸⁹

for the grain [Minhah] offering'; [this means] identical regulations for all the Menahot; all require oil and frankincense." Mishnah *Menah. 5:3* explicitly lists "the Menahot of the priests and of the anointed priest [High Priest]" among those that require oil and frankincense. It does not list the Training Minhah, but such an extension is deduced in *Sifra Zav, parshah 3*, on v. 6:14 of our pericope: "We compare an individual independent Minhah [the Menahot of our pericope] that requires frankincense with an independent Minhah [the voluntary Minhah] that requires frankincense [as explicitly commanded]; we cannot bring [contrary] evidence from the auxiliary Minhah that does not require frankincense."

⁸⁷ See also nn. 95 and 97 on this issue.

⁸⁸ This term appears in Scripture only twice, for this particular Minhah and for the special cakes of the Thanksgiving offering (Lev 7:12); hence there is no indication of its original meaning. The dictionary translation of this term is "well-mixed," similar to an Arabic expression and to the LXX translation *πεφουραμωμένην* "mixed" (something dry with something wet, according to Liddell and Scott); in the English translations it appears as "well-mixed" or "well-stirred." The Rabbis added another requirement to the mixing process, as we read in *t. Menah. 7:13*: "[In the rabbinic deliberations the term is used in another grammatical form, *רבך = רבוכה*] One kneads it in boiling water."

⁸⁹ I will quote the rabbinic exegesis for this rule separately, since it seems that there is a conflicting rule. *Sifra Zav, parshah 3*, quoted above, concludes with the same limitation: "[Should we think that] just as Aaron brings a well-mixed [Minhah] so should his sons? [No, the limiting term] 'this' teaches us [that it relates only to Aaron]." It is clear from this exegesis that only Aaron's *Habitin* has this particular requirement. In contrast, we read in *b. Menah. 78a*: "What do we learn from [the mention of] 'his sons' [in the verse about] the day of his anointing? It compares [his] Training [Minhah, which does not require it explicitly] to his [the anointed High Priest's] Minhah, which requires it]. Just as that one is to be well-mixed, so must this be." It is difficult to decide the exact reference of this comparison—that is, whether the conclusion that both require the particular mixing refers to the Training Minhah of the common priests, since the quoted biblical text refers to "his sons" in plural, or whether it refers to his own Training Minhah, required by the Rabbis, based on the fact that in the apodosis of the lemma the singular "his Training [Minhah]" and "his anointing" [Minhah] is utilized. The latter option would imply different requirements for the preparation of the regular training Minhah of the common priests and that of the High Priest, a question I raise below (p. 68). (The term "his sons" cannot be interpreted as referring to his future descendants, the High Priests, since this would not make sense.) The first option would conflict with the decision in *Sifra*, which limits the particular preparation to the *Habitin* of the High Priest. Even if we assume that the first option is meant, I suggest that this is not an intentional dispute between the two sources. The amassing of so many similar and dissimilar rules produced a structure impossible to oversee, and caused, in my opinion, such unintended errors and inconsistencies. For example, Maimonides at the end of

The High Priest's Habitin must be baked in twelve cakes,⁹⁰ while the common priest's offering is in ten cakes.⁹¹

The reasoning used to support the requirement for a particular Minhah to be brought on the first day of Temple service for both High Priest and common priest is complex. It emphasizes the significance of an apparent textual irregularity regarding random shifts from plural to

Hil. Kle HaMiqdash 5:17 quotes the rule noted above that a High Priest who has never served before as a common priest must bring three Menahot, (one as Habitin, one as the High Priest's Training Minhah and one as the common priest's Training Minhah); he then states: "and the execution of all three is identical." This is in evident conflict with the Midreshe Halakhah and talmudic quotations cited above, and also with his own rules elsewhere; Maimonides' general statement could definitely not apply to the third Training Minhah that the High Priest must bring for his investiture as a common priest. It is interesting that only one of his commentators, the *Mishneh LeMelekh*, has observed this discrepancy. It is possible that the same sort of oversight may have occurred regarding the discrepancy between *Sifra* and *b. Menah.* on the topic of the well-mixed cake. There is no established rule as to when to apply a limiting exegesis and when to use another exegetical rule (just as, for example, there is no rule as to when a homogenization is to be achieved by a *heqesh*, "a comparative analogy," or a *gezerah shawah* "a comparison based on identical words or expressions)."

⁹⁰ We read in *m. Menah.* 6:5: "All Menahot are prepared in quantities of ten [ten cakes of each Minhah] except the Showbread and the High Priest's Habitin that are prepared in quantities of twelve." The requirement of twelve cakes for the Habitin was deduced by a comparison to the Showbread. We read in *b. Menah.* 76a: "We learn it by [a *gezerah shawah*—the same phrase appearing in two verses;] the expression 'a lasting covenant' in the [command for] the Showbread [Lev 24:9, where the number of twelve cakes is indicated, and the same phrase appearing in our pericope, regarding the Habitin]." Though the homogenization is justified by a *gezerah shawah*, the exegesis ignores the fact that the same expression חק עולם also appears in Lev 6:11 (6:18 in KJV) for the regular Minhah, and hence should be applied to all Menahot, and that is not the case. Even the common priest's training Minhah, deduced from the same pericope, is prepared in ten cakes.

⁹¹ There is nowhere in Scripture any indication that ten cakes must be prepared from the flour of each Minhah. This is deduced by a chain of exegeses. We read in *b. Menah.* 76a: "[The Mishnah says:] 'All Menahot come in quantities of ten.' How do we know this? We deduce it [by a comparison with] the cakes of the Thanksgiving offering; just as there ten are required so it is here [with respect to all Menahot]." This seems a regular homogenization, without any specific exegesis. But there is no requirement in Scripture for ten cakes of each kind with the Thanksgiving offering. This is deduced through a collating exegesis, based on the term Terumah used in the Thanksgiving offering command. We read there: "He has to bring one of each kind as a Terumah [offering] to the Lord" (Lev 7:14). Scripture simply indicates that one of each type of cake must be offered, but not out of how many. The Rabbis could not accept an unregulated procedure that left the number of cakes to be prepared open to chance. They thus made a comparison to the tithes given by the Israelites to the Levites, out of which the latter give a tenth to the priests. Num 18:24 and 26 call both types of offering Terumah; the Rabbis deduce by a *gezerah shawah* that there must be ten cakes of each type for the Thanksgiving offering, out of which to offer one out of ten, conforming to the rule of Terumah.

singular, and an apparently superfluous word.⁹² While the same obligation is thus deduced for common priest and High Priest, other reasoning is employed, as we have seen above, to deduce the differences in their performance. Further, despite these complex arguments, the High Priest's Training offering remains ambiguous. I did not find any clear definition in the talmudic sources, or in the later post-rabbinic commentaries, of the rules of performance for this offering. Is it comparable to the *Habitin*, being a special offering for the investiture of the High Priest, or to the common priest's Training offering?⁹³

We thus see the complex and inconsistent manner in which such diverse regulations were derived and justified.⁹⁴ In fact, we may say that in general rabbinic literature and methods of interpretation lack any systematization; an exegetical rule is applied in one instance, but not in similar circumstances in another instance.⁹⁵ Rabbinic decisions were guided by ad hoc considerations of each particular case,⁹⁶ not by

⁹² We read in *Sifra Z'av, parshah 3*: “[It is written:] ‘This is the offering of Aaron and his sons.’ [Since the term זֶה ‘this’ is written in singular, implying one offering] should we think that Aaron and his sons bring this offering together? [No, since] it says ‘his sons are to bring.’ This comes to teach us that his sons also have to bring an offering. How do we resolve this [apparent contradiction]? [A.] Aaron brings a separate offering and his sons a separate one. [It is written] ‘his sons’ and that means the common priests; or, does it mean ‘his sons,’ the future High Priests [who are also his sons or descendants]? [No,] the regulation for the [future] High Priests is already expressed [by the phrase] ‘the anointed priest to succeed him.’ So what is the purpose of the phrase ‘and his sons’? [It refers to] the common priests.”

⁹³ See n. 89 on this issue.

⁹⁴ It is interesting that the orthodox scholar D. Hoffmann, who attempted to logically justify rabbinic decisions as compatible with the biblical text, has given up this regular undertaking in his critical examination of our text. In his major work, *Das Buch Leviticus*, Vol. 1, pp. 229–236, he has proceeded in a totally opposite direction; he refutes the opinions of those scholars who tried to demonstrate some relationship between the rabbinic rules and Scripture. He states bluntly that these rules must be perceived as a tradition, and that it is difficult to harmonize between them and Scripture (p. 230).

⁹⁵ As an example of a “selective homogenization,” see the above exegesis regarding the characteristics of the common priest's Training *Minhah* (p. 65). The Rabbis applied the term זֶה as a limitation with respect to a number of characteristics, and ignored it for the requirement of frankincense. I have written extensively about the Sages' objection to rigid systematization; see e.g. Heger, 2003, pp. 104–106, 115–117, 175, 336–338, and 342.

⁹⁶ If the term “sly interpreters” in CD and in 4QpNah were indeed directed at the Pharisees, as J. C. VanderKam, 2003, contends, and the rabbinic laws illustrated in this study among others originated from the Pharisees, this defamatory label seem quite understandable. I refer to the rabbinic law decreeing that children take part in the Passover offering, the overriding of the Sabbath law for the saving of life, the *lex talionis*, and the rabbinic rule allowing the profane slaughter of unblemished animals suitable for sacrifices outside the Temple precinct. I will briefly describe the last two decrees, as

consistent use of biblical exegesis, which served solely as a guideline.⁹⁷ The Rabbis could have interpreted the pericope in a less manipulative manner, as suggested above (p. 63), if they had so desired; but it seems they did not. I speculate that they might have had some oral or other records of a particular initiation *Minhah* offered by each priest on the first day of his service. The text of Ezek 44:27⁹⁸ may have suggested such an offering. As we know, Ezekiel's sacrificial regulations do not correspond exactly to those in the P stratum of the Pentateuch; his rule of a Sin offering may have influenced, in the Second Temple period, the institution of a *Minhah* offering for all priests on the first day of their service. The recollection of such a *Minhah* may have spurred the Rabbis to reveal a biblical support for it. Whatever the case, we are able to see in these rules the boundless imagination of the Rabbis in devising far-fetched rationalizations. And just as they rationalized old traditions, they could create new rulings with the same wide-ranging interpretive system. Again, however, we must note that without the guidance of the *Midreshe Halakah* and the *Gem.*, it is unlikely that we could deduce the particular exegetical techniques they used. We are thus equally unable to definitively assess how Qumran scholars reached their decisions;⁹⁹

they are not discussed in the study. Scripture decrees an "eye for an eye" for causing bodily harm, and clarifies this as meaning "as he has injured the other, so he has to be injured" (Lev 24:20). Nevertheless, the Rabbis (*m. B. Qam.* 8:1 and *b. B. Qam.* 83b) declared it to mean the payment of compensation for the loss of the eye. In the second case, Scripture permits the profane slaughter of unblemished animals, on a particular condition: "If the place the Lord your God chooses to put his Name is too far from you, you may slaughter [at your gates]." 11QT LII: 13–14 considers three days' walk as being "far," an interpretation that may seem exaggerated, but the Rabbis interpreted "far" as implying just outside the walls of the Temple precinct (*Sifra, Dibura DeNedavah* 13). Objectively considered, these two rabbinic decrees do not seem reconcilable with the scriptural text.

⁹⁷ Lee I. Levine, 1998, p. 115, writes: "Probably whatever midrashic activity did take place among the early Pharisees was intuitive and strictly ad hoc, with no theoretical underpinning as the later hermeneutic rules provided." My contention is that the later Rabbis used the rules, but applied them in a selective manner. See Heger, 2003, p. 25, regarding the issue of whether the hermeneutics in the *Midreshe Halakah* are "creative interpretation" or "integrative interpretation." These are the translations of the Hebrew terms used by M. Elon, 1973, Vol. 1, p. 283. I maintain that in most cases the hermeneutics were used to justify previously conceived decisions, arrived at on the basis of other valid considerations.

⁹⁸ We read there: "In the day he goes into the inner court of the sanctuary to minister in the sanctuary, he is to offer a Sin offering himself, declares the Lord."

⁹⁹ D. Instone Brewer, 1992, states: "It is clear that there was a considerable overlap in the techniques used at Qumran and by the rabbis." He then cites an example that demonstrates these techniques as well as showing the difficulties involved in discovering the precise techniques.

the absence even of any indication of the relevant biblical verse in most cases makes such attempts largely futile.¹⁰⁰ At best, we can only posit the relevant biblical texts, scrutinize them for their irregularities and inconsistencies, and conjecture that these were the basis of the decisions.

2.3.2.2 *Qumran Exegesis: The New Festivals*

I will now revert to Milgrom's example of the new Qumran festivals that go "beyond hermeneutics," and examine the relevant biblical quotations and their difficulties that may have been the foundation of such rules. In so doing, I shall demonstrate a similarity in the problem encountered by Qumran scholars and their solution to the problem and the dilemma that engendered the rabbinic regulations for the priestly investiture *Menahot*.

The institution of three new festivals in 11QT XIX: 11–XXV: 2—the New Wine, the New Oil and the Wood Offering—is well known and I need not quote here the relevant text; this appears, transcribed into Roman characters, in Milgrom's study. For the convenience of the reader I will quote the relevant biblical texts that in my opinion were the probable foundation of these festivals:

The Feast of Harvest: חג הקציר—Exod 23:16:

"Celebrate the Feast of Harvest with the first fruits of the crops you sow in your field."

Waving of the Sheaf: עומר התנופה—Lev 23:10–14:

10: ... bring to the priest a sheaf of the first grain you harvest.

11: ... the priest is to wave it on the day after the Sabbath.

12: On the day you wave the sheaf, you must sacrifice as a burnt offering to the Lord, a lamb a year old without defect

13: together with its grain offering of two-tenths of an *efah* of fine flour mixed with oil ... and its drink offering of a quarter of a *hin* of wine.

14: You must not eat any bread, or roasted or new grain [וקלי וברמל] until the very day you bring this offering to your God.

¹⁰⁰ A. Shemesh, 1999, p. 161, writes: "The writers of that literature [Qumran] can hardly be credited with explicit use of the same hermeneutic rules and techniques as the authors of rabbinic halakhic midrash." I agree with his statement, subject to stressing the notion "explicit"; I think that they did use similar hermeneutic rules, applying them likewise selectively, according to their particular preconceptions. See also S. D. Fraade, 1998, p. 60, on this issue.

‘No Name’ Festival: Lev 23:15–21:

15: From the days after the Sabbath, the day you brought the sheaf of the wave offering, count off seven full weeks.

16: ... and then present an offering of new grain to the Lord.

17: ... bring two loaves made of two-tenths of an *efah* of fine flour, baked with yeast, as a wave offering of first fruits.

18: Present with the bread seven male lambs, each a year old and without defect, one young bull and two rams. They will be a burnt offering to the Lord, together with their grain offerings and drink offerings.

19: Then sacrifice one male goat for a Sin offering and two lambs, each a year old, for a Fellowship offering.

20: The priest is to wave the two lambs before the Lord as a Wave offering together with the bread of the first fruits.

21: On the same day you are to proclaim a sacred assembly and do no regular work.

Festival of First Fruits: **יום הביכורים**—Num 28:26–31 (List of Offerings):

26: On the day of first fruits, when you present to the Lord an offering of new grain during the Feast of Weeks, hold a sacred assembly and do no regular work.

27: Present a burnt offering of two young bulls, one ram and seven male lambs...

28: With each bull there is to be a grain offering of three-tenths of an *efah* of fine flour mixed with oil; with the ram two-tenths

29: and with each of the seven lambs, one-tenth.

30: Include one male goat to make atonement for you.

31: Prepare this together with their drink offerings, in addition to the regular burnt offering.

Feast of Weeks: **חג השבועות**—Exod 34:22 and Deut 16:9–10:

34:22: Celebrate the Feast of Weeks with the first fruits of the wheat harvest, and the Feast of Ingathering at the turn of the year.

16:9: Count off seven weeks from the time you begin to put the sickle to the standing grain.

16:10: Then celebrate the Feast of Weeks to the Lord your God by giving a Freewill offering in proportion to the blessings the Lord your God has given you.

Voluntary First Fruit Minhah: **מנחת בכורים**—Lev 2:14–16:

14: If you bring a grain offering of first fruits to the Lord, offer crushed heads of new grain roasted in the fire [**קלוי באש גרש כרמל**].

15: Put oil and incense upon it; it is a grain offering.

16: The priest shall burn the memorial portion of the crushed grain and oil, together with all the incense.

We observe at first sight the numerous inconsistencies between the biblical commands in Lev 23:15–21 and Num 26–31, regarding offerings that seem to be for the same holiday (or holidays), as assumed by the Rabbis. Apart from the oddity that it is the only holiday without an indication of an exact date, an issue to which I shall return, there is also confusion regarding its name. The holiday decreed in Lev 23:15–21 seems to have an affinity¹⁰¹ with the one cited in Num 28:26–31; the first, however, has no name¹⁰² while the second is called “the Day of the First Fruits.” In Exod 34:22 and Deut 16:10, we also encounter the name “Feast of Weeks,” for a holiday that seems to be associated with the holiday (or holidays) cited in Lev and Num. In Exod 23:16 it is called “Feast of Harvest.” The offerings required in Lev 23:18–19 are similar to, but not identical with, those required in Num 28:27.¹⁰³

This issue is further complicated by the text of Lev 23:10–21, with respect to the particular offerings associated with the grain harvest.¹⁰⁴

¹⁰¹ Both pericopes mention the offering of a “New Offering.” On the other hand, Lev 23:15–16 refers to a holiday after a counting of seven weeks, whereas Num 28:26 does not explicitly mention this procedure and utilizes the ambiguous term “in your weeks,” interpreted as “during the Feast of Weeks” (NIV).

¹⁰² The term “first fruits” appears in v. 17, not as the name of the holiday, but describing the type of the offering—“first fruits to the Lord.” Similarly, the expression in v. 20, “the First Fruits of bread,” does not indicate the name of the holiday. Only in Num 28:26 do we find “and on the Day of the First Fruits,” clearly using the term “first fruits” to bestow a name upon this holiday.

¹⁰³ Lev 23:18–19 requires one bull, two rams, and seven lambs for Holocaust offerings, and two Peace offerings; v. 17 also requires two loaves. In Num 28:27, the following are required: two bulls, one ram and seven lambs. There is no mention of Peace offerings or of loaves. The Rabbis collated the two, in their opinion, parallel texts, as Vermes names this exegetical method, and decided that both the offerings decreed in Lev 23 and those in Num 28 must be brought on the Feast of the Weeks. They created an interesting device to resolve the discrepancy, in a manner that we would likely never have imagined, as we read in *m. Menah.* 4:3: “All the [offerings] decreed in Num were offered [during the sojourn] in the desert, and all the [offerings decreed in] Lev were not offered in the desert; when they came to Israel, both were offered.” We observe how the Rabbis used the same methods as the Qumran scholars, to collate parallel texts if they did not consider them conflicting, or to harmonize texts they perceived as conflicting.

¹⁰⁴ The offering of the Waving of the Sheaf requires a Minhah of two-tenths of an *efah* of flour, an exception to the regular auxiliary Minhah for a lamb, which consists of one-tenth of an *efah*. On the other hand the quantity of wine for libation is identical to that required for the auxiliary Minhah for a lamb. The animal offerings of the

Precise details are given of the offerings for the Waving of the Sheaf event and for the day when the First Fruits are offered. The day of the Waving of the Sheaf (Omer) and its offerings are entirely absent in the comprehensive list of all the holidays and their offerings in Num chapters 28–29; the particular offering of First Fruits loaves on the ‘No Name’ holiday, decreed in Lev 23:15–21, are also omitted in that list. The command for this particular Omer offering in Lev 23:9–14 is also problematic. It has a textual and conceptual affinity with the command in Lev 2:14, 16; the terms קלוי and כרמל appear in both, as well as the concept of early harvest. The Sages, therefore, associated these two pericopes, declaring that both commands refer to the Waving of the Sheaf. The conditional meaning of the term ואם “and if” is inverted, and interpreted as expressing an obligation to bring the particular offering on the day of the Waving of the Sheaf. Even if, as the Rabbis suggested, Lev 2 does indeed refer to the offering of that day, we still cannot know whether it refers to the same offering as in Lev 23:13, adding some details, or whether it is an additional offering. The Rabbis seem to imply that it is an additional Minhah offering,¹⁰⁵ basically creating it *ex nihilo* through suitable exegesis; they thus added an offering not mentioned in the Torah to the Waving of the Sheaf celebration. Again we see the difficulty in revealing how they concluded that two separate and different

‘No-Name’ holiday emphasize the offering of two loaves of bread, stating them first, and denoting the animal offerings as auxiliaries to them; we read in Lev 23:18: “Present with the bread seven lambs.” The bread is the main focus of the offering, and the lambs are its complement. Their significance is again emphasized at the act of the waving, in v. 20.

¹⁰⁵ Although I did not find an explicit rabbinic dictum stating that the Minhah mentioned in Lev 2:14 is in addition to the one decreed in Lev 23:13, the wording of the various rabbinic texts and commentaries seems to indicate that they considered it as an additional one. We read in *Sifra Dibura DeNedawah, parshah* 13: “[The scriptural command in Lev 2:14 states] ‘and if you bring a first fruit offering to the Lord’; that is the Omer Minhah [decreed in Lev 23:13].” But then two Menahot must be offered, since we read in *m. Menah.* 10:4, which describes the preparation of the Omer Minhah: “They put it into a grinding mill and produced of it one-tenth [of an *efah* of flour], sifted through thirteen sieves, and the remainder of the ground flour is redeemed and freely consumed.” This dictum would imply that this particular Minhah, made of crushed and roasted grain (Lev 2:14), consisted of one-tenth of an *efah*, whereas the Minhah in Lev 23:13 requires two-tenths of an *efah* of fine flour (סלת). The Rabbis must thus have decided that there should be two particular Menahot for this day, one the Omer Minhah and the other the auxiliary Minhah to the lamb, but in a particular quantity of two-tenths of an *efah*; neither is similar in its composition to any other Minhah. Josephus, *Ant* III: 251 mentions as the offering for this day only the lamb and the Minhah of one-tenth of an *efah* of crushed grain, and ignores the particular Minhah of two-tenths explicitly written in Scripture.

Menahot must be offered, in contrast to the one Minhah required in Scripture.¹⁰⁶

It must be emphasized that the simple meaning of the introductory phrase in Lev 2:14, “if you bring a grain offering of First Fruits,” unmistakably refers to an individual voluntary offering. The literary style of this pericope also indicates that this particular Minhah is identical, in its voluntary character, with all the preceding grain offerings in Lev 2:1–10, whereas the Waving of the Sheaf offering of Lev 23:9–14 is undoubtedly an obligatory public offering.¹⁰⁷ At any rate, it is unclear from Scripture whether the particular Minhah is offered instead of or in addition to the regular auxiliary Minhah for a burnt offering, and whether frankincense is required for it.

In addition to these lacunae, ambiguities and inconsistencies, we must consider the oddity that no dates are established in Scripture for these festivals. For the Waving of the Sheaf festival and the ‘No Name’ festival¹⁰⁸ that seems to be intrinsically connected with it there is only the statement in Lev 23:15 that the ‘No Name’ festival takes place seven full weeks after the Waving of the Sheaf; but there is no specific indication of the date on which either celebration is performed. The phrase **ממחרת השבת** “the day after the Sabbath,” referring to the day when the counting is to start, is described in the rabbinic literature as an issue contested between the Rabbis and the sectarians.¹⁰⁹ The literary structure of the pericope makes it difficult to connect it to the antecedent pericope referring to the Passover festival, and thus it remains hanging. We might deduce from the context that these festivals take

¹⁰⁶ It seems that TS 11QT XVIII: 9–10 has also added certain offerings that do not appear in Scripture for the Waving of the Sheaf. However, I shall not discuss this, since the text at the beginning of this column is mostly restored and I am not convinced that one can offer a reasonably correct interpretation of it. See Yadin, 1977, Vol. 2, pp. 76ff.

¹⁰⁷ Ibn Ezra, in his commentary to Lev 2:14, distinguishes between the two pericopes: Lev 2:14 refers to an individual voluntary First Fruits offering and is not identical with the public offering of Lev 23. The Karaites made the same distinction; see Yehudah Hadassi, *Eshkol Hakofer*, chapter 203, and Aaron ben Elijah, *Sefer Mitzvot Gadol*, chap. 5. K. Elliger, 1966, pp. 46–47 and 314–315, suggests that the command in Lev 2 refers to an ancient voluntary custom, later institutionalized by the addition of oil and frankincense, while Lev 23:9–14 constitutes a later public offering.

¹⁰⁸ A holiday with the name “Feast of Weeks” appears only in Exod 34:22 and in Deut 16:10 and 16.

¹⁰⁹ We read in *b. Menah.* 65a–b: “As the Boethusians say that the Feast of Weeks [*atzeret*, in talmudic language] starts after the Sabbath [that is, always on Sunday], Rabbi Yohanan b. Zakkai debated with them [on this issue].” The authenticity of this debate as portrayed is dubious, as I will argue in Chap. 4.

place between Passover and the Festival of the Trumpets, but this too is uncertain, when critically analyzed. Our pericope, linking together the Waving of the Sheaf and the 'No Name' festival, starts with a new introductory phrase, "the Lord said to Moses," and relates to a specific circumstance, "when you enter the land." This peculiarity seems to indicate a later interjection. We may note that the Festival of the Trumpets and Day of Atonement, both later-instituted festivals according to scholarly opinion, are also linked together in a separate passage, as is the distinct Feast of Tabernacles. But the Rabbis and Qumran scholars were not concerned with such critical analysis, and understood that the festivals were to occur in the period between Passover and the Festival of the Trumpets. The absence of fixed dates, in contrast with the rules for the other festivals,¹¹⁰ perhaps suggests that the dates were open. Given the multiplicity of names, however, Scripture is perhaps referring to a number of recurrent festivals that took place during the entire period, to be celebrated at similar occasions; this is supported by the fact that they appear as the sole exception in the midst of a string of festivals with fixed dates.

The obligation to bring the first of the grain, wine, oil and all of the land's first fruits (including wood) to God, who then grants them to the priests, is well established in Scripture, and they are bundled together in one overarching precept.¹¹¹ The Feast of Weeks with its celebration of the first fruits of the wheat harvest is also bundled with the Feast of

¹¹⁰ All the other festivals listed in Lev 23:4–44, except the Waving of the Sheaf and the 'No-Name' festival, bear precise dates: the day and the month. This lack is similarly evident in the other biblical references to this festival. In Exod 23:15 the months of the other two ancient festivals are indicated; the Feast of Unleavened Bread is indicated by the term "the month of Aviv," and the date of the Feast of the Ingathering is indicated by a time period: "by the end of the year." Only the Feast of Harvest, identical with the Feast of Weeks and the 'No-Name' festival according to rabbinic tradition, appears without any indication of month or day. It is only the agricultural event that is indicated: "The Feast of Harvest with the first fruits of the crops." Similar indications of dates appear in the other citations of these festivals in Exod 34:18 and 22. This distinction is maintained even in biblical citations that lack a precise day. In Deut 16:1 and 13, the Tabernacle festival lacks a time, like the Feast of Weeks. The Tabernacle festival, however, is described by the agricultural event of ingathering, but the Feast of Weeks (the name in this occurrence) does not have even this; it is generated by counting seven weeks from another imprecise event: putting "the sickle to the standing grain."

¹¹¹ We read in Num 18:12–13: "I give you all the finest olive oil and all the finest new wine and grain they give the Lord as the first fruits of their harvest. All the land's first fruits that they bring to the Lord will be yours." The all-inclusive expression "All the land's first fruits" may have been perceived as the scriptural source for the obligation to offer the first fruits of all types of agricultural products, including wood.

Ingathering.¹¹² Logically, there seems to be no valid reason why there would be sacrificial offerings to accompany the donations of the first fruits of the barley and the wheat harvest, and none to accompany the other agricultural products with which they are so tightly associated. This consideration may have influenced the understanding that all the events associated with the first fruits celebrations should be accompanied with sacrifices. The many recurrences of the first fruits obligation, with various names and without fixed dates (with the exception of a seven-week interval), could certainly have influenced Qumran's deductions.

There are two additional facts that may have influenced Qumran's decision in this respect. The decree regarding what to offer "on the day of the First Fruits" (Num 28:26), the only mention in Scripture of such a festival, contains no expressions linking it to the grain harvest to specify the types of first fruits, such as "the first grain you harvest" (Exod 23:10 for the day of Waving the Sheaf) or "the first fruits of the wheat harvest" (Exod 34:22 for the Feast of Weeks). Given as well the absence of a specific date, it might have been understood as a general decree, valid for any occasion of bringing first fruits of any kind. In addition, the offerings decreed for this event are different than those decreed for the Feast of Weeks in Lev 23:17–20, as mentioned earlier. It is nevertheless interesting to note that the days for bringing the first fruits of wine, oil and wood were not deemed to be holidays. This can be inferred from the different names given to the biblical holidays and to the additional Qumran feasts; the former are called חג *hag* and the latter are called מועד *mo'ed*.¹¹³

In fact, the earlier commands in Exod 23:14–16, 34:18–22 and Deut 16:1–16 regarding the three annual festivals, שלש רגלים, are all without fixed dates, and are linked to agricultural seasons and events; only the months for Passover and Sukkot are indicated, without the exact days.¹¹⁴

¹¹² We read in Exod 34:22: "Celebrate the Feast of the Weeks with the first fruits of the wheat harvest, and the Feast of the Ingathering at the turn of the year."

¹¹³ We read in 11QT XI 10–12: "and on the feast of the unleavened bread and on the day when the sheaf of ears is waved and on the first of the first fruits for the offering of wheat and on the festival of the new oil and on the six days and on the feast of the tents." Although the term *mo'ed* is used in other occurrences as the designation for a holiday, we must consider that in this occurrence the author did indeed intend to distinguish the different status of these events.

¹¹⁴ The month of the Passover is indicated as "the month of Aviv," and the Ingathering festival is indicated with the terms "at the end of the year" (Exod 23:16) and "the turn of the year" (Exod 34:22). The expressions "end of the year" and "turn of the year" indicate the end of the agricultural season.

It is plausible that indeed none of these early holidays had fixed dates, and the days of celebration were fixed by the people, as one may deduce from the biblical expressions.¹¹⁵ The Feast of Weeks has no date at all, but depends exclusively on the day of the Waving of the Sheaf, which also has no date.¹¹⁶ Only in the later pericopes of Lev chap. 23 and Num chaps. 28–29, with their precise regulations for the various offerings, do we encounter fixed dates for the holidays,¹¹⁷ with the exception of the Waving of the Sheaf and the ‘No Name’ holiday.¹¹⁸ Further, the literary style and expressions in Exod and Deut emphasize the association of the annual holidays with agricultural events,¹¹⁹ in contrast to the Lev 23 pericope, in which all the festivals that have fixed dates are associated with historical and other events unrelated to agriculture.¹²⁰ These

¹¹⁵ The three holidays are called “your appointed feasts” (Num 10:10, 16:3 and 29:39). In the three occurrences in which the expression “the Lord’s appointed feasts” occurs (Lev 23:2, 4 and 37), it follows the explicit command: “you are to proclaim,” thus authorizing the people of Israel to proclaim the holidays at the appropriate time. The Rabbis also understood this command as authorizing the Israelite authorities to proclaim the date of these holidays even in conflict with the cosmic date. The people’s decision, expressed by the Court, overrides the biblically appointed date. In *m. Rosh Hash.* 2:9 this expression is interpreted: “‘which you will proclaim’—in their exact time and in the wrong time; there are no other appointed holidays than these.”

¹¹⁶ Lev 23:9–14 on the Omer has no connection to the previous text on Passover; reading it carefully, we see that the Omer must be brought to the priest when one reaps the harvest (v. 10). The ambiguous date “the day after the Sabbath” is not directly connected with the day the Omer is brought to the priest; it is the day when the priest waves it (vv. 11–12). Thus “on the day you wave the sheaf” (v. 12) becomes the essential day, and from that day the counting of the seven weeks starts (23:15).

¹¹⁷ In these pericopes the exact day and number of the months is indicated, such as: “on the fourteenth day of the first month,” “on the first day of the seventh month,” and so on. The archaic name Aviv is replaced by “the first month.”

¹¹⁸ In Num 28:26 the name “On the day of First Fruits” appears as the name of a holiday related to first fruits. It is the sole mention of such a holiday in Scripture.

¹¹⁹ We encounter the following expressions: for the Feast of Harvest: “the first fruits of the crops you sow” (Exod 23:16); for the Feast of Ingathering: “when you gather in your crops” (Exod 23:17); for the date of Waving of the Sheaf: “when you reap its harvest” (Lev 23:10); for the date of the Feast of Weeks: “the first fruit of the wheat harvest” (Exod 34:22); for establishing the day one starts counting the seven weeks: “from the time you put the sickle to the standing grain” (Deut 16:9), and similarly for establishing the date of Waving of the Sheaf, not mentioned in this pericope, and the event that fixes the date of the Feast of Weeks (vv. 9–10); for the date of the Feast of Tabernacles: “after you have gathered the produce of your threshing floors and your winepress” (v. 13).

¹²⁰ The Waving of the Sheaf is associated with “reaping the harvest.” The festival of Passover has no explicit historical association; it is linked to the festival of Unleavened Bread. The ‘No-Name’ Festival has only the connection of a specific lapse of time from the Waving of the Sheaf. It is only the character of the Festival of Trumpets and the Day of Atonement that are indicated; the Festival of Tabernacles shows, secondarily, an association with the gathering of the crops as well as a historical significance.

inconsistencies regarding the absence of a date for the First Fruits Festival in the various relevant commands and in the inconsistent forms must have suggested to the Qumran scholars a multiplicity of events; therefore a date for one Festival could not be indicated.

We must note here an interesting situation in the book of *Jubilees*. In 6:17–22 a Feast of Weeks is decreed to Noah, as a renewal of the covenant concerning the prohibition against eating blood, and a remembrance of the rainbow covenant; it is stated to be in the third month, without any indication of a particular day: “. . . it is the feast of Shevuot [Weeks] and it is the feast of the first fruits.” In 15:1, however, it is recorded that Abraham celebrated the feast of the first fruits of the grain harvest, bringing a new Minhah and other offerings on the fifteenth of the third month.¹²¹ The offerings Abraham offered on that day, as recorded in *Jubilees*,¹²² do not correspond to those decreed in Lev 23:18–19 or to those in Num 28:27, nor to the list for the New Wheat Feast in TS XIX: 2–6.¹²³

The TS follows Scripture faithfully with respect to this absence of dates. Although the dates of the other holidays are duly mentioned (Passover in XVII: 6,¹²⁴ the Day of Atonement at XXV: 10, and the

¹²¹ This date of the fifteenth of Sivan, the third month, instead of the sixth of this month according to rabbinic law, is not a consequence of the 364 day calendar used by the sectarians in order to avoid having the holiday falling on a Sabbath. On the basis of that calendar, the sixth of Sivan would not occur on a Sabbath; it would be on a Friday and the fifteenth on a Sunday. It is probable that the author interpreted the phrase “on the day after the Sabbath” (Lev 23:15) as Sunday, the start of the count of the seven weeks between the Waving of the Sheaf and the ‘No-Name’ festival. (See the chart of this calendar by U. Glessmer, 1991, p. 383.) J. C. VanderKam, 1998, p. 31, deliberates on the probable motive for fixing the fifteenth of the month for this holiday. Currently, the Feast of Weeks, on the sixth day of the third month, is celebrated as the day of receiving the Torah at Sinai. *Jub.* 1:1 records that Moses went up to Mount Sinai on the sixteenth of the third month to receive the tablets.

¹²² We read in 15:2 that he offered one ox, one ram and one lamb.

¹²³ The reconstructed text of XIX: 3 requires twelve lambs on the Feast of First Fruits, but Lev 23 requires seven lambs for a Holocaust offering (v. 18) and two for a Peace offering (v. 19). If we add the seven lambs decreed in Num 28:27, the total amounts to fourteen. While it is true that the texts with details of the offerings of 11QT XIX and 11QT^b III: 22–26 are in great part reconstructed, it seems impossible that the original text could have corresponded to the list of the offerings in *Jub.* It is, on the other hand, unquestionable that the texts of TS and of *Jub.* relate to the identical Feast of the Wheat Harvest, and that the text of *Jub.* is unadulterated; hence they do not correspond. Cf. VanderKam, 1989, p. 228.

¹²⁴ With respect to the Memorial Day of Trumpets, the text that likely contained the date is missing. But in XXV: 7 the “holocaust of the New Moon” is mentioned with respect to this holiday, and this confirms the first day of the seventh month as the date.

Feast of Tabernacles at XXVII: 10), there are no dates for the Waving of the Sheaf or the Feast of Weeks. Similarly, there are no fixed dates in the TS for the New Festivals; they follow the seven week time sequence after the Feast of Weeks,¹²⁵ exactly like the biblical rule for the 'No Name' feast after the Waving of the Sheaf. It is also important to note that there is no prohibition against working during these 'New Feasts,' in contrast to the other holidays, including the Feast of Weeks, for which this prohibition is expressed. For the New Wine Feast at XXI: 8–9 and the New Oil Feast decreed in XXII: 16, the TS simply prescribes: "They shall rejoice on this day."

I do not intend to speculate on the exegetical methods used by the Qumran scholars to reach their decisions on this matter;¹²⁶ as I have suggested above,¹²⁷ we are unlikely to succeed in such an enterprise. We can only attempt to reveal the relevant biblical texts, and their particular complications, that may have been at the root of their considerations. I question, therefore, Milgrom's characterizing these new festivals as being "beyond hermeneutics." I would argue instead that they are founded upon a hermeneutic method or technique unknown to us.¹²⁸ This exegesis was undoubtedly far-fetched; but as we have seen, such strained logic was also used by the Rabbis to resolve textual dilemmas and lacunae. There is no reason why Qumran scholars may not have used similar methods, when they were perceived to be absolutely necessary.¹²⁹

¹²⁵ From the Feast of Weeks to the New Wine Feast in XIX: 11–13, and from the latter to the New Oil Feast in XXI: 12–14. The top of XXIII, and QT^b VI: 10–11, in which one may expect the same rules, are missing.

¹²⁶ J. M. Baumgarten, 1996, p. 16, perceives two distinct types of revelation: "inspired exegesis," and "[explicit—my conjecture] supplements to canonical texts." He considers that these new festivals were founded upon the second alternative. Comparing the rabbinic decree of the Training Minhah, perhaps one could envisage that, like the new festivals in the TS, it too was based upon a revelatory inspiration regarding the correct exegesis of a vague text. I have suggested other contingencies above.

¹²⁷ A. Baumgarten, 1997, p. 34, writes that it is "legitimate to use one to interpret the other" because the similarity between them "was both halakhic and conceptual." He refers to the legitimacy of deducing from Qumran literature information about the broader Israelite society of that period, for which there is authentic documentation. If we accept this principle, it works both ways; we may retroject from rabbinic halakhic literature to Qumran literature.

¹²⁸ D. Instone Brewer, 1992, p. 190, cites an example of a Qumran writing of which he states: "It demonstrates these techniques as well as the difficulties of discovering the precise techniques used." See also J. Vanderkam, 1989, p. 222. Cf. H. K. Harrington, 2000, p. 84, who states that the increase in holiness was the motive behind the added festivals.

¹²⁹ D. Instone Brewer, 1992, p. 190, writes: "It is clear that there was a considerable overlap in the techniques used at Qumran and by the rabbis." A. Rosenthal, 1993,

I would also speculate that the books of Ezra and Nehemiah may have served Qumran as a general model, as these books reflect apparently altered or new regulations and customs. For instance, the character of the offerings for the twelve tribes on these New Festivals may have been influenced by Ezra's record of such offerings,¹³⁰ which are not mentioned in the Pentateuch.¹³¹ Ezra introduced a novel concept that offerings brought for all of Israel must be twelve in number, corresponding to the twelve tribes of Israel;¹³² as is emphasized in Ezra

pp. 453ff, argues that although the dissidents' exegesis is usually simple and close to the text, they too use farfetched hermeneutics on occasion. I presume, as I stated at the beginning of the study, that in some instances they were compelled to proceed in this way because of the many inconsistencies and lacunae in Scripture that did not allow for a straightforward interpretation. The perplexing textual inconsistencies with respect to the Feast of Weeks and the Feast of the First Fruits are one such example that requires creative interpretation. See P. R. Callaway, 1989, pp. 151–152 on the First Fruits festivals. Callaway states: "The TS was composed by a creative legalist, who exploited divine revelation in recognizable, logical ways in order to allow its hidden meaning to surface" (p. 161). I understand his statement to acknowledge the fact, also posited by myself, that the Qumran rules were usually not so remote from the scriptural texts, and whenever possible, were founded upon logical considerations. Cf. J. Maier, 1996, pp. 112–113, who conjectures that since we do not know how Qumran reached some halakhic decisions, these decisions have no biblical support, and may originate from sources other than the Pentateuch. As I have demonstrated with a few examples, we encounter a great array of rabbinic halakhot that apparently have no biblical support, and others that definitely have no root in Scripture, such as those called "a halakhah given to Moses at Sinai," or attributed to Ezra, the Patriarchs, etcetera; and the Rabbis undoubtedly did not derive their halakhot from other sources. Maier's suggestion should therefore be rejected.

¹³⁰ We read in Ezra 6:17: "and, as a Sin offering for all Israel, twelve male goats, one for each of the tribes of Israel." In 8:35 we encounter an interesting list of offerings: "twelve bulls for all Israel, ninety-six rams, seventy-seven male lambs, and as a Sin offering twelve male goats, all a burnt offering to the Lord." All these numbers, except for the lambs, are multiples of twelve; one must assume that these numbers have a symbolic meaning. I cannot speculate as to the reason for the exceptional number of the lambs, which is a multiple of seven or eleven. The Sages were well aware of the odd number of the lambs, and ask in *b. Tem.* 15b: "It is reasonable that the [number of] oxen and male goats correspond to the twelve tribes, but the [number of] lambs, to what does this correspond? [A.] It was an extraordinary, ad hoc command."

¹³¹ The twelve male goats offered by the twelve tribal leaders at the Tabernacle's consecration (Num 7:2–88) are of an entirely different character than the concept of twelve offerings instituted by Ezra. These were offered by the people, explicitly as a Sin offering "for all Israel," whereas in Num the offerings, among a variety of others, were given by the leaders on their own behalf. Moreover, the concept of offerings in the number of twelve as a symbol for all Israel was introduced by Ezra for other occasions, as recorded in Ezra 8:35 (see the antecedent note).

¹³² Talmon, 1989, pp. 41ff., contemplates that Ezra instituted the offerings for the twelve tribes to demonstrate that the returnees were the genuine Jewish people, and that the Qumran group held the same belief. They perceived themselves to be the first returnees from exile, "the seed of Israel" (CD XIII: 22), similar to Ezra's new concept of

6:17, there is no Pentateuchal requirement for twelve with respect to the public offerings, the perpetual daily offering, or the particular Sin offerings for all the people.¹³³ Nor is this the only novel or altered regulation introduced by Ezra/Nehemiah.¹³⁴ They also initiated the celebration of offerings without a Temple, contrary to the custom prevailing after the centralization reform that linked the offerings exclusively to the Temple.¹³⁵ (The Rabbis were aware of this apparent misdeed, and devised a suitable excuse.¹³⁶) The Temple built by the returnees had different dimensions than those of Solomon's Temple.¹³⁷ Ezra/Nehemiah

“the holy seed.” P. R. Davies, 1990 p. 514, writes that “the ruling classes (i.e. including the writing classes) in this period [of the Second Temple] claimed to have originated in Babylon, where they saw themselves as the remnant of pre-exilic Israel.”

¹³³ See Exod 29:38–42 and 43–45 that indicate the significance of these offerings, relating them to God's epiphany and His dwelling among the people of Israel. Only one ox is required as a Sin offering for a transgression by all Israel (Lev 4:14); on the Day of Atonement, two goats are required, one as a regular Sin offering and one as a scapegoat (Lev 16:15–20).

¹³⁴ It is of no importance for our study to enter the debate regarding the dates of these two leaders. Based on the scriptural records in these two books, and certain records in later rabbinic literature, I will accept that this was a conjoint enterprise of the two leaders, without being concerned as to who did what. It is also possible that other people introduced some of these reforms, which were then attributed to the illustrious figures of Ezra and Nehemiah; the fact is that these new regulations were promulgated in the period of Persian sovereignty, and remained entrenched elements of Israelite religion and cult.

¹³⁵ This is inferred from many biblical decrees and narratives. 2 Kgs 23, for instance, records the destruction of all the other altars in Jerusalem, leaving the sole legitimate altar in the Temple precinct. Jeroboam was concerned about the people going up “to offer sacrifices at the temple of the Lord in Jerusalem” (1 Kgs 12:27).

¹³⁶ We read in *m. Ed.* 8:6: “Rabbi Joshua said: I have heard that one may bring offerings, although there is no Temple.” The justification for Rabbi Joshua's vague declaration is found in *b. Zevah.* 62a: “Rabbi Yohanan said: Three prophets came up from exile with them [the returnees]: one gave witness to them as to the [size] of the altar, one gave witness as to the place of the altar, and one attested that one may offer sacrifices although there is no Temple [yet built].” We observe that bringing offerings without a Temple was perceived as inappropriate, and only the prophet's special attestation caused it to be allowed.

¹³⁷ According to 1 Kgs 6:2 Solomon's Temple was sixty cubits long, twenty cubits wide and thirty cubits high. Ezra's Temple was sixty cubits high and sixty cubits wide (Ezra 6:4); there is no indication of its length. The height does not concur with the dimensions of Solomon's Temple, assumed to be a model for future Temples. The Rabbis, in their quest to match the inner dimensions of the much bigger Temple built by Herod with that of Solomon, devised a complex structure of thick walls, offices, staircases and balconies, in order to reach the appropriate length of sixty cubits and width of twenty cubits, like Solomon's Temple. We read in *m. Mid.* 4:7, following data about the building's structure: “its [the Hekhal's] inner dimension is forty cubits”; and “the Holy of Holies is twenty cubits,” for a total of sixty cubits length. We then read: “and its inner width is twenty cubits.” According to *m. Mid.* 4:6 “its [inner] height is forty cubits,” a dimension that does not concur with the Temples of either Solomon or Ezra.

initiated the service of the Levites at the age of twenty (Ezra 3:8), in disagreement with the biblical rule requiring the completion of thirty years (Num 4:3). They introduced new concepts, such as the idea of “holy seed/lineage” (Ezra 9:2),¹³⁸ and “those who fear the commands of God” (Ezra 10:3),¹³⁹ such concepts suggest a spirit of awe in the fulfillment of the divine commands,¹⁴⁰ a notion that would facilitate the extension of prohibitions beyond their scriptural specifications. They

¹³⁸ The biblical ban against aliens joining the Assembly of the Lord (Deut 23:4, 8–9; 3, 7–8 in KJV) does not mention a prohibition against mingling the holy seed as the motive for this ban. An historical-political event is given as the motive for the prohibition to marry Ammonite and Moabite women, and the same type of historical consideration is the basis for the permission to accept Egyptians into the Assembly after three generations. In Deut 7:3–4, the prohibition against intermarriage with aliens is motivated by the danger of idolatrous influence.

¹³⁹ Ezra 9:4 reads: “everyone who trembled at the words of the God of Israel.”

¹⁴⁰ Cf. J. Blenkinsopp, 1990. He understands the term “trembling” not as a metaphor but as a concrete depiction, “an expression of intense religious emotion,” comparing it to the trembling practised among religious movements such as the Shakers and Quakers. This is also, he argues, the implication behind the name **חרדים** *haredim* used of the ultra-Orthodox faction in Judaism (p. 8). It is my opinion that just as he has misunderstood the motive behind the name *haredim* he also misapprehended the nature of Ezra’s statement. Orthodox Jews do not tremble out of fear; the swaying of the Hasidim is intended to focus their concentration on their prayers to God. I am not concerned with the historical thesis he builds on this premise, and will limit myself to the interpretation of this expression in Ezra and in Deutero-Isa 66:2 and 5 of the same period. These are the only instances of the phrases **חרד לדבר** or **חרד למצוה** “fear of an issue” or “fear of precepts.” The NIV translation is “those who fear the commands of God.” The Greek language, it seems, had not coined a particular term to express this specific type of awe at the word of God, a characteristic Judeo-Christian concept involving a spiritual feeling, not a literal trembling. The LXX translates the expression in Ezra 9:4 as: **δωσκον λόγον θεοῦ Ἰσραηλ** “the follower of the word of God.” In Ezra 10: 13 the translation is: **φοβήρισον** “frightened.” Isaiah (probably by another translator) reads: **τρέμουντα τοὺς λόγους μου** “trembling of my words.” The term **חרד** *hared* is a generic term in Scripture and must be interpreted in each instance according to its context; there are in fact some cases that can be interpreted in both ways, as an actual trembling in fear, and as metaphorically suggesting concern or worry. In 1 Sam 4:13 we find: “His heart feared [was concerned] for the ark of God.” On the other hand, the phrase in Exod 19:18, “The mountain [Sinai] trembled violently,” must be understood as real trembling. In our occurrences, it seems evident that the association of the term *hared* with the words or commands of God (as noted, the only such instances in Scripture) indicates a metaphoric sense of being very much concerned to assiduously fulfill God’s commands. This exaggerated concern induced believers to perform God’s decrees beyond what was required; it was thus the theological foundation upon which Ezra could extend the application of biblical commands, and prohibit otherwise permitted actions. This attitude explains, in my opinion, the extreme zeal that stimulated the Qumran group to interpret the biblical laws in a stricter way in many instances, and avoid the consideration of practical matters in their halakhic decisions; the Rabbis/Pharisees did make use of such considerations (see the various examples in this study). This attitude is also the guiding inspiration of the contemporary *haredim*.

widened the range of the biblical Sabbath laws and of the prohibition against marrying gentile women,¹⁴¹ and promoted a strict separation from the gentiles. Finally, they introduced new offerings, some of which are mentioned explicitly, while others are indirectly referenced.

It is difficult to discern from the literary style of the relevant pericopes which of these regulations were perceived by Ezra/Nehemiah as originating in the Torah and which were deemed innovations.¹⁴² For instance, although the Wood Offering is not mentioned anywhere else in the Torah, Nehemiah explicitly describes it “as written in the Torah” (Neh 10:35).¹⁴³ I posit that Ezra and Nehemiah instituted a radical reform of Israelite religion and especially of its sacrificial cult. They imposed new religious regulations on the people through their political power, and they established public financing for the cult celebrations; such methods had not been practised before. They thus fused together state and religion, as we would express it in modern terms, an important issue but beyond the scope of our investigation. I speculate that the pronouncement in Neh 8:14 that the decree regarding the Sukkot festival was found in Nehemiah’s time, apparently having been hidden from the time of Joshua (Neh 8:17), served as the model for the Qumran declaration that David did not read the sealed book of the law, hidden in the Ark (CD IV: 21–V: 8).¹⁴⁴

The Qumran scholars may have understood the above-cited verses in Nehemiah regarding offerings of wine, oil and wood as regulations that were carried out by these spiritual leaders and founded upon the laws of Moses (as indeed Nehemiah stated).¹⁴⁵ We have observed the

¹⁴¹ For an extended study on these regulations, see Heger, 1996, pp. 342–345 and pp. 407ff.

¹⁴² The contribution of a third of a sheqel (Neh 10: 33, 32 in KJV) is introduced by the phrase: “we undertook upon us the commands”; this expression seems to me to indicate the people’s commitment to carry out the succeeding commands in vv. 33 and 34 regarding financial contributions.

¹⁴³ Milgrom conjectures “tentatively” that it may have been written in Nehemiah’s Torah (1994, p. 455). I will propose another hypothesis for understanding the apparently inaccurate declarations in Ezra/Nehemiah, and similar regulations in Qumran literature that seem lacking in scriptural foundation.

¹⁴⁴ The discovery of a book of Torah in the Temple by Hilkiah, the High Priest, recorded in 2 Kgs 22:8, may also have served as a model.

¹⁴⁵ P. R. Davies, 1990, demonstrates that the ideology of CD conforms to Second Temple ideologies as presented in the books of Ezra and Nehemiah. He also quotes Morton Smith’s assertion that there is a correspondence between the expression “the exiles” in the book of Ezra 4:2 and “the returnees of Israel” in CD-A:IV: 2 (Martínez translates it as “the converts of Israel”).

ambiguities and contradictions in the relevant scriptural commands regarding offerings, and the Qumranites may have perceived Nehemiah's statements as plausible solutions to these dilemmas. But we cannot exclude the possibility that at a certain time in history these offerings were indeed celebrated, although they were not explicitly mentioned in the Torah.¹⁴⁶ We cannot rely exclusively on the theoretical deliberations of the rabbinic Sages, founded upon a variety of exegetical methods, regarding the details of the cult celebrations practised in the Temple two hundred years earlier.¹⁴⁷ In *m. Bik.* 3:3 there is a record of a spectacular procession bringing first fruits to Jerusalem, which must have occurred in a much later season than the offerings of the Feast of Weeks related to the wheat harvest.¹⁴⁸ I speculate that neither the written canon¹⁴⁹ nor

¹⁴⁶ J. Milgrom, 1989, p. 176, writes: "There is evidence which suggests that the establishment of the New Wine and Oil festivals at fifty-day intervals was not the invention of the TS." H. Stegemann, 2000, p. 947, speculates that the TS may have been composed in the early Hellenistic period. F. G. Martínez, 1999, pp. 444–5, postulates that the festival calendar in the TS represents the oldest written element used by its compiler, predating the other laws of the scroll.

¹⁴⁷ As mentioned earlier, I will quote several corroborating examples in the next chapter. Regarding the discrepancy between the offerings of the presumably identical Festival of Weeks and First Fruits Festival, Josephus in *Ant.* III: 252–253 seems to follow the rabbinic date of the Feast of Weeks and also the combined number of offerings that are listed in Lev 23 and Num 28. However, he mentions two rams, instead of the three rams that would be the total in the two pericopes; this discrepancy may be due to his carelessness. Philo (*Spec. Laws* I: 184), on the other hand, requires the usual ten Holocaust offerings, as listed in Num 28:27 (two bulls, one ram and seven lambs), but adds the two Peace offerings and the two loaves required in Lev 23:17–19. He also ignores the different composition of the ten Holocaust offerings described in Lev 23:18 (one bull, two rams and seven lambs).

¹⁴⁸ See the citation and inference in chapter 4, n. 216.

¹⁴⁹ The existence of alterations in the biblical text is nowadays an *opinio communis*, and in no need of supporting examples. I will, however, quote a contemporary scholar who addresses a particularly pertinent question, and cites several scholarly opinions on the issue. J. Mulder, 1988, p. 89, states that the biblical text that was to be transmitted was apt to suffer "the inevitable adaptations, alterations, revisions and the like"; but he asks whether such alterations continued to be made in the text "during the process of transmission, also after its written fixation," citing conflicting opinions. Compare D. Dimant, 1999, p. 48, who states unequivocally: "The plethora of variants displayed by the Qumranic biblical manuscripts reflects a stage in which the biblical text had not yet received its formal shape." Her statement seems to be intended as universal—that is, valid for all texts at that period. S. Talmon, 1989, p. 73, states similarly that "a biblical *textus receptus* had not yet taken root at Qumran"; however, in another study (2002, p. 11), he qualifies this statement: "Qumran literature evinces not only an 'open ended biblical canon' . . . [but also] gives witness to . . . a 'Living Bible' still in *status nascendi*." E. Ulrich, 1998, p. 95, upholds the notion that there were "multiple textual forms in antiquity, not just three [the MT, the SP and the LXX]." E. and H. Eshel, 2003, p. 238, compare the texts in the phylacteries found at Qumran to the MT and other versions of the Penta-

the cultic rites were fixed¹⁵⁰ until a late period;¹⁵¹ textual variations as well as customs affecting all aspects of life, sacred and secular, were in a state of fluidity,¹⁵² and were liable to change.¹⁵³

teuch and state: “The findings at Qumran reflected a very broad textual pluralism in regard to the various versions of the Bible.”

¹⁵⁰ One example is the fact that the Holocaust offering of twelve animals, initiated by Ezra to correspond to the twelve tribes, has no basis in the Pentateuch. It is more than plausible that the editors of the P stratum of the Pentateuch were aware of this custom, as it was probably continued after Ezra’s period; they likely rejected it, however, and did not include it in any of their regulations. The record in Ezra 8:35 of the twelve Sin offerings (see n. 130) complements this, stating “as a Sin offering for all Israel, twelve male goats; all this was a burnt offering to the Lord.” This concluding statement raises two problems. It does not indicate a clear distinction between the “Sin offering” and the “Holocaust offering,” a distinction that is evident in the relevant decrees in Lev chaps. 1 and 4. We might consider the term *עלה* in this verse as referring not to the offering’s name, but to the fact that all offerings, including the Sin offerings, were to be burnt; however, this would conflict with the general rule that Sin offerings must not be burnt. The Rabbis were well aware of this problem; they declared that these Sin offerings were brought for the transgression of idolatry, and in this particular case must be burnt; but they avoided specifying whether it was to be burnt on the altar like the burnt offering, or outside the camp like the Sin offering of the entire community (Lev 4:21). They founded their explanation on the harmonizing exegesis that for such a transgression, the Sin offering of a goat must be burnt (see above pp. 52–3 and nn. 41 and 42). The twelve oxen for the holocaust would correspond to the decree in Num 15:24, but neither the Holocaust offering of ninety-six rams nor the seventy-seven lambs to be brought on that occasion are mentioned in Num. There is also the difficulty mentioned earlier regarding the requirement to bring twelve of each animal, though the text in Num decrees one ox and one goat for the entire community; we read there: “and all the community is to offer” (15:24). However the Rabbis attempted to stitch together the ruptured seams, they burst again. One may assume that at the time of Ezra, before the stage of complete priestly domination of cult practices, the Sin offering was totally burnt. See Chapter 3, note 78.

¹⁵¹ J. A. Sanders, 1998, p. 21, states that even after canonization, when the tradent could no longer paraphrase, or gloss or alter the text itself, the needs of the community he served demanded that the text continued to be expanded by hermeneutics.

¹⁵² T. H. Lim, 2000, p. 57, refers to the pluriformity of the pre-canonical Bible. A. Rofé, 2001, pp. 127ff, cites examples of the various methods employed by the scribes in the arrangement and revision of the traditional literature. Martin Hengel, 1994, p. 8, states that interpretation and final redaction of Scripture were a fundamentally coupled process; both were essential elements of canonization, concluded at the end of the process, and confirmed by Josephus in *C. Ap.* I: 37–41 and by the Sages in Yavneh (*m. Yād.* 3:5).

¹⁵³ In Heger, 2003, I have argued that no fixed halakhot were established in the pre-70 period, not even in Pharisaic society. There was no opposition to conflicting halakhic decisions given by different scholars; sometimes one decision might prevail over the others, or new decisions might become accepted as normative by the majority of the people. Thus, changes could be effected regarding the exact method of obeying a biblical decree.

The fact that obviously conflicting regulations appear in Scripture¹⁵⁴ indicates that different rules were in existence at the time of the Pentateuch's final redaction. As I remarked above, the New Festivals were not instituted as new holy days with work prohibitions; the offering of voluntary or newly established sacrifices during non-holy days would not involve a violation of the prevailing rules of rest on Sabbath and holidays. We note that whoever instituted the twelve offerings for the tribes of Israel for these New Festivals also avoided decreeing them for the Feast of Weeks, though that similarly involves first fruits. Such a rule might have involved a transgression of the biblically established holiday and work regulations; thus the additional offerings were ordered only for the new wine, oil and wood festivals, so as not to contradict Torah laws.

2.3.2.3 *Conclusion*

Following the above considerations, I speculate that, notwithstanding the general scholarly assumption that the Pentateuchal P stratum was conceived in the Second Temple period, certain prevailing traditions did not concur precisely with the texts.¹⁵⁵ Such a conclusion seems more than plausible based on our critical analysis of the two issues discussed above: the Qumran rules concerning additional holidays and the rabbinic rules regarding the priestly training/investiture offerings. Accepting this hypothesis, we may assume that scriptural decrees were not perceived in that period as obligatory in all their exact details; traditional customs probably had the upper hand. Even today, the decisions of the courts do not always concur with the written law, especially when new trends sweep through public opinion, and it takes some time until the legislators change the law and adapt it to the new circumstances. We may certainly imagine similar conditions subsisting in the period of our inquiry. There were variations in cultic procedures;¹⁵⁶ since the divine

¹⁵⁴ See e.g. n. 150, and pp. 52–3 and nn. 41–42, on the biblical discrepancy regarding the Sin offering to be brought for misconduct committed by the entire community.

¹⁵⁵ D. Dimant, 2000, p. 46: “The group [at Qumran] must have had recourse to ancient traditions and texts, many of which were not of their own making.”

¹⁵⁶ As evidence of the co-existence of different variations of rules and customs, I shall cite two examples regarding the Sukkot festival, from separate sources and on separate issues. The first concerns the lack of conformity of the building materials chosen by Nehemiah's subjects (Neh 8:15) with the ornamental articles commanded in Lev 23:40. This example is quoted by Milgrom in his above-mentioned study (p. 456); he attempts to reconcile the discrepancy with a solution that, in my opinion, he himself perceives as problematic. Many attempts were made, by the Rabbis (*b. Sukkah* 12a and 37a), and by

law could not be altered, the law and the procedures subsisted together. Sooner or later the Sages attempted to reconcile them, justifying any alterations by exegetical techniques. We must consider that decisions proclaimed by a revered personality in his day would become traditions in later generations; his authority would ensure their preservation and make it extremely difficult to eradicate or alter them.

I also hypothesize that as a consequence of a rather easy-going attitude toward scriptural details in the Second Temple period, some resourceful High Priests or other leading personalities introduced new forms of cult performance, without perceiving this as irreverence toward Scripture or a violation of its rules. The differences between cult procedures recorded

traditional and modern critical commentators, with more or less success, to explain the inconsistencies between the two sources, each according to his preconceived approach. The context, however, indicates the existence of different sources for the late institution of these customs on the Ingathering holiday.

The second issue relates to the undefined term “choice fruit from the trees” in Lev 23:40. Josephus, in his description of the festival of Tabernacles and its ordinances in *Ant.* III: 245, states that the people were to arrive with, among other fruits: τοῦ μήλου τοῦ τῆς περσέας “the fruit of the perse—peach,” corresponding to the biblical “choice fruit.” On the other hand, he also refers to κίτρους “citrons” as the custom at the Tabernacles festival, when he describes the people pelting King Alexander with this fruit at the celebration of this festival (*Ant.* XIII: 372). It is unreasonable to assume that Josephus erred in such a matter, and I think that this undoubtedly demonstrates that various admirable fruits were held by the people to be a symbol of praise and festivity on the occasion of the final ingathering of crops in the agricultural year; so too were the majestic palm branches. As the biblical term is undefined, various fruits that are appropriate for this purpose could be used. The Rabbis ultimately chose the citrus *etrog* as the only appropriate fruit, for reasons we can only guess at, and justified this, as is common, with an implausible exegesis. We read in *b. Sukkah* 35a: “The choice fruit [in Lev 23:40 is] a tree whose wood and fruit have the same taste, and that is the *etrog*.” This reason is patently incorrect, if the author of this exegesis intended to describe the citrus fruit we know today as the *etrog*. Our identification seems correct, considering a) that Josephus also mentions a citrus fruit and b) the authenticity of a tradition from the amoraic period (in *b. Sukkah* 35a). In *y. Sukkah* 3:5, 53d, we read another explanation for the choice: “It is written ‘the fruit of a choice tree’ [the author relates the term “choice” to the tree as well as to the fruit; this means] a tree whose fruit and whose wood are of choice appearance. What is this? An *etrog*.” Another explanation alleges that Aquilas, the Greek convert, translated the Hebrew *hadar* as relating to ὕδωρ “water” in the Greek language, because the *etrog* tree needs irrigation. The other fruit trees cultivated at that time in the Israel highlands did not need irrigation. The *etrog* is compared in rabbinic literature to vegetables that also need irrigation, and thus subject to specific agricultural rules (for instance, the time when one is liable for the first fruits law, in *m. Bik.* 2:6). In *b. Sukkah* 35a the same explanation is quoted in the name of Ben Azzai. Thus the Rabbis attempted to find a justification for their decision to require the *etrog*, because Scripture does not specify what fruit to use. They did not, as they often did, justify this as a tradition from Sinai הלכה למשה מסיני (used, for example, to justify the water libation, in *b. Sukkah* 34a); this suggests that the maxim could not be used here because there was still some recollection of the use of other fruits.

in the books of Ezra and Ezekiel¹⁵⁷ and those in the P stratum of the Pentateuch tend to corroborate such an hypothesis. Certain of the later priests and leaders may have accepted these new regulations, but others of a more conservative inclination may have opposed them, preferring a restoration of the old practices. Those preferring such renewal may also have proposed different rules that seemed to them more appropriate for the times.¹⁵⁸ This hypothesis may explain the presence in the Qumran libraries of writings with different practices and theologies.¹⁵⁹

Today, scholars posit historical events to explain the various developmental stages and changes, but the Rabbis could not openly admit changes in the inalterable divine laws. They therefore attempted to harmonize the current traditions and adaptations with Scripture, with suitable exegesis. They believed themselves to possess the authority for such sweeping interpretations. Qumran scholars may have been more rigid in their actualization of Scripture with respect to halakhic issues,¹⁶⁰ and availed themselves of additional assistance in their interpretations: divine revelation to their leader was the means of ensuring valid interpretation¹⁶¹ of the vague and sometimes conflicting scriptural decrees, and adapting them to their particular philosophical-theological vision.

¹⁵⁷ I have indicated some of his novel decrees. The numerous and significant differences between the cult regulations in Ezekiel and the Pentateuch are well-known, and I need not elaborate upon them. Some are mentioned in *b. Menah.* 45a. A rabbinic statement indicates the Sages' perception of the magnitude and gravity of these differences. We read in *b. Shabb.* 13b: "Rav Judah said in the name of Rav: But this man, whose name is Hananiah ben Hezekiah, should be remembered for his merit, because if not for him, the book of Ezekiel would have been concealed [made to disappear], since his utterances contradict the Torah utterances. What has he done? They brought up three hundred containers of oil [to provide enough light] to his upper room, and he sat down and interpreted them [i.e. found ways to reconcile the contradictions, and retain the book in the canon]."

¹⁵⁸ A. I. Baumgarten, 1997, p. 125, argues that the different interpretations of the Torah by the new literati of the Maccabean era, and the opposition to change by the old establishment, served as the ground for dissent and the creation of sects. In essence, his proposition in this respect is similar to, or complementary with, mine.

¹⁵⁹ J. J. Collins and R. A. Kugler, 2000, Introduction, write: "We should expect that beliefs and practices changed over a period of some two hundred years." See also J. M. Baumgarten, 1992, on this issue.

¹⁶⁰ They also widely practised the actualization of prophetic literature in the Pesharim, to adapt the prophecies to current historical circumstances and deduce their implications for the destiny of the group. See M. Bernstein, 1994, p. 3.

¹⁶¹ See D. Dimant, 1999, p. 53, who writes that the Qumranites claimed "divine authority also to their own interpretations." A. I. Baumgarten, 1997, concludes that revelation, as the medium by which the correct fulfillment of the divine decrees was to be apprehended, was one of the reasons for people joining these sects.

To summarize: I have noted the fluidity of the legal system in the period of our study, and described the perplexities intrinsic in the biblical texts that would explain certain of the rules promulgated by the Rabbis and the Qumran scholars. I have demonstrated and corroborated with suitable citations the similarity between the Rabbis and the Qumran scholars in their awareness of the textual problems, and in their methods of devising appropriate solutions.¹⁶² I wish to emphasize that my hypotheses regarding the legal environment and approach to Scripture in the relevant period in Israel are founded upon logical deductions¹⁶³ from various texts, some of which I have quoted.

2.4 *Scholarly Studies*

Before proceeding with the discussion of the second theme of my thesis, I would like to comment on two scholarly studies by Fishbane and Nitzan on the subject of Qumran exegesis and its comparison with rabbinic exegesis.

2.4.1 *Fishbane's Analysis*¹⁶⁴

Fishbane does not actually declare that a comparison of the two methods of exegesis is the subject of his study, but he quotes rabbinic terms and examples to describe the alleged techniques of Qumran exegesis. He cites, for instance, a dictum from CD IX: 6–8 on the Qumran law of reproof, according to which one is required to rebuke a member of the covenant for a transgression before formally accusing him or spreading the news of his misbehaviour among the elders, alluding to the decrees of Lev 19:17–18. By not giving such a rebuke, one transgresses two biblical commands: “Rebuke your neighbour frankly so you will not share in his guilt”; and “Do not seek revenge or bear a grudge against one

¹⁶² Y. Sussmann, 1990, p. 70, writes: “The stirring impression that arises from [reading] the MMT is the great relationship with the world of the Sages of blessed memory—a correlation with the language, terminology, in the details of the halakhot and in all their general concepts.” A. Shemesh, 1999, p. 175, concludes in his analysis of Damascus Document halakhic rules that “they resemble rabbinic midrash halakah, despite the fact that their abstract formulation resembles the style of the Mishnah.” See also B. Nitzan, 1986, pp. 29–80, on this issue.

¹⁶³ A. I. Baumgarten, 1997, p. 196, writes in his conclusion: “Yet, even if imperfect, logic is the only path available.”

¹⁶⁴ M. Fishbane, 1988, p. 370.

of your people” (Lev 19:17–18). But since the author of CD employs in his text the expression “if he kept silent about him from one day to the other,” similar to the expression used in Num 30:15¹⁶⁵ regarding the time limit for a husband to annul his wife’s vow, Fishbane assumes that the author of CD alludes to that rule. He therefore argues that the CD author also intended to extend the time limit for reproof of the accused to one day—that is, the day he became aware of the misdeed. He attempts to find a rabbinic exegetical term for such an extension, discards the rule of *gezerah shavah*, which indeed it is not,¹⁶⁶ and proposes the rabbinic exegetical technique *zekher ledavar*, “a casual reference to the matter [justifying or explaining it].”

I doubt very much that the author of CD intended, by his use of the expression “day after day,” to make an analogy between the time limit for vow annulment and that for reproof. The text of the dictum emphasizes that if one accuses his “fellow covenanter” without rebuking him first, he transgresses the precept “not to seek revenge and bear grudge”;¹⁶⁷ further, “he did not fulfill God’s command, who said to him ‘you shall reproach your fellow so as not to incur sin because of him [Lev 19:17].’”¹⁶⁸ The point of his dictum is to emphasize that he

¹⁶⁵ We read there (v. 14 in KJV): “But if her husband says nothing to her about it from day to day. . . .” I understand this indefinite term to mean in the next several days, rather than on the first day. The KJV translates: “If her husband holds its peace with her from day to day,” and the NIV translates: “If her husband says nothing to her from day to day.” These translators had no preconceptions from rabbinic or other literature and interpreted the verse according to its simple intent. The LXX translates ἡμέραν ἐξ ἡμερας literally “a day from a day,” which also indicates from day to day, not on that day. *Tg Onq.* repeats the biblical term.

¹⁶⁶ A *gezerah shavah* is an analogy based on the appearance of the same term in two different scriptural verses. In our case, the term יום “day” does not appear in the law of reproof. Hence there is no scriptural basis for either a *gezerah shavah*, “a comparison based on identical words or expressions,” or a *zekher ledavar*, “a casual reference,” because there is no textual affinity between the two precepts of Lev 19:17–18 and Num 30:15.

¹⁶⁷ In the antecedent vv. 2–4 we read: “Everyone of those brought to the covenant who brings an accusation against his fellow, unless it is with reproach before witnesses or brings it when he is angry, or tells it to his elders so that they might despise him, he is the one who avenges himself and bears resentment.”

¹⁶⁸ We read there in vv. 6–8: “If he kept silent about him from one day to the other, and then, when he was angry, accused him of a capital offence, he has testified against himself, for he did not fulfill the commandment of God who said to him: ‘You shall reproach your fellow so as not to incur sin because of him.’”

must rebuke his “fellow covenanter”¹⁶⁹ before accusing him in public, bringing shame upon him.¹⁷⁰ However we interpret the scope of the reproach before witnesses, it is evident that in all three of the stated circumstances, one brings his fellow to shame and transgresses the precept not to bear a grudge. The CD author deduces this rule exegetically by integrating the two biblical verses 17 and 18 into one law, thus resolving the dilemma caused by the vague biblical phrase: “so as not to incur sin because of him.”¹⁷¹ The latter apparently relates to the sin of the person who failed to rebuke his neighbour, but it is mute about the essence of the sin. The traditional commentators and the Talmud came up with a great variety of interpretations¹⁷² as to the character of this sin, a fact that confirms the perplexity caused by this vague text; the CD author

¹⁶⁹ These rules apply only to the members of the covenant, as we see in CD IX: 2–3: “Every one of those brought in the covenant, who brings an accusation against his fellow. . . .” A similar rule appears in 1QS IX: 16–18, and the punishment for its transgression is cited in 1QS VII: 8–9; the *Serekh HaYahad* Scroll is basically the regulation for the “yahad proper” (see E. Qimron, 1992, p. 293).

¹⁷⁰ A homily in *b. Pesah*. 113b sets out a remarkably similar concept. We read there: “The Holy One Blessed be He hates three [categories of people]: one whose assertions are different than what he [really] thinks, one who possesses information that could help his neighbour and does not offer his witness in court, and one who, being alone, observes a shameful act of his neighbour and gives witness against him [being aware that his evidence is not valid, since two witnesses are required to reach a verdict; he simply disgraces his neighbour without attaining anything].”

¹⁷¹ The phrase “so you will not share in his guilt” in the NIV is already an interpretation of this indistinct phrase. The KJV translation “but shall not incur sin because of him” is also vague. *Tg. Onq.* translates: “and you will not receive [bear] a sin because of him.” The LXX translates: οὐ λήμψη δι’ αὐτὸν ἁμαρτίαν “he may not bear his (the other’s) sin.”

¹⁷² Ibn Ezra understands the text in a similar way to the CD: You should rebuke your neighbour, and thus give him the possibility of denying his sin, because to make a wrongful accusation is also a sin. For Ramban the sin consists of not preventing the sin of your neighbour; he might have improved his ways, if you had rebuked him, and therefore you partake of his sin. Ramban offers an additional explanation relating to one’s own character: if you don’t reprove him, giving him a chance to remedy his offense against you and reconcile with you, you will continue to hate him, and thus transgress the prohibition to “hate your brother in your heart” (v. 17). Bavli *Arakh*. 16b has an entirely different explanation: “One might say that [you have to rebuke him in public so that] his face will blush [with shame]; we are taught [not to do this because] you will incur a sin [for that].” Rashi and Maimonides quote this explanation. Modern scholars have obviously also recognized the nebulous nature of this phrase. For our purpose it suffices to observe this vagueness and the numerous speculations, including that of the CD author, about its meaning.

has offered an elegant clarification.¹⁷³ This is, in my opinion, the object of his dictum.¹⁷⁴ The expression “from one day to another” in CD-A

¹⁷³ S. D. Fraade, 1998, pp. 69ff., perceives this legal dictum as an “example of explicit legal midrash.”

¹⁷⁴ C. Hempel, 1998, p. 99, writes: “CD 9, 2–8a rules that the covenanter who intends to accuse another member of the covenant of shortcomings is to reprove the offender in front of witnesses.” She perceives this rule to be the entire scope of this passage, without speculating as to how the author deduces it from the biblical text. Similar to my understanding, she does not perceive any intent to limit the time in which he must reprove. It seems that she bundles these verses together with the subsequent verses 16–22 that refer to a formal accusation before the inspector. Cf. B. Nitzan, 1997. She also associates CD IX: 3–4, 17:19 with 1QS VI: 1 and perceives all of them as referring to the same issue, that is, that “reproof seems to be integrated into the forensic process in one intricate procedure” (p. 151). It is not within the scope of this study to critically analyze Nitzan’s thesis, and I will thus limit myself to a few comments. For the convenience of the reader I will cite the other dicta. In CD IX: 16–20 we read: “Any matter in which a man sins against the law, and his fellow sees him and he is alone; if it is a capital matter, he shall report it in his presence, with reproach to the inspector; and the Inspector shall personally record it, until he does it again in the presence of someone, and he too reports it to the inspector; and if he is caught again in the presence of someone, his judgment is complete.” In 1QS V: 25–VI: 1 we read: “No-one should speak to his brother in anger or muttering, or with a stiff [neck (stubborn—inflexible) or with passionate] spirit of wickedness, and he should not detest him [in the fore]sk[in] of his heart, but instead approach him in the day so as not to incur a sin because of him. And no-one should raise a matter against his fellow in front of the Many unless it is with reproof in the presence of witnesses.” In my opinion we must read 1QS V: 25–26 together with VI: 1, as these and CD IX: 3–4 and 6–8 refer to the same topic; CD IX: 17–22 refer to different circumstances, decree another rule, and relate, though without citing it, to another biblical law. The first three dicta relate to a failure of a reproof prior to slandering the transgressor before the Many (1QS) or the elders (CD 3–4), and relate explicitly to the biblical vv. Lev 19:17–18. The decree in CD IX: 16–22 establishes rules of a legal process, and is founded, implicitly, on Deut 17:6: “On the testimony of two or three witnesses a man shall be put to death, but no one shall be put to death on the testimony of only one witness.” The author does not cite the biblical source on this occasion, but its relation to the above verse is unquestionable. It refers clearly to a capital matter and to the requirement of three witnesses, corresponding exactly to the biblical text. In 11QT LXI: 6–7, concerning the number of witnesses, the other relevant biblical verse of Deut 19:15 is quoted. The context of the antecedent and subsequent texts in 1QS indicates that the pericope relates to the internal relations among the members of the covenant, and cannot be related to a forensic process. Similarly, the qualitative expression *להבוזתו*, “to defame/shame/ridicule” him before the community or the elders (CD IX: 4), contextually connected to vv. 6–8, indicates the character of the accuser’s misbehaviour and the relevant biblical command that he transgresses. We encounter the same term expressing shame for an alleged misdeed in Neh 2:19: “they mocked and ridiculed us,” in the rabbinic expressions “the one who exposed/humbled his neighbour in front of a Sage” (*b. Sanh.* 99b) and “the one who exposed/humbled his neighbour in public” (*lāl.* Hos 532). CD IX: 16–22, on the other hand, separated from vv. 3–8 by other rules, does not refer to an accusation before the public or elders and does not relate to the biblical command of reproof. The main innovation of the first three dicta is the

IX: 6 is simply a literary form without any legal consequences or hidden intent; in this context I suggest it means “avoid dragging along from day to day [that is, for a considerable time], but do it promptly.”¹⁷⁵ This

requirement, not mentioned in Scripture, that the reproof must be performed before two witnesses, and in the last dictum the legal process is started by an accusation of only one witness. Moreover, these rules are not meant for the general public, but only for the members of the covenant, and can therefore not be compared to parallel rabbinic decrees. See Schiffman, 1983, p. 213.

Nitzan then ponders a possible comparison of the Qumran laws of reproof with the rabbinic “forewarning” (p. 152). According to my proposal to divide the rules into two separate topics, such a comparison is not relevant. Further, the two terms הוכחה “reproof” and התראה “warning” are utterly distinct in their meaning and legal application. The first term, from the root יכה, related to the term כוח “power/standing firm” has in Scripture a wide range of associated meanings, including “shown to be right” (Gen 24:44), “admonish/rebuke” (Gen 21:25), “judge” (Gen 31:37), “argue to demonstrate one’s stance or innocence” (Job 13:3). The term תרי, the root of the rabbinic התראה, has an affinity with the term ראה, and always appears in rabbinic literature with the meaning of forewarning. The application and the purpose of the two terms are also distinct. The term יכה in its various grammatical structures, means a) to reprove the transgressor, and b) to attest/give evidence of his transgression before the Court/Instructor. Its purpose in the Qumran rules of our inquiry is, in the first three verses, to reprove the transgressor before accusing him in public, to avoid his defamation, and, in CD IX: 18, to give evidence before the Instructor. The term תרי is used in rabbinic literature for their significant innovation to require a comprehensive forewarning of the transgressor. We read in *t. Sanh.* 11:1: “And all the others liable to the death penalty are not convicted unless there was evidence by witnesses and a forewarning that he would be liable for capital punishment by a [human] court. Rabbi Yose son of Rabbi Judah says unless he was informed of the type of execution [he would still not be liable].” Its legal purpose is to ensure that the transgressor has performed a premeditated act, and he is liable for punishment only in such circumstances. We read in a baraita quoted in *b. Sanh.* 8b in the name of the same Rabbi Yose: “A learned person does not require a forewarning, since the forewarning was intended to discern between an unintentional and premeditated transgression [and the learned man knows the law].” This statement indicates the purpose of the forewarning; if one is not forewarned, he may not know the law, or he may suppose that the law does not apply to his specific deed. I would speculate that the CD IX: 16–22 decree that permits cumulative witnesses had a similar philosophy to that of the Rabbis with their absolute requirement of forewarning. Both groups sought to reduce the incidence of capital punishment; the Rabbis instituted the forewarning procedure that practically eliminated its application, while the Qumran Sages diminished its frequency by requiring a triple transgression and rebuking before the Instructor.

¹⁷⁵ It is interesting that in the NT the parallel command to reprove one’s brother, or exhort him not to commit sins, has no definite time limit. Matt 18:15–17 has no time indication at all, and the apparent time limit “while it is called today” in Heb 3:13 must be read as linked to the antecedent command to “exhort one another daily.” The second part of the phrase stresses the obligation to exhort one another daily, that is, not to miss one day, and cannot serve as a paradigm for the reproof that should also be performed as soon as possible, preferably the same day; this does not, however, indicate that the reproof cannot be done the next day, like the annulment of the wife’s vow.

is also evident from another Qumran fragment referring to the same topic. We read in 4Q267 Frag. 9 I: 1: “[If he was silent from day to day and [from month to month [and in his wrath charge him with a capital offense. . . .”¹⁷⁶ It is unquestionable that the time limits in both these passages were not intended to be taken literally; the aim in both cases was to preclude unwarranted delay of the reproof.

As further evidence, we may note that the protasis in 1QSV: 24–25, which is parallel to the decree of CD but stated in a positive rather than a negative form, indicates the main scope of the succeeding apodosis.¹⁷⁷ And finally, the author of 11QT LIV: 3,¹⁷⁸ which refers to the biblical time limit for the husband’s annulment, does not use this ambiguous phrase for the justification of his decision. He uses instead the more precise biblical phrase “in the day that he heard them” (Num 30:15). The rabbinic disputes about the exact time limit here—that is, whether it means during the day or during a twenty-four hour period—are also founded upon the interpretation of this phrase, not on the ambiguous expression “from day to day.”¹⁷⁹ We must also note that the expression

¹⁷⁶ This is the reconstruction and translation of J. M. Baumgarten, 1996. It may be taken as reliable because it is the only wording that fits into the context of the fragment and compares with other MSS on this subject. At any rate, the phrase “from month to month,” the evidence for our understanding of this rule, is authentic.

¹⁷⁷ We read there: “One should reproach one another in truth, in meekness and in compassionate love for one’s fellow *vacat*.” The motive of the reproach is to prevent the other from sinning again; to do it with love calls for doing it in private, avoiding slandering him in public. The following phrase, literally translated “but instead reproach him that day” does not imply that it must be done on the same day, but should be interpreted as to reproach him “without delay.” The unclear ending of the term **ביום** makes it even more difficult to reveal the author’s exact intentions. At any rate, this expression definitely has no connection with the biblical dictum in Num 30: 15. It does not employ the expression **מיום אל יום**, used there; further, the time aspect is linked to the expression “to reprove him,” not to the term “he remained silent” as in Num and in CD IX: 6. The objective of QS is the exhortation that a virtuous deed should be performed promptly. One may even speculate that this may have been the intent of Num. 30:15, which shows a certain inconsistency, in the same verse, between the indefinite term “from day to day/from one day to another” and the more precise term “in the day that he heard them” (KJV). The NIV translates “when he hears about them.” The LXX translates ἢ ἂν ἡμέρᾳ ἀκούσῃ; although this expression occurs in ancient Greek with the meaning “in the course of the day,” the preposition μετὰ (in v. 16) in connection with time appears also as “after/next to.”

¹⁷⁸ We read there: “her husband may confirm it or may annul it on the day he hears it [ביום שומעו]” (LIV: 3). The father’s prerogative to annul his daughter’s vow utilizes the identical expression: “but if her father forbids her on the day he hears it [ביום שומעו]” (LIII: 20).

¹⁷⁹ In a rhetorical deliberation in *b. Ned* 76b, on the different meanings of the two apparently contradictory expressions, an opinion is raised that the expression

מיום ליום utilized in the CD is not identical with the expression מיום אל יום used in Num 30:15 in connection with vow annulment. Moreover, neither biblical expression, when used elsewhere, seems to imply “on the same day.”¹⁸⁰

Fishbane’s assumption that one must reprove the offender on the same day is also illogical. The transgression of the accuser lies in the fact that he does not reprove his fellow, preventing him from defending himself, denying or explaining his deed, before he is publicly accused. By this conduct, the accuser indicates that his accusation is motivated by revenge and hate, which are prohibited by the law, and not by any constructive attempt to promote adherence to the laws. This misdeed occurs at the very moment when he accuses his neighbour, or tells the elders, without rebuking the offender first; it does not occur simply by his passively letting the day go by on which he first became aware of his neighbour’s misdeed. It is therefore logical that even if he rebukes him days after he became aware of the misdeed, but before accusing him or telling the elders, he still has not done any harm, nor has he demonstrated a desire for revenge, the motive behind Qumran’s rule; hence his behaviour should not be censured.

I also question Fishbane’s assessment of the exegetical method reflected in the CD; just as the *gezerah shavah* analogy does not apply in this instance, neither does Fishbane’s proposed *zekher ledavar*. This rabbinic exegetical method is applied in a totally different circumstance: when it is possible to deduce a fact that justifies or explains a rule from another biblical verse that has no legal relation to the first verse, and which simply mentions such fact. There are many examples of this method in the Mishnah, Tosefta and *Gem.*; I select the following from the Mishnah.¹⁸¹ We read in *m. Shabb.* 9:4: “How do we know that anointing is similar to drinking [i.e. similarly prohibited] on the Day of Atonement? Although we have no [biblical] evidence for it, we have a casual reference [to the association between drinking and anointing], as it is said: ‘it entered into his body like water, into his bones like oil’

מיום אל יום would have been understood to mean “from the day of the week to the [same] day of the week [that is, for example, from Sunday to Sunday next].” We observe the ambiguity of this expression.

¹⁸⁰ See n. 25 for an extensive deliberation on the meaning of these expressions in the Bible; rabbinic exegesis states that with respect to the annulment law, the intention is “on that day.”

¹⁸¹ Several other sources are: *m. Shabb.* 8:7, *m. Sanh.* 8:2, *t. Shev.* 4:2, *b. Shabb.* 20a, 134b.

[Ps 109:18].” The quoted verse has no relation to the Day of Atonement rules, but it offers a casual reference to the association of drinking and anointing. In our case, there is no such reference in the biblical text that could relate to the CD’s halakah. Nor is this an example of the exegetical method “a hint to the matter [justifying/explaining it],” which is also applied in an entirely different way.¹⁸² A similar confusion, it seems to me, affects Slomovic’s use of these rabbinic exegetical formulas.¹⁸³

I have many comments on Fishbane’s explanations and his reference to pseudo-rabbinic exegetical methods, such as *דיוק* *diyyuq* and *רבותא* *revuta*,¹⁸⁴ but since this is not within the scope of my study, I shall limit

¹⁸² In *b. Shabb.* 103b, there are attempts to reveal some biblical foundation for the rabbinically instituted water libation on the Sukkot festival. One argument is based on the three last letters, מ י מ, of the Hebrew terms used in the list of the offerings in Num 29:12–34 with respect to this festival. The list of offerings has some irregularities. In v. 18, the offerings of the second day end with the term ונסכיהם in plural, those of the sixth day with the term ונסכיה (v. 31) in singular, and those of the seventh day with the term כמשפטם (v. 33) in plural. The homily, as we observe, arbitrarily chose these terms to reach the desired letters מים “water.”

¹⁸³ E. Slomovic, 1969, comparing rabbinic and Qumran exegetical principles, alleges that the rabbinic formulas *zekher ledavar* and *siman ledavar*, “a pointer to the matter,” were used by the Rabbis and the Qumran Sages as mnemonics. I question whether the Qumran authors would have needed to use mnemonic aids, since they wrote down their decrees. Moreover, the Rabbis definitely do not use the formula *zekher ledavar* as a mnemonic. In some instances, the phrase *siman ledavar* may be functioning as a mnemonic, as in *t. Ber.* 1:1: “a pointer to the matter [the time for the evening prayer] is when the stars come out”; but in most occurrences this is not the case. We read in *b. Ber.* 31a, for instance: “When praying, one must direct one’s heart to heaven. Abba Saul says: a pointer to this is [Ps 10: 17] ‘You listen to [the cry of] their hearts.’” In this occurrence the phrase is a hint to or a support for the antecedent rule, and not a mnemonic aid. The phrase *zekher ledavar* is always used as this type of indirect support for a rule, and never as a mnemonic aid. In the above-cited *t. Ber.* the subsequent point states: “Although we have no evidence for it [i.e. that the evening starts when the stars come out] we have a casual reference to it, as it is written [in Neh 4:15; 4:21 in KJV] ‘and half of them held the spears from the first light of dawn till the stars came out.’” The expression *zekher ledavar* serves here, as elsewhere, as a support.

¹⁸⁴ He explains: “*Diyyuk*—‘close linguistic examination,’ and *revuta* by which a feature of the written text—here, the masculine pronoun—was understood to ‘include’ something else.” *Diyyuq* is not used in rabbinic exegesis; two Aramaic variations of this term are used in amoraic deliberations to imply that the Amora has expressed his declaration on the basis of a close linguistic examination of the Mishnah. I will quote one example from *b. Shabb.* 37b: “Rav Ashi had let us know the exact intent of the Mishnah.” *Revuta* has an entirely different meaning. It is usually an interrogative: What is the novelty the Mishnah or the Amora has disclosed in its/his declaration? For example, we read in *b. Ketub.* 67b: “[In a deliberation on the extent to which the Torah commands one to sustain a poor man, a story is told to show that some people have done more than their duty]: They provided a portion of meat to a poor man every day. [Question:] What is extraordinary in that [as they are obliged by the Torah law to feed him]? Rav Huna said: They provided him with [expensive and superior] chicken meat [which they are not obliged to do].” This is the regular use of this expression. There is one occurrence,

myself to two additional examples. The first example is related to Fishbane's application of *revuta* exegesis in connection with CD-A V: 7–10: “and they take as a wife the daughter of their brother and the daughter of their sister. But Moses said; ‘Do not approach your mother’s sister, she is a blood relation of your mother [Lev 18:13].’ The law of prohibited marriages is written for males, [but] equally applies for females.” The application of the same prohibition to uncle-niece marriages is, as Fishbane notes, an analogical extension or correlation. He attempts, however, to assign a technical term to it, and posits the rabbinic “...*revuta*, by which a feature of the written text—here the masculine pronoun—was understood to include something else,”¹⁸⁵ as the method behind the CD decision. He does not indicate to which masculine pronoun he refers, but I suspect that it is the pronoun הוּא at the end of Lev 18:13 and 14. These pronouns within the entire MT pericope are orthographically masculine, but one must read them grammatically and contextually as feminine pronouns; the Massoretic vocalization in fact reflects this. At any rate, the Rabbis usually considered the terms היא or הוּא, “she” or “he,” as a limiting/excluding expression, rather than as an extending/including one.¹⁸⁶

I propose that the more accurate term for the extension in this case is the rabbinic rule דבר הכתוב בהוה “Scripture speaks of the ordinary/usual [but this does not exclude other instances].” The Rabbis use this logical method in many occurrences; one example is the reasonable extension of Scripture’s prohibition against eating the flesh of an animal that has been torn by beasts in the field¹⁸⁷ to the meat of an animal torn by beasts in one’s shed.

in *b. Yoma* 22b, in which it has a different meaning: “If it is so, what is the meaning of the phrase: ‘set an ambush in the ravine’ [1 Sam 15:5]....” This rhetorical question is related to a complex homily that distorts the meaning of the phrase, and could mean here something like “What does it come to teach us?” At any rate, it is an extraordinary occurrence in a far-fetched homily, and has no similarity to the CD decision that marriage between nieces and uncles is also prohibited, although Scripture mentions only nephews and aunts in Lev 18:13. I will discuss this issue in the text of the study.

¹⁸⁵ Fishbane, 1988, p. 369.

¹⁸⁶ I shall quote one of the many examples. We read in *b. Qidd.* 43a: “[It is written in Lev 17:4] ‘the man shall be considered guilty of bloodshed; he has shed blood.’ [The term] ‘he’ [teaches us that it is] he, and not his agent, he, but not one who was coerced, he, but not one who acted inadvertently, he, but not one who acted by mistake [unaware of the fact or the law].”

¹⁸⁷ We read in Deut 22:30: וּבֶשֶׁר בְּשֹׂדֵה טֶדֶפָה לֹא תֹאכְלוּ “you shall not eat any flesh torn to pieces in the field” (KJV translation of v. 31). The *Mekhilla deRabbi Yishmael, Mishpatim, parshah* 20 uses the maxim: דְּבַר הַכְּתוּב בְּהוּה, “this is the usual case”; that is, Scripture mentions the field as that is the usual place an animal is torn apart by a beast, but the same rule applies if the animal was attacked, for instance, in the shed. The *Mekhilla* compares this to the exemption from military service for the man who planted

Analysis of the CD text demonstrates, in my opinion, that this is the author's justification for his decision. He emphasizes that Scripture indeed has written the laws of prohibited marriages for males, but they apply equally for females.¹⁸⁸ Since a man cannot marry his aunt, an aunt cannot marry her nephew; and considering that the law is equally applied to men and women, it also results that an uncle cannot marry his niece.¹⁸⁹ It is not by chance that for the justification of his decision, related to the rule in Lev 18:13, the author quotes the end of v. 14 that refers to another rule. He thus justifies his point of view—**וכהם הנשים**, “[the laws of prohibited marriages apply] equally for men and women”—by positing the scriptural equalization of **ערוה אביך** “the nakedness of your father” with **ערוה אמך** “the nakedness of your mother.”¹⁹⁰

The second example will further demonstrate my views on the method required to analyze Qumran texts, propose plausible motives for their decisions, and effect a reasonable comparison to rabbinic exegetical methods. This example refers to the rule in QT XVII: 6–9 that only men of twenty years and older are ordered to celebrate and eat the Passover sacrifice. Fishbane perceives the scriptural command, “The whole

a vineyard and had not begun to enjoy it (Deut 20:6), applying it logically to those who happened to plant trees other than vines. The law prohibiting the cooking of a kid in its mother's milk is similarly extended in the *Mekhilta* to all animals, by the same maxim; Scripture's mention of a kid, in other words, was incidental.

¹⁸⁸ Cf. D. R. Schwartz, 1992, who perceives “priestly realism” as the basis of this CD decision, in contrast to rabbinic “nominalism” (pp. 230–231). I do concur with Schwartz that the Rabbis had a nominalistic/legalistic approach to the biblical text (see Heger, 2003, p. 94), but they used it selectively; for instance, they employed this exegetical method for the torn animal, but not for the law concerning marrying a niece. Further, the Rabbis frequently considered the practical consequences of a decision and overrode the legalistic interpretation of a rule; hence realism also played an important role in their halakhic thinking. Schwartz seems to ignore the significance of exegesis as a factor in the creation of Qumran halakhah. Though an analysis of the examples cited by Schwartz is not within the scope of this study, I will mention one issue, the Qumran precept that consumption of the Passover offering was restricted to men twenty years of age and over. One must assume that in that period a person was considered mature before age twenty; thus Qumran's restriction was not founded upon realistic considerations, but on a legalistic approach, based on exegesis of the relevant scriptural verses (as I have argued throughout this work). I conjecture that the Qumran Sages, like the Rabbis, had no rigorously applied methods. Though they had a set of rules, philosophically-founded, that were used in the majority of cases, they did use other methods on occasions when these fundamental rules did not seem appropriate. See, e.g. Heger, 2003, pp. 380–381, on the dispute regarding *nitzoq*, the “liquid stream,” quoted in 4QMMT Frag. 8, Col. IV.

¹⁸⁹ See also H. K. Harrington, 1998, p. 173.

¹⁹⁰ We read in Lev 18:7: **ערוה אביך וערוה אמך לא תגלה**. The Karaite Judah Hadassi also develops his extensive list of forbidden marriages based on the equation between man and woman (1836, p. 117).

community [כל עדת] of Israel must celebrate it [אתו],¹⁹¹ as “addressed to the entire congregation of Israel,” including children;¹⁹² he therefore assumes and attempts to find a restrictive exegesis, a *mi'uta*, for the justification of this restrictive TS decision. The expression proposed as the basis of this exegesis, אתו “that/it,” is indeed a restrictive term, utilized by the Rabbis,¹⁹³ but in this case it would refer to a restriction on the sacrifice, and not to the people who are commanded to celebrate it. But I think that the TS author did not need any restrictive exegesis to establish his decision. As I understand it, it is the result of simply “grouping and collating parallel texts,” as Vermes calls this Qumran method, or “homogenization,” as Milgrom calls it.¹⁹⁴

Scripture commands the Passover sacrifice and establishes its rules with respect to “the whole community of Israel,” but does not indicate in this instance who is included in this designation—children, women, the disabled, etcetera, or only men of a certain age. In other instances of the use of the designations “the whole community” and “the whole community of Israel,” however, there is a clear indication of their exact meanings. In Num 1:2–3; 1:18 and 26:2, it is exclusively men of twenty years and older who are included in the relevant command.¹⁹⁵ No restrictive exegesis is necessary to establish such a rule; Scripture does not indicate any other age requirement designating a man’s maturity, and thus there is no contradiction with other sources. In fact, I postulate that these biblical verses were the foundation of the Qumran requirement establishing the age of twenty as the threshold for joining the community; the language of the above verses is utilized by the Qumran author in the pronouncement of this rule.¹⁹⁶ This age of twenty was not connected to

¹⁹¹ This phrase appears three times in Scripture, solely in relation to the Passover sacrifice: Exod 12:47; Num 9:11 and 12.

¹⁹² P. 371.

¹⁹³ I will cite a few of the many examples. We read in *b. Qidd.* 29a the answer to the question: How do we know that circumcision does not apply to women? “[It is written in the record of Isaac being circumcised by Abraham in Gen 21:4] ‘as God commanded him’ [אותו, and this means] him [a male] and not her [a female].” We read in *Sifra Emor* 8: “[It is written in Lev 22:28 ‘do not slaughter a cow or a sheep and its young on the same day,’ and this comes to teach us that it refers to] only their offspring but not their brothers.” We read in *y. Sotah* 3:8, 19c: “Only a man is hanged, but not a woman, because [it is written] ‘hang him on a tree’ [Deut 21:22] but not her.”

¹⁹⁴ J. Milgrom, 1994.

¹⁹⁵ I will quote one verse, Num 1:18, since the others are similar: “And they called the whole community together on the first day of the second month. The people indicated their ancestry by their clans and families, and the men twenty years old or more were listed by name, one by one.”

¹⁹⁶ See 1Q28a, Rule of the Congregation I; 8–9, which reads: “At the age of twenty

the ability to go to war as a soldier, or other duties that were postponed by the dissidents to the age of twenty-five¹⁹⁷ and older;¹⁹⁸ but these particular requirements of age do not directly apply to biblical commands and could thus differ from the scripturally established age requirement. The age of twenty signified the passage from childhood into maturity,¹⁹⁹ and becoming a member of the sacred community. The identical age requirement is found with respect to acting as a witness (4QD^e Frag. 6, IV: 13–14), and sprinkling the purification water (4QD^f II: 13); in these instances too the required attribute is: “to pass among those who are enrolled.” It also fits with the obligation in 4Q159²⁰⁰ regarding the once-in-a-lifetime donation of the half sheqel at the age of twenty, in accordance with Exod 30:12–14. Thus the requirement of the age of twenty to join the holy community was not deduced in any way by a

years, he will transfer to those enrolled, to enter the lot amongst his family and join the holy community.”

¹⁹⁷ See War Scroll, 1QM VII: 3. Under the age of twenty-five, he was not allowed to enter the camp of the warriors. I think that an inadvertent error was committed by J. M. Baumgarten, 1995. He translates the requirement in 4Q271 Frag. 2:13 as “any lad who has not yet reached the age of military service.” Though Num 1:2–3; 1:18 and 26:2 require the age of twenty to be counted as apt for military service, the Qumran group required the age of twenty-five for that duty. On the other hand, I would agree that for sprinkling the purifying water, the age of twenty sufficed, since one became a member of the Community at that age, but was not apt for military service until the age of twenty-five. Qumran had other requirements than Scripture regarding the age for military service, but at the age of twenty he fulfilled the requirement of “to transfer to those who are enrolled.”

¹⁹⁸ See War Scroll, 1QM VII: 1–4, CD X: 6–8 and XIV: 7–9 and Rule of the Congregation I: 12–18.

¹⁹⁹ Before the age of twenty, he was not allowed to marry. See 1Q28a, Rule of the Congregation I: 9–11. We may deduce from this dictum that reaching maturity in Qumran was related not to physical sexual maturity, as the Rabbis decided, but to complete mental maturity, required for membership in a much-demanding ideological community, and also for marriage. We read there the motive behind the requirement: “until he is fully twenty years old, when he knows good and evil.” I would speculate that they thought that such mental maturity was indispensable to avoid being tempted by women. The concept of knowledge to distinguish between good and evil certainly alludes to the narrative in Gen chaps. 2 and 3 on the sin that was deemed to have been instigated by the woman and exacerbated by the man’s failure to resist temptation. Such an attitude would fit into their overall cautious approach to women and to the general public opinion at that time, as we know from other documents from that period. Cf. L. H. Schiffman, 1983, p. 65, who, explaining Qumran’s requirement of age twenty for maturity, marriage, testimony, etc., writes: “Twenty was viewed in ancient Judaism as the age by which puberty, hence majority, was always completed in normal cases.” I think that puberty was the required standard of the Rabbis, whereas the above-cited Qumran text does not relate to physical puberty.

²⁰⁰ Although the age of twenty does not appear there, it is obvious from the text that it refers to the time and age when he became a member of the Community. The words used, “a ransom for his life,” repeat the biblical text in Exod 30:12.

mi'uta exegesis, but was derived from a straightforward reading²⁰¹ of the above verses in Exod and Num.²⁰²

²⁰¹ H. K. Harrington (2000, p. 77), writes that the interpretations of the biblical law in the Scrolls “are logical, straightforward interpretations of Scripture.” Although I am using the identical attributes in my analysis of the Qumran laws and their relations to the biblical text, I would hesitate to use such a general statement, particularly when indicated in a comparison with the rabbinic laws. As I have attempted to demonstrate in my study, the Rabbis and the Qumran scholars each used both logical and straightforward exegeses and far-fetched exegeses. The New Festivals of the TS, for example (and this is only one of many) could definitely not have been deduced from a straightforward reading of the biblical text; nor were the rabbinic solutions of the ambiguous biblical texts on the issue of the Feast of Weeks, as I demonstrated. The rabbinic Sabbath laws are “suspended by a hair” as the Rabbis confess (*m. Hag.* 1:8), but so are the Qumran Sabbath laws. Harrington quotes as an example the Qumran law that forbids the carrying of a child from one entity to another (CD XI: 11 reads: “The nurse should not carry the baby to go out or come in on the Sabbath,” not just “picking it up,” as Harrington states, p. 76). The Rabbis also forbid this unless the baby is already at a stage where he can raise his legs by himself, and is only aided by the adult in his walk. We read in *m. Shabb.* 18:2: “A woman may pull her son along [on Sabbath]. Rabbi Judah said: This permission is conditional on him [the child] being able to raise one [leg] and put one down, but if she has to pull him, it is forbidden.” The Rabbis allowed the carrying of a man because of the logical/factual consideration that “a living person carries himself” (*b. Shabb.* 141b); we don’t know the parallel Qumran halakhah. The much-discussed dispute about the purity law of the *nitsoq* has no root in a distinct exegesis; it is a dispute of fact, rather than of law (see Heger, 2003, Appendix, pp. 380–1 on this issue, and chap. 4 subchapter 4.2.2.3). Harrington alleges that the CD XI: 10 prohibition against lifting a stone or dust/earth on Sabbath is due to the quest to achieve maximal holiness (p. 84). I conjecture that this rule is founded on the principle of *muqtzeh*, also prevalent in rabbinic law. We read in *m. Shabb.* 21:2: “[If one inadvertently put a stone on the aperture of a barrel, as the *Gem.* in *b. Shabb.* 125b supplements] he may incline the barrel so that the stone falls of its own accord [but he must not lift the stone, as that is *muqtzeh*].” The *Gem.* explains that if one intentionally puts the stone on the aperture of the barrel for some precise purpose, he may not move the barrel, because it becomes a base for the stone, and like the stone is also *muqtzeh*. The rabbinic and Qumran rules are identical and equally strict in this case, and both originate from far-fetched exegeses (or at least are utterly devoid of any scriptural source). As I have argued, the decisive distinction between the Rabbis and Qumran scholars is their basic philosophical approach with respect to the authority of interpretation. The Rabbis granted significance to practical issues, as we have seen in a number of instances, and justified them through exegeses remote from Scripture, whereas the Qumran group did not consider practical issues in their decisions. See for example the decree in LII 13b—that one may not slaughter any pure animal, suitable for offerings, unless one is distant from Jerusalem by at least a three days’ walk. The result of this restriction is that it is more or less prohibited to slaughter such animals for consumption in the entire land of Israel. The Rabbis, for practical reasons, bent the biblical ban that allows such slaughter only at a distant place, and decided that even in Jerusalem but outside the *עזרה*, the Temple’s precinct, secular slaughter is permitted (*Sifra, Dibura deNedawah* 13). For an analysis of the background of rabbinic and dissident rules, see Heger, 2003, Appendix, pp. 377–384. I see no need to explain Qumran’s strict interpretation as due to their priestly dominance, as suggested by D. R. Schwartz, 1992. On the other hand, his statement that their decisions were guided by the principle of what would most please God has some affinity with my proposition, in the sense that God’s word has ultimate priority even over essential human necessities; see, for example, their attitude regarding the rule of “saving life” (pp. 139ff.).

²⁰² I wonder that J. M. Baumgarten, 1998, does not refer to the plain meaning of

We must ask why the Rabbis ‘overlooked’ this clear biblical evidence. Other biblical references to a concept of “the whole community” were logically understood as not literally including everybody; a cogent example is the execution of the wood gatherer on Sabbath, in Num 15:35–36.²⁰³ Moreover, the Rabbis usually applied restrictive exegesis to the term **אִישׁ**, “man,” to exclude minors (“[it is written] a man and not a child/minor”) or women (“a man and not a woman”). Yet such restrictions were not applied to the commands related to the Passover sacrifice, as for example in Num 9:10 and 13 with their rules for the Passover offering, in which the term **אִישׁ** “man” appears. I speculate that the Rabbis decided that it would be wise to encourage the participation of the youth in the celebration of the liberation from Egypt, to inculcate belief in this most significant national epic, and preferred to ignore²⁰⁴ the apparently contrary text, of which they were well aware. They may have been influenced particularly in this case by the fact that Scripture promotes the participation of youngsters in an intimate and continual retelling of this saga.²⁰⁵ As I have argued, this method of accommodating the text to societal needs is common in rabbinic interpretation.²⁰⁶

the term **עָדָה**, and considers the Qumran rule as a “sectarian stringency” (p. 31). He quotes other biblical verses as the plausible source of this sectarian rule, but at the same time states that the rule of the Karaites, who generally attempted to keep strictly to the simple meaning of the text, is identical with that of Qumran. I assume that the Karaite writing *Aderet Eliyahu*, quoted by Baumgarten, relied on the biblical verses stating that only men aged twenty are included in the term **עָדָה**.

²⁰³ We read there that “the whole assembly” was commanded to pelt him with stones, and so they did. We must not suppose that this referred to all the people, including women and children.

²⁰⁴ R. Kasher, 1988, p. 580, writes: “The prevalent moral views and daily realities of the time of the Sages resulted in an interpretation so narrow as to annul the written biblical law.” See also Heger, 2003, p. 118, n. 73 on the Rabbis’ subversion of the plain meaning of biblical texts.

²⁰⁵ We read in Exod 13:14 and in a similar text in Deut 6:21: “In the days to come, when your son asks you, ‘What does this mean?’ Say to him, ‘With a mighty hand the Lord brought us out of Egypt, out of the land of slavery.’”

²⁰⁶ At the ‘alleged’ renowned dispute and debate with the Sadducees about the performance of the incense celebration in the Holy of Holies by the High Priest, on the Day of Atonement, it seems that the Sadducean interpretation of the biblical command represents more authentically its simple understanding. It is interesting that Maimonides, when he quotes this halakhah in *Hil. Avodat Yom HaKippurim* 1:7, cites the ‘alleged’ interpretation of the relevant biblical command, but does not cite the opposed rabbinic interpretation. He bluntly declares that we know **מִפִּי הַשְּׂמוּעָה** “from hearing/tradition” that one has to perform the celebration as the Rabbis decided. The term “from hearing/tradition” has the connotation “heard [from the root **שמע**] from the Deity at Sinai.” This style indicates that in reality the Sadducees’ interpretation is the

2.4.2 *Nitzan's Analysis*²⁰⁷

Nitzan causes confusion by combining two distinct TS rules that have no relation to one another, likely due to a misapprehension of the intricate sacrificial laws. The rule of XXXIV: 12–13: “bullock by bullock and its pieces with it and its cereal offering of finest flour upon it, and the wine and of its libation with it and its oil upon it,” has nothing in common with the TS rule that the Sin offerings must also be complemented by the auxiliary grain offering and libations, as Nitzan supposes. This rule is not explicitly singled out, but appears as self-understood in the texts decreeing the holiday offerings; for instance, XVII: 14 regarding the Passover offerings states clearly: “and one he-goat for the sin offering, together with their [auxiliary grain] offering (s) and libation(s).”²⁰⁸ Both rules conflict with rabbinic regulations; Yadin has drawn attention to this, quoting the relevant rabbinic sources.²⁰⁹ The rabbinic regulations are deduced from different scriptural verses, and Yadin’s assumptions about the TS decisions are also derived from different biblical decrees. The topic of separation in the rule of XXXIV does not refer to the “separation between the act of sacrificing the animals and these additional offerings,” as Nitzan writes,²¹⁰ but to the rule that does not allow the mixing of the grain and libation from one offering with those of another. Rabbinic rules do allow this. The obligation to offer the auxiliary offering with the Sin offering is the result of inconsistencies in the MT that indicate such a possibility. We do not know whether the TS author had another *Vorlage* in his possession, or whether he interpreted

correct one, but we know from tradition that the Rabbis’ opinion is the one intended by God.

²⁰⁷ B. Nitzan, 2003.

²⁰⁸ I have put the plural ending(s) in brackets, because the grammatically correct translations are in singular; the pronominal suffixes in the text indicate more than one offering, but “auxiliary” and “libation,” in singular. The terms *ומנחתמה ונסכמה* in the TS text correspond with *ומנחתם ונסכם* in biblical Hebrew, which must also be translated in singular. The correct form for plural offerings with plural auxiliaries and libations would be *ומנחיהמה ונסכיהמה*, as appears, for example in Num 28:31 regarding libations. Despite this grammatical irregularity, however, we must still interpret the TS rule above as “and their offerings and libations”; in XXV: 14 the identical grammatical forms are used, but from the addition of *לבד*, “besides,” it is evident that the author intended an auxiliary offering and libation for *each* of the aforementioned offerings. The TS text on the daily Passover offerings is completely different from that of the MT.

²⁰⁹ TS Vol. I, p. 118 and pp. 114ff., Hebrew.

²¹⁰ P. 357.

the biblical inconsistencies differently than the Rabbis.²¹¹ These inconsistencies are discussed in detail in Chapter 4 subchapter 4.2.2.4.

2.5 *Comparing the Styles*

We may now consider the second theme of the study: the different styles of rabbinic and Qumran writings, and the foundations of this diversity.

We must first distinguish between the biblical and the non-biblical writings of Qumran.²¹² The biblical writings, and particularly the Pentateuch,²¹³ show a remarkable similarity to the MT.²¹⁴ Biblical quotes in the non-biblical writings display changes from the MT wording, and a more drastic practice of citing biblical texts blended with exegesis. The latter practice is found in both the halakhic and homiletic literature of Qumran. Furthermore, the Qumran writers mixed biblical texts from various sources, and added supplementary decrees, creating the impression that such texts were uttered by God. Scholars coined the name ‘Rewritten Torah’ for such texts. I will attempt to explain the basis of this particular mode of decision-making and writing, which are distinct from the later rabbinic styles, as motivated by specific historical circumstances, and by a fundamentally different philosophical-theological belief. I will question

²¹¹ This contingency does not contradict my proposition that the TS text is assumed to have been received directly by its author, subsequent to the Torah received by Moses (pp. 133ff.). The TS contains many commands that also appear in Moses’ Torah; the TS does not contradict the Torah precepts, but rather complements them with precise details and new ordinances. The New Festivals are not declared to be holidays with a prohibition against work (p. 79). Therefore, the sacrifices ordered in the TS for those days that do not appear in the Torah do not desecrate a holy day; only those sacrifices commanded in the Torah may be offered on Sabbath and holy days. It is not surprising that the TS, a distinct revelation proclaiming new decrees and ordinances, “repeats” biblical decrees; the Torah also has many such instances.

²¹² E. Tov, 1998, pp. 281ff., makes this division and classifies the non-biblical texts into three categories, discussing each one separately.

²¹³ See a detailed catalogue of all the Pentateuchal passages and their biblical parallels in David L. Washburn, 2002, pp. 11–75.

²¹⁴ Tov, 1998, asserts that 35% of all biblical writings found in Qumran (the greatest percentage) point to an origin in proto-masoretic or proto-rabbinic *Vorlagen*, and indicate the predominant status of this version. The Pentateuchal writings found at the other five sites (such as Massada and Nahal Hever) display closeness to the MT (pp. 2–3). M. Burrows, 1948 and 1949, had already noted that even the Isaiah scroll “agrees with the MT to a remarkable degree.”

whether it was indeed their intention to re-write the Torah, to replace it,²¹⁵ and whether the attribute 'Re-written Torah' is thus justified.

The particular Qumranic styles are a reflection, in my opinion, of two entwined phenomena. The first is the general *laissez-faire* attitude towards the biblical texts in that period, and the second is the particular ideology that influenced the adaptation of the biblical texts through modifications and additions. This general *laissez-faire* attitude explains the fluidity of the text and accounts for the co-existence of different "versions" of the biblical text; I refer here to minor variants that do not reflect any ideologically-founded modifications. The 'inaccurate' biblical citations in the non-biblical writings are also the result of this general attitude. The major variants are ideologically-grounded and reflect, in the non-biblical writings, the distinct philosophical/theological background of their authors/redactors. We may compare these to the major variants in the Samaritan biblical text. The interlacing of biblical texts and exegesis²¹⁶ in the Qumran non-biblical writings is probably due to both the general *laissez-faire* attitude and the differing theology of the Qumranites. In particular, it is the Qumran belief in revelation as the source of their interpretative authority, a major element of their ideology, which shaped both their halakhic decisions and their literary style. Divinely inspired interpretation became an integral element of revelation.

I will now elaborate on the above propositions, and give supporting evidence to substantiate them; some examples may relate to the previously discussed topic, since they are, in my opinion, interconnected elements of a complex theme.

2.5.1 *The General Laissez-faire Attitude and the Fluidity of the Text*

It is clear that the circumstances in the pre-70, sectarian period, before the Bible's canonization, were utterly different from those in the post-70

²¹⁵ G. J. Brooke, 2002, p. 33, writes: "Rewritten scriptural compositions do not seem to have been composed to replace the authoritative sources which they reworked; all operate some kind of interpretative strategy."

²¹⁶ S. W. Crawford, 1994, p. 262, describes the style of a fragment labeled 4Q Reworked Pentateuch: "The text flows out of biblical and into nonbiblical material as if there were no difference between the two."

rabbinic period after the canonization.²¹⁷ As E. Ulrich²¹⁸ and P. Flint²¹⁹ have noted, in the earlier period there was no universal consensus, even on the issue of which writings were considered part of Scripture, and which were excluded;²²⁰ nor was the order of the books established. Such

²¹⁷ S. Talmon, 2000, p. 42, writes that because of the Temple's destruction and its impact on the social life of Israel, "it became imperative to propagate a uniform version of the biblical books . . . to serve as a unifying sector of Jewry." In 2002, p. 14, he states that it is *opinio communis* that the canon was established in the late first or second century C.E. He also states that since the Qumran community did not use Torah reading as a liturgical element, there was no need for a unified text (p. 15). Ulrich, 1999, pp. 89–90, writes that in the late Second Temple period the Bible was not yet a unified book, but various sacred compositions or books were viewed as classical and authoritative. S. W. Crawford, 2005, pp. 136–7, writes: "Reworked Pentateuch takes us into a gray area with fluid boundaries between 'biblical' and 'rewritten.' Lacking definitive evidence, the question must remain unresolved."

²¹⁸ Ulrich, 1999, pp. 20ff.

²¹⁹ See n. 221.

²²⁰ We read in *m. Yād.* 3:5: "Rabbi Akiva said: Do not think that any Israelite disputed whether Canticles is holy of holies or whether it does not make the hands impure [as do the other canonical books of the Torah], because the day when Canticles was given [by God] was as worthy as [the creation of] the whole world. So what [text] did they dispute about? Ecclesiastes." We observe that at this late period there was still some dispute as to which writings were included in the canon. Similarly, we have seen (Note 157) that there had been an intention to exclude the Book of Ezekiel from the canon, and make it disappear; only appropriate exegesis enabled its inclusion in the canon. The apocryphal books disappeared from Jewish 'bookcases,' through the Sages' effective censorship. E. Tov and B. Nitzan 2001, give the impression that the Rabbis prohibited reading the apocryphal books because of the lack of division in them between biblical quotes and interpretation, a division that the Rabbis maintained (p. 75). I contemplate that the Rabbis' motive for the complete elimination of these books, except *The Wisdom of ben Sirah*, was their objection to the ideas and conflicting halakhot of these books, rather than the interjection of interpretation into the biblical texts. The Rabbis may have perceived some of these books as heretical, as for example, the pronouncements in *Enoch* and *Jubilees* alleging the divine origin of their sayings, written on tablets from heaven. Such a pronouncement seems similar to that for which Jesus was accused of blasphemy in Matt 26:65. Rabbi Akiva in *m. Sanh.* 10:1 includes those reading the "apocryphal books" among the heretics, those who deny the resurrection of the dead and those who deny the divine origin of the Torah. Such a designation would not include those reading the book of *ben Sirah*. Another version of Rabbi Akiva's declaration is quoted in *b. Sanh.* 100b, referring to those who read "books of heretics." From *b. B. Qam.* 92b, among other passages, we see that the Rabbis had a thorough knowledge of *ben Sirah*, either possessing an Aramaic version, or translating it in their citations as support for their declarations. In *b. Sanh* 100b the reason for the prohibition against *ben Sirah*'s work is discussed at length; the statement of one Amora, Rav Joseph, forms the basis of the presumption of Tov and Nitzan that this book was included in the prohibition like the other apocryphal writings. After a lengthy perusal of many of the statements in this work that are identical with acknowledged rabbinic pronouncements, they pick one citation that they assume may have been behind Rav Joseph's prohibition. As mentioned above, however, the Rabbis' quotations of many of the work's sayings demonstrate that they did indeed study it and knew its various aphorisms by heart; they did not agree with Rav Joseph's

matters were decided within each community.²²¹ As we know, Qumran had a greater range of holy writings than that in the later-established rabbinic canon. Moreover, the research of Ulrich, endorsed by other scholars,²²² indicates a period in which the approach to the biblical text was utterly dissimilar to that of later generations.²²³ The fact that we find in the Qumran library biblical texts that show different *Vorlagen*²²⁴ demonstrates the fluidity of the biblical text in this period,²²⁵ as well as the fact that the Qumranites did not grant significance to this diversity, as Tov asserts.²²⁶ The various orthographic systems and the different script types, paleographic and square, found in Qumran biblical writings further substantiate the existence of this fluidity. The fixing of the scriptural text took place in the period between the writings of Qumran and the redaction of rabbinic literature, and we should therefore not be baffled by the lack of precision in biblical quotations in the Qumran

opinion, and there is no foundation in rabbinic literature for a prohibition against reading this work. See also ch. 4 n. 97 on this issue.

²²¹ In the same way that the Sages included the book of Ezekiel in the canon despite their awareness that it contains decrees contradictory to the Torah, the sectarians may have embraced the apocryphal books as holy writings. We may speculate that they too did not agree to everything written in these books, just as the Sages accepted Ezekiel without agreeing with all its decrees. A. Lange, 2002, p. 22, writes that different groups of Second Temple Judaism adhered to different collections of Scripture; further, the collection of authoritative scriptures differed distinctly from the canon of the later Hebrew Bible. He also asserts that the Essenes had no preference for any particular text type (p. 27). Peter Flint, 2003, p. 278, writes that Jewish writings from about 200 B.C.E. to about 100 C.E. show “that there was widespread agreement among Jewish groups on the scriptural or authoritative status of many books, and perhaps less agreement on others.”

²²² See, e.g., D. Dimant, 1999, p. 47.

²²³ E. Tov, 1989, discerns four systems in the Qumran biblical library: conservative (ancient), pre-rabbinic (pre-Massoretic), pre-Samaritan and Hasmonean. Earlier manuscripts, or parts of them, were copied over many generations and at the same time adapted to the contemporary ways of writing, without any objections to the divergences (p. 178).

²²⁴ E. Tov, 1998, classifying the biblical Qumran writings, affirms that in addition to the 35% of the writings that indicate proto-Massoretic *Vorlagen*, 15% show proto-Samaritan origin, and 5% LXX origin. The others cannot be classified in any one of these categories; they display infinite variations, agreeing with different categories in different instances.

²²⁵ James A. Sanders, 2003, p. 411, writes in his conclusion: “The Psalm Scroll [11QPs^a] dating from the second quarter of the first century of the Common Era, highlights both the textual and the canonical fluidity of pre-Masoretic biblical manuscripts.” He admits, however, that this is more in evidence in the Psalter scroll than in other books of the Bible.

²²⁶ E. Tov, 1998, p. 281, writes: “Probably most deviations derive from the author’s free approach.”

literature; we cannot compare them to the fixed Massoretic text²²⁷ and to the much later rabbinic citations of biblical verses. Moreover, we do not possess first-hand writings or traditions of the Pharisees,²²⁸ the presumed predecessors of the Rabbis, so that we might compare their use of Scripture in that period. The later significance attributed to any minor deviation of the text, the absolute holiness of every word and character, the ban against modifying any character of the text, even to correct evident grammatical or syntactical errors—these attitudes had not yet become entrenched.²²⁹

I will now go into some detail about the different types of variants, attempt to explain their roots, and demonstrate that the existence of variant texts was common.

2.5.1.1 *Minor and Major Variations; Versions*

The widespread existence of “various literary editions of Scripture in the Late Second Temple period” is also demonstrated by Ulrich.²³⁰ The variations between the “editions,” and between the biblical books of the same “edition,” were of diverse character, both minor and major.²³¹ The first type, as mentioned, were not ideologically grounded, but were the result of inadvertent copying errors, conscious corrections of a grammatical/syntactical nature deemed necessary by the copyists, replacement of words with synonymous terms,²³² harmonization, abbreviation, stylistic improvements,²³³ and to a certain degree the insertion of additional explicatory data.²³⁴ This phenomenon may be explained

²²⁷ See Brooke, 1997, pp. 87–88, on this issue.

²²⁸ See L. Grabbe, 1997, p. 100.

²²⁹ E. Ulrich, 1999b, p. 38, makes the unusual distinction that the books were canonized but not the text.

²³⁰ E. Ulrich, 1999, p. 10. In 1999b, he writes that the pluriformity of the Qumran texts indicates evolutionary growth, and that up to 66–74 C.E. and even up to 132–135 C.E. there continued to be many sources for these writings.

²³¹ S. Talmon, 1989, p. 127, writes: “Synonymous readings such as have been preserved in various MSS of a particular biblical text are frequently mirrored in the freely varied use of such expressions in the MT itself.” He then cites examples.

²³² I shall quote one example from those cited by R. F. Person Jr., 2002, p. 92. In MT 2 Kgs 25:30 we read: *כל ימי חייו* “all the days of his life”; the LXX in Jer 52:34 has: *ἕως ἀπέθανεν* “until he was dying,” corresponding to the Hebrew *עד יום מותו* “until the day of his death.” In the parallel to this verse in MT Jer 52:34, both synonymous expressions were combined, and we read: “until the day of his death all the days of his life.”

²³³ See G. J. Brooke, 2003, who cites such examples.

²³⁴ Person, 2002, quoting Tov, cites the example of MT Jer 28:4. This reads: “And Yekhoniah son of Yehoyaqim king of Judah...” whereas the LXX parallel in 35:4, probably translated from another *Vorlage*, has only his name: *Ιεζουαβ.*

by the general tolerant attitude regarding biblical writings, as mentioned above; it is rationalized by Talmon and Person as the consequence of the oral culture that influenced the ancient Israelite scribes.²³⁵

Such a tradition of flexibility was common in Israelite scholarship and practised by scribes and authors of a great variety of writings, biblical and non-biblical. I will give several illustrations. We may note first the existence of intra-biblical variations without ideological basis. For instance, we encounter significant variations in the text of Deuteronomy compared to the other Pentateuchal books,²³⁶ and even narratives in the books of the prophets that are in flagrant transgression of Pentateuchal laws.²³⁷ Even the texts of the Ten Commandments in Exod 20 and Deut 5, God's own utterances, show variations. Some of these variations may seem minor, such as the difference between "Remember the Sabbath day" in Exod 20: 8 and "Observe the Sabbath day" in Deut 5:12. Others appear more significant, at least to our modern minds conditioned by textual and literary criticism, such as the different justifications for the Sabbath law in Exod 20:11 and Deut 5:15.²³⁸ Yet it seems that even such acute differences that could not be harmonized²³⁹ did not concern the biblical editor; he perceived them rather as supplementary, or alternative, readings with the identical meaning.²⁴⁰

²³⁵ S. Talmon, 1961, pp. 335–6, characterizes the variants that may be perceived as synonymous readings, and classifies them into four categories. See the example from R. F. Person Jr., 2002, p. 92, cited in n. 232

²³⁶ See B. M. Levinson, 1997.

²³⁷ Samuel was not a descendant of Aaron or Levi, served in the Shilo sanctuary, slept in the Heikhal in the presence of the Ark (1 Sam 3:3) and offered sacrifices (1 Sam 7:9). The Rabbis maintain that he was a Levite, on the basis of an odd chronological statement in 1 Chr 6:13, but nevertheless they declare that three transgressions were permitted at that sacrifice: the burning of the entire lamb together with its skin, the sacrifice of a young lamb less than seven days, and Samuel being a Levite, not a priest (*y. Meg.* 1:12, 72c). Similarly, Elijah offered a sacrifice at Mount Carmel, at a time when the Temple was in Jerusalem. A passage in *y. Ta'an.* 2:8, 65d also justifies this transgression by claiming God's special permission.

²³⁸ In Exod 20:11 a cosmological motive is indicated: "For in six days the Lord made the heavens and the earth." In Deut 5:15 sociological and historical rationalizations are indicated: "Remember that you were slaves in Egypt and that the Lord your God brought you out of there."

²³⁹ E. Eshel and H. Eshel, 2003, p. 233, demonstrate a number of harmonizing examples effected by the Samaritan Pentateuch, but the divergent rationalization of the Sabbath rest remained unchanged in all biblical versions, such as SP, MT, LXX and 4QDeut (4Q4). 4QDeut^a added both rationales in its version. We observe the unbridgeable difference between the two rationales that could not be harmonized.

²⁴⁰ S. Talmon, 1989, discusses synonymous readings in Qumran literature, and asserts that such readings are preserved in the MT itself, citing examples. R. F. Person Jr.,

Minor variances that do not reflect divergent philosophical-theological backgrounds also occur among the different biblical “editions,” such as the MT and the LXX, as well as in most differences found in the Samaritan Pentateuch; such differences are not the result of different ideological principles, and do not affect the essential meaning of the text. One example, evidently a correction, involves Lev 1:5b–9. In the MT text we encounter an inexplicable mixture of singular and plural,²⁴¹ and this was corrected in the LXX, and in the Samaritan Bible, which formulated everything in plural. We do not know whether the translator/editor of the LXX corrected the text on his own initiative, or whether he had another *Vorlage*. Although the LXX concurs in this instance with the text of the Samaritan Pentateuch, one cannot assume that the LXX translation was made entirely from the Samaritan Pentateuch as the only *Vorlage*. This is impossible, since with respect to the text of the Ten Commandments,²⁴² for instance, which is the main subject of the controversy between Jews and Samaritans, the LXX agrees with the MT. A further example is the abridged version of Exod chaps. 35–40 in the LXX, a well-studied variant; I would emphasize that the extent of the differences here indicates editorial or stylistic changes, rather than a correction motivated by ideology.²⁴³

Admittedly, the assessment of “major” and “minor” variants is difficult. I wish to quote an LXX text that deviates significantly from the MT; I am not sure whether we have in this case an ideology-based variant, or a different understanding of one text, and a suitable correction of another text to fit the “correct” understanding. The command to build the bronze altar in Exod 27:2 reads: “Make a horn at each of

2002, p. 147, writes: “Many of the changes [that did not change the meaning] simply occurred as the Deuteronomic scribes copied their *Vorlagen* in a manner that from their perspective as members of a primarily oral society was a precise, deliberate reproduction.”

²⁴¹ For the convenience of the reader, I will quote the relevant elements of these verses (Lev 1:5b–9):

- 5b) Aaron’s sons the priests shall bring the blood—plural
- 6) He is to skin the burnt offering and cut it— singular
- 7a) the sons of Aaron— plural
- 7b) the priest (see v. 8)— singular
- 7c–d) are to put fire and arrange wood— plural
- 8) Aaron’s sons the priests shall arrange— plural
- 9) He is to wash the inner parts— singular.

²⁴² The SP decrees the building of the Temple on Mount Gerizim.

²⁴³ See J. W. Wevers, 1992, who lists and discusses all deviations from the MT text; he perceives an amalgamation and redaction of two *Vorlagen* in the final LXX text.

the four corners, so that the horns and the altar are of one piece, and overlay it [יִתָּן in singular—i.e. the altar] with bronze.” In the record of this altar’s construction in 38:2, we read: “He made a horn at each of the four corners, so that the horns and the altar were of one piece, and overlaid it with bronze.” The term “it,” in singular in both occurrences, refers unmistakably to the altar, and cannot refer to the multiple horns. The Samaritan Bible agrees here with the MT text, and indicates clearly that the entire altar must be covered with bronze. All translators and commentators, traditional and modern, have understood the verses in this way.

The LXX, in contrast, changed the biblical text in Exod 27:2, translating it in plural: καὶ καλύψεις χαλκῷ “and covered them with bronze.” J. W. Wevers suggests²⁴⁴ that the translator assumed that initially only the horns were covered with bronze. From this one change we would not have understood the motivation of the translator, but we must also note that his translation/exegesis in LXX Exod 38:22, the parallel to the MT record of the altar’s construction in Exod 38:2, is utterly divergent from that in the MT and Samaritan Pentateuch. We read there: οὗτος ἐποίησεν τὸ θυσιαστήριον τὸ χαλκοῦν ἐκ τῶν πυρείων τῶν χαλκῶν ἃ ἦσαν τοῖς ἀνδράσιν τοῖς καταστασιάσασιν μετὰ τῆς Κορε συναγωγῆς “Then they made the bronze altar from the bronze censers which belonged to the men rebelling in the Korah group.” It seems that the LXX editor, or someone translating from another *Vorlage*, was puzzled by the odd command in Num 17:3–4 to cover a bronze altar with bronze sheets, if indeed the entire altar was already initially covered with bronze. This dilemma induced him to understand that the command in Exod 27:2 indicated that only the horns must be covered with bronze, and that overlaying the entire altar with bronze was performed by Eleazar, from the censers used by Korah’s group. He accordingly interpreted the pronoun יִתָּן as a plural, having it refer to the horns. He also ignored the term “the bronze altar,” in MT Exod 38:30; in its LXX parallel in Exod 39:9, he mentions only the παράθεμα “the bronze meshwork grating,” corresponding to Exod 27:4 in the MT. As is well known, the entire pericope at the end of MT Exod 39, portraying the bringing of the tabernacle and all its furnishings to Moses, is omitted in the LXX, including the other mention of “the bronze altar” in MT Exod 39. But the translator/editor still did not resolve all the problems inherent in

²⁴⁴ Wevers, 1990.

this odd record of the bronze altar. He rationalized his translation of Exod 27:2, but entangled himself in the ‘mesh’ of a messy chronological order; he recorded the use of the Korah censers in Exod 38:22 in the list of the furnishings made by Bezalel, a task that in MT Num 17:3–4 was accomplished much later by Eleazar. It is probable that the LXX redactor did not intend to change the MT text, which was likely his *Vorlage*, for ideological motives.

A. Rofé²⁴⁵ notes another instance in which the LXX changed a term for harmonization purposes. The translator/redactor replaced Shekhem in Josh 24 with Shiloh as the location of Joshua’s covenant, in order to harmonize this chapter with the later centralization of the sacrificial cult, assumed to have been introduced at the entrance into Canaan, and permitting its celebration only at the location of the Tent of Meeting. I do not dispute his contention that the term was intentionally changed for harmonization purposes, but I doubt whether this was associated with the cult centralization.²⁴⁶ More likely it was an attempt to harmonize Josh chap. 24 with 28:1, as some scholars have suggested,²⁴⁷ or it was an attempt at resolving the debated issue of Shekhem as the locus of the covenant and the rejection of any possible Samaritan associations.²⁴⁸

²⁴⁵ A. Rofé, 2003, p. 771.

²⁴⁶ Rofé establishes his opinion on the basis of the rabbinic dictum in *m. Ševah. 14:4–8* that the centralization of the sacrificial cult was effective in the period when the Tent of Meeting was located at Shilo. It is extremely unlikely that the LXX translator would have assumed the authenticity of a later rabbinic ordinance founded on a far-fetched exegesis with no convincing biblical support. Although the Kgs editor attempts to portray a centralization earlier than Josiah’s reign, the first explicit interpolation on this issue appears in his judgment of Asa in 1 Kgs 15:14. The previous accusation of worshipping at the *bamot* are indefinite and allude rather to idolatrous worship at these loci. The apparent criticism of Solomon for offering at the *bamot* in 1 Kgs 3:3 tends also to indicate the misconduct was offering at minor *bamot*, not at the Great *Bamah* in Gibeon. The record in the antecedent verse that the people worshipped at the *bamot*, probably interjected by the same hand, exonerates them because a House for the Lord had not yet been built. These verses, like many later interjections of this type, and like David’s intent to build a House for the Lord in 2 Sam 7, do not indicate any preference or selection of Jerusalem as the exclusive site chosen by God. Reading the text one perceives that the issue relates more to building a permanent house for the Lord instead of the Tent; it seems to emphasize a distinction between a prestigious dwelling versus a plain, unadorned one. This seems also the case in Chr; the first mention of David choosing Jerusalem as the site for the Lord’s House appears in 1 Chr 22:1, and what seems to be a revelation to David appears in 2 Chr 3:1. Hence, there is no hint in Scripture of centralization in Jerusalem before this time. It is not plausible that the LXX editor had in mind, as Rofé suggests, replacing Shekhem with Shiloh in Joshua’s period.

²⁴⁷ See S. David Sperling, 2000, p. 242, n. 7.

²⁴⁸ See Sperling, *ibid.*, p. 258.

We observe how difficult it is to decide whether a variant is a deliberate change—that is, an intent to ‘rewrite’ the Torah—or an alternative reading that explains the perceived difficulty of the text, or an added exegesis.²⁴⁹

The common acceptance of non-ideologically-motivated variants is also confirmed from other sources. Josephus, who declared himself a Pharisee, and whom we thus expect to have appreciated and cherished the MT version of the Bible, used a Greek text of the Bible that was more closely allied to the Samaritan version than to the MT.²⁵⁰ He also changed the order of the transmission of the biblical precepts, as did Philo. 4QLXX Nu and 4QLXX Lev also present witnesses to the Old Greek translation.²⁵¹ Finally, we may note that Targum Onkelos effected certain changes in the biblical text, and Targum Pseudo-Jonathan made extensive changes and additions,²⁵² even after the canonization,²⁵³ and the Rabbis did not object to this.²⁵⁴

Such variants, and the use of different versions, indicate that at the end of the Second Temple period the Bible was not yet canonized,²⁵⁵ and no significance was granted to these types of differences. On the other hand, we do not encounter in the Qumran library any writings contrary to their beliefs and opinions;²⁵⁶ this indicates that they discerned between significant differences and insignificant ones. The comparison of different versions, now an obligatory part of biblical research in the construction of an apparatus, was of no interest; nor, I suppose, was there the same awe bestowed upon each character of Scripture that occurred in the later period.²⁵⁷

²⁴⁹ T. H. Lim, 2000, p. 65, questions the ability to discern whether a variant is an exegetical alteration, or due to a “plurality of text types in this period.” Although he is analyzing Pesharim, his question is equally valid for other Qumran writings.

²⁵⁰ Ulrich, 1999, pp. 200ff.

²⁵¹ *Ibid.*, pp. 182–3.

²⁵² E. Tov, 1994, p. 116, states that it is often hard to recognize, in this and other *targumim*, “the wording of the biblical verse which is being paraphrased.”

²⁵³ The preeminent of these is the replacement of the anthropomorphic phrase “an aroma pleasing to the Lord,” with the abstract “that will be received with pleasure by the Lord.”

²⁵⁴ In *b. Qidd.* 49b, Rabbi Judah declares that only “our Targum” (*Tg Onq.*) is the correct Targum that may be used for the translation of the Torah.

²⁵⁵ See above nn. 150–152. See also D. Dimant, 1999, p. 47 who notes an identical statement expressed in other words, and states that despite “the fluidity of the text and form, they [the writings] enjoyed authoritative status” (p. 48). E. Ulrich, 1994, lists a variety of such variants on pp. 86–91.

²⁵⁶ They did not keep, for example, the apocryphal books of the Maccabees.

²⁵⁷ We do not know exactly when the standardization of Scripture was accomplished.

We should not, therefore, be puzzled by the imprecision of biblical citations in the earlier Qumran literature,²⁵⁸ as stated above. Nevertheless, despite the fluidity of the biblical text, and the common tolerant attitude regarding the biblical writings, we observe a distinct difference in the Qumran material between their copies of the Bible itself, and the use of biblical citations in their non-biblical writings.²⁵⁹ Major variants that are ideologically founded, and reflect the differing philosophical/theological background of the Qumran authors/redactors, do not appear in their biblical writings.²⁶⁰ They are evident, however, in their non-biblical writings; these will be discussed in the next section.

2.5.1.2 *The Qumran Variations*

Qumran copies of Scripture show a remarkable similarity to the MT version, with the exception of minor variances, and were accorded predominant status by the Qumranites.²⁶¹ This distinction is especially striking when we compare their indulgent attitude with respect to changes that is evident in their own writings, given their perception that these writings were similarly sacred, almost canonical compositions,²⁶² or even elements of Holy Scripture, as Yadin has asserted.²⁶³ We encounter, first, different versions of writings that were composed by other sources; it is

This constituted an imperative undertaking before canonization, and was rigorously practised, even against the correction of obvious errors. The redactors gave priority, for theological or political motives deemed crucial at that particular point in time, to the standardization of Scripture and the creation of a unique fixed text over the removal of obvious errors in the text.

²⁵⁸ J. Maier, 1996, p. 111, conjectures that some citations resembling Pentateuchal words or verses may actually be quotations from sources other than Scripture. Similarly, he contends that some Qumran legal texts may also be of such origins (pp. 112–113).

²⁵⁹ S. Metso, 1998, brings our attention to the fact that apparent citations should not always be considered as such, particularly when they are present “without being designated as citations”; they may involve “implicit exegesis” (p. 218). Although she makes this observation regarding the text of the Community Rule, this is an issue that should be considered for similar writings.

²⁶⁰ H. Najman, 2003, p. 52, draws attention to the fact that even some changes in the text of the LXX were forbidden by consent of the priests and the people (*Letter of Aristeas* 310–11), and a curse was declared upon those who would do this. Thus we observe a distinct attitude to the biblical books with respect to textual changes.

²⁶¹ E. Tov, 1998, suggests that the versions close to the MT had an authoritative status in Qumran.

²⁶² See J. M. Baumgarten, 1977, p. 16.

²⁶³ See Y. Yadin, 1971, p. 159. B. Z. Wacholder, 1997, p. 209, writes: “Jubilees repeatedly claims to be a super-biblical work, superior to Genesis and Exodus... when they [the Qumran writings] spoke of Torah, they meant Genesis as it is represented in Jubilees.”

well attested that the Qumran group and their ideas and writings were not monolithic. We also observe alterations in and accretions to their own particular rules, composed for their restricted community, such as, for example, the Community Rule.²⁶⁴ We must therefore be convinced that the Qumran community endorsed and upheld the biblical text in the traditional form of their period, in common, it seems, with the mainstream of Israelite society. In light of these circumstances, it seems to me utterly unwarranted to allege any intent on their part to ‘rewrite’ the Torah, or to characterize their works as ‘rewritten Torah.’²⁶⁵

In addition to the variants that have no bearing on the meaning of the text, or on their interpretation, we do find some variations in quotations of biblical texts that affect the meaning of the word or phrase; but these occur mainly in texts used for homiletic exegesis, unrelated to halakhot. Some of these may also have been considered corrections of wrongly copied words (for instance, where two characters were inverted),²⁶⁶ rather than intentional alterations. It is also possible that

²⁶⁴ See S. Metso, 1997. She writes in her summary: “The idea of a sole legitimate version is not supported by the internal indicators of the text” (p. 154).

²⁶⁵ For our purpose, it makes no difference whether these works were composed in Qumran or elsewhere, an issue that E. Tov (1994) judiciously raises with respect to drawing general conclusions on the character of the particular group. This issue does not affect how we characterize their works. The group did not object to having these works, wherever they were written; a contemporary orthodox household would be very careful not to keep in its dwelling a holy book replete with ‘errors.’ S. Talmon, 1994, p. 19, writes that it is an anachronism to call Qumran writings ‘reworked Bible.’ I too would hesitate, for different reasons, to make such a statement, since we observe from their copies of biblical books that they did indeed maintain a concept of a fixed text (with insignificant variants) for these writings, and this indicates an attitude that is the same as the approach to canonical books. I think that to call their non-biblical books ‘rewritten Torah’ is erroneous and misleading.

²⁶⁶ The MT version of Hab 2:16 reads as follows: “You will be filled with shame instead of glory. Now it is your turn. Drink and be exposed. The cup from the Lord’s hand is coming around to you.” This is a paraphrased translation of the NIV, based on the MT reading **והערל**, a complex structure from the Hebrew root **ערל** “cover,” as suggested by Jastrow. It seems to me that his suggestion is based on the noun **ערלה** in biblical literature, referring to the uncircumcised male sexual member. But we have no other indication from biblical literature of the original meaning of this root. Metaphorically, it is applied in the Scripture to express something profane, and was extended to the prohibited use of the fruits of a tree in its first three years, and to a dumb heart. The traditional commentators had difficulties with the interpretation of our verse. Rashi interprets it as becoming dumb from drinking, or becoming exposed, but this intransitive reading of the verb does not agree with the expected grammatical form and the Masoretic vocalization. The Targum also translates it intransitively as **ואתערטל** “and be exposed/naked.” The KJV translates similarly: “expose your own nakedness.” 1QpHab XI: 8–11 (above) uses the term **והרעל** from **רעל** “trembling, lax, from intoxication,” as in Zech 12:2 and Nah 2:4. The term **כוס התרעלה** “the chalice of reeling” in Isa 51:17

some of these changes originated in the biblical versions they possessed;²⁶⁷ the author, without intending any change to an existing text, had a copy of another biblical *Vorlage* that seemed to him more appropriate.²⁶⁸ It is often difficult, however, to unequivocally declare a particular variant the “original” or the “correction,” or discern whether a variant is textual or exegetical.²⁶⁹ It has also been suggested that because of the absence of the later fear of deviating from the text, authors would cite the biblical texts from memory,²⁷⁰ paraphrasing them or slightly changing their exact wording. They would not have been concerned about the precise wording, as long as they kept the essential understanding of the text intact. E. Tov²⁷¹ does not agree that this motive explains all variants in the non-biblical texts, but argues rather that the Qumranites did have an easygoing attitude in handling biblical texts. It seems to me that an easygoing attitude would also lead to inaccurate citations from memory, by precluding any search for the correct quotation. If one remembered the correct text, he would not deliberately quote it inaccurately; similarly,

does not imply poison, as in modern Hebrew, but rather trembling and befuddlement, lack of concentration. This term is also related to the רעלה “veil” of Isa 3:19; one sees a blurred picture through a veil, just as a drunken person does not see clearly. The same idea of a veil-like covering applies to other occurrences of this term in the *hifil* mode, מרעיל, in CDX: 11 and 13, 4Q266f8iii: 10 and 4Q270f6iv: 20. It seems to me that the Qumran version is more appropriate for the context of the verse in Hab and is also correct from the grammatical aspect. The LXX translates the term in Hab as “shaken,” in Isa as “thyme,” and ערל שפתים in Exod 6:12 as “speechless” (Liddell and Scott). In his commentary on the term in Exod 6:12, Rashi compares it to the term in Hab 2:16, associating it with dumbness from drinking from the chalice of curse, similar to its meaning in Isa; this association too supports the 1QpHab version. The LXX translates the term יין תרעלה in Ps 60:5 (59:5 in LXX; 60:3 in KJV) as “stupefaction, slumber” (Liddell and Scott), while the Targum has “curse.” See B. Nitzan, 1986, p. 192, on this issue. Nitzan assumes that the interpretation of this verse that mentions the term עורלת לבו refers to the MT version. This statement implies that the author of the Pesher also had before him the MT version, and founded his interpretation upon that version. I do not exclude this possibility, but I would consider it an odd attitude by the author to interpret the rejected version of the MT, which he does not use in his quotation; it is all the more odd given that his version lends itself to the purpose. One would rather expect him to choose his version of the Bible for his exegesis.

²⁶⁷ Only a thorough analysis of every variant quoted in the non-biblical writings and comparison with the identical passages in the biblical writings might establish whether a variant had a biblical origin or was deliberately altered to support the homily.

²⁶⁸ Talmon, 1989, pp. 73ff. quotes a number of such occurrences and deliberates upon the merit of each version.

²⁶⁹ See, for example, a debate between T. Lim and M. Bernstein on the evaluation of a variant (2002, p. 73).

²⁷⁰ See H. M. Orlinski, 1950, p. 165, and more recently E. L. Greenstein, 1993.

²⁷¹ Tov, *Textfunde*, p. 3.

a person anxious not to display disrespect toward the holy text would likely not quote from memory, if he were not absolutely convinced of his accuracy. Again, this is a matter of semantics; such variants are not a consequence of the Qumranites' intent to 'rewrite' the Torah but rather of their attitude toward this particular aspect of reverence for the Torah scrolls.

2.5.1.3 *The Innovative Structure of Qumran's Non-Biblical Writings: Amalgamations of Texts from Different Sources, Interlacing of Text with Exegesis and New Rules*

We have seen above that the general environment of the period before canonization indicates a *laissez-faire* attitude toward textual changes. We must still, however, address the issues raised by scholars regarding the amalgamation of biblical texts with later additions, and the incorporation of new customs, novel beliefs and significant halakhic changes²⁷² in Qumran writings. It seems that it is this very peculiarity that has stimulated the creation of various 'pseudonyms' or 'nicknames' for these writings that do not correspond to reality, and have led to much misconception and confusion.

Such redaction practices were in fact common in Israelite sacred literature up to a certain point in time, though I would not venture to specify the precise moment. Ulrich notes: "The process of the composition of the Scripture was organic,²⁷³ developmental with successive layers of tradition . . . creatively adapted."²⁷⁴ The amalgamation of biblical texts of different periods—in other words, the interjection of later additions—is a phenomenon well-documented in modern biblical criticism. As just one example, we may note the two different wordings, originating from an identical source, in Pss 57:8–12 and 108:2–6.²⁷⁵ The

²⁷² D. Dimant, 1999, pp. 46–7, perceives "a multifaceted and nuanced culture and religious worldview in Second Temple Judaism."

²⁷³ S. Talmon, 2002, p. 12, declares: "The Covenanters conceived of themselves as living in the biblical age"; the Yahad authors approached "the not-yet-closed corpus of biblical writings and their not-yet-stabilized textual form from within, with leeway for legitimate variations."

²⁷⁴ See also the declaration by J. Milgrom, 1994, p. 455, suggesting that perhaps the "prescription for the Wood Offering was written in Qumran's Torah" and tentatively also in "Nehemiah's Torah." He refers to the New Feasts decreed in the TS and to the Wood Offering instituted by Nehemiah (Neh 10:35).

²⁷⁵ Talmon, 1989, pp. 33ff., perceives these inner biblical changes as the result of "liberal structural techniques" used by biblical poets. He indicates a number of relevant examples. Another interesting alteration concerns the seven nations of the land

rabbinic maxim “there is no earlier or later in the Torah,”²⁷⁶ devised for the purpose of reconciling evident amalgamations of earlier and later texts, demonstrates the Sages’ awareness of this phenomenon.

Development of law also took place, as revealed both outside and within the MT. The book of *Jubilees* is a model of the amalgamation²⁷⁷ of biblical narratives with additional material,²⁷⁸ in part founded upon later biblical commands.²⁷⁹ Within the MT, there are often apparent contradictions, and their reconciliation was of later halakhic significance.²⁸⁰ We may also note the institution of new holidays, the New Year and Day of Atonement, whose final form appears in Lev 16:1–34 and 23:24–32;²⁸¹ they are not yet mentioned in the books of Ezra

that must be dealt with in a particular way. Their sequence in Josh 24:11 differs from the order in Deut 7:11, to which it undoubtedly refers. Deut 20:17, referring to the identical nations, lists only six nations, in a different sequence. In *y. Shev.* 1:1, 36c, there is an attempt to resolve this evident divergence. 11QT LXII: 14–15 cites the text of Deut 20, but adds the seventh nation missing in the biblical source, and does not follow its sequence.

²⁷⁶ This maxim appears in *Mekhilta de Rabbi Yishmael, BeShallah* 7 and in many other citations. It means that there is no chronological order in the Torah; that is, the fact that a passage is written prior to another does not mean that it is chronologically antecedent. Put in another way, it confirms that later occurrences were interjected into the text among the records of earlier events. M. Bernstein, 1994, p. 7, finds analogous literary use of this rabbinic maxim in 4Q252 (4QcommGenA).

²⁷⁷ Cf. B. Nitzan, 2003, p. 353, who perceives this as integration, “imparting to the parabiblical text an image of a particular version of the Bible.” I do not think that this was the author’s intent.

²⁷⁸ J. M. Baumgarten, 1977, p. 16, states that there is no demarcation between biblical laws and the author’s interpretation. I will quote as an example *Jub.* 1:1, in which a date is added to the biblical text in Exod 24:12: God’s command to Moses to come up on the mountain takes place on the sixteenth day of the third month. It is interesting to note that the *Jub.* author records this date on the basis of two propositions: one, that Moses went up the mountain immediately after the Sinai revelation, and two, that the revelation took place on the fifteenth of the third month. A homily in *Pirke Rabbi Eliezer*, chap. 45, states in the name of Rabbi Joshua ben Korha, a Tanna of the Yavneh period, that Moses returned from the mountain after the forty days on the seventeenth of Tamuz, the fourth month. This date correspond to the rabbinic assertion that the revelation at Sinai occurred on the sixth day of the third month. A similar narrative appears in *Midrash Tanhuma, Ki Tissa*, 31.

²⁷⁹ The types of sacrifices performed by Noah in *Jub.* 6:2–3, and by Abraham in chap. 13, reflect the rules of the P section of the Pentateuch. In the scriptural records Abraham did not offer any sacrifices on the altars he built, except in the *agedah* narrative.

²⁸⁰ See above p. 53 on the obvious contradiction between Lev 13:21 and Num 15:22–26 with respect to the offering to be brought for an unintentional transgression by the entire Israelite community.

²⁸¹ Some scholars maintain that the New Year festival was already practised at the time of Ezra (Neh chap. 8), but there is a general consensus about the late institution of the Day of Atonement, at least in the form that it is portrayed in the Pentateuch (Lev chap. 16); the period of its establishment is debated.

and Nehemiah, and are a late innovation, according to scholarly views.

The books of Chronicles, though part of the canon, contain all the peculiarities of Qumran literature, in a great variety of instances. This work represents the ultimate model of the interlacing of prior biblical texts with an editor's accretions and modifications of all kinds and purposes.²⁸² Some of the additions are intended to fill in real or assumed lacunae in previous biblical records,²⁸³ some to resolve contradictions between them,²⁸⁴ and some are intended to reconcile previous records with current circumstances.²⁸⁵ At times these accretions unquestionably contradict other biblical records, though they are perceived to be divine and inalterable writings.²⁸⁶ The authors/editors/scribes/copyists²⁸⁷ of

²⁸² A. Rofč, 2003, p. 769, demonstrates the editorial activities of the Second Temple scribes, as they interpreted history by interpolating additions. D. Dimant, 1999, p. 50, writes: "The dividing lines between textual corrections, amplifications and full-fledged reworking or exegesis was still not fixed."

²⁸³ 2 Chr 4:1 records the building of a bronze altar by Solomon with dimensions bigger than the one built by Moses. There is no indication in the record of the Temple's construction and the detailed list of its furnishings in 1 Kgs 6:2–7:51 of a bronze altar built by Solomon. The Chronicles' author probably assumed that such an altar must have been built, and was erroneously omitted in Kgs; hence he filled in the lacuna.

²⁸⁴ 1 Kgs 5:27 (5:13 in KJV) states: "King Solomon conscripted labourers from all Israel, thirty thousand men," sent to work in Lebanon. This record contradicts the statement in 1 Kgs 9:22: "But Solomon did not make slaves of any of the Israelites; they were his fighting men, his government officials, his officers, his captains." The author of Chr omitted the thirty thousand conscripted Israelites, correcting the contradiction (see Kalimi, 2000, p. 42). In 2 Sam 7:1 it is recorded that David expressed his aspiration to build the Temple after "the Lord had given him rest from all his enemies around him." But in the subsequent chap. 8 we encounter a record of wars with the Philistines, the Moabites, the king of Zobah and the Arameans of Damascus. In the parallel record of David's aspirations to build the Temple in 1 Chr 17:1, the author omitted this phrase altogether.

²⁸⁵ There is no record in 1 Kgs about the use of iron for the building of the Temple. Its use was probably not yet common in construction at the beginning of the Iron Age, the assumed period of Solomon's reign. Further, the record in Kgs may have been, at least in part, composed from ancient records. The author of Chr could not imagine, in his much later period, that iron was not used in the Temple's construction. He added it in copious quantities and with exact descriptions of its use (1 Chr 22:3, 14, 16; 29:2, 7; 2 Chr 2:6, 13). It is interesting that for the repairs of the Temple by Yoash, recorded in 2 Kgs 12:12–13, no use of iron is mentioned. In its parallel record in 2 Chr 24:12 we do encounter iron among the materials used for the Temple repair.

²⁸⁶ In 1 Chr 28:3 David declares that he was told directly by God, without the intermediation of Nathan, the reason he was precluded from building the Temple, and that his son Solomon would build it. This statement utterly contradicts the record of God's message that he received through Nathan, the prophet, in 2 Sam 7:4–17; nor was there any indication as to which of his offspring would accomplish the task. See I. Kalimi, 2000, for a detailed list of these differences and their classification.

²⁸⁷ This is not the place to elaborate on the particular activities of these three classes of scholars involved in the composition of biblical literature.

Chronicles did not intend to change the original texts of Samuel and Kings, otherwise they would have corrected those books.²⁸⁸

It is, therefore, no wonder that the Qumran literature followed such a well-trodden path. The Qumran Sages did not intend to rewrite or replace the Torah,²⁸⁹ any more than the editors of Chronicles did.²⁹⁰ If we call characteristic writings of Qumran ‘Rewritten Torah,’ then we must apply the same term to many canonical books,²⁹¹ as well as the other writings with similar characteristics mentioned above (pp. 112–113 and 117–118).

In summary, I propose, for the various reasons argued above, that the attachment of such labels to Qumran literature is unjustified. As a further observation I note that scholars, including E. Tov,²⁹² use the terms ‘biblical’ and ‘non-biblical’ in classifying the Qumran writings. Yet is it not a contradiction in terms to call evidently *non-biblical* writings ‘Rewritten Torah’? If such works are classified *a priori* as non-biblical, how can they then be perceived by the same scholars as (rewritten) biblical books? At the level of modern practical issues, as for example the right of publication of these materials, this classification is rigidly maintained; different negotiations and agreements are required for the biblical texts and for the non-biblical writings found at Qumran. E. Tov has stated: “The rewritten biblical text [s] should in a way be regarded as a literary exercise.”²⁹³ Such a statement by this renowned scholar in the field should, in my opinion, be considered as a declaration against perceiving

²⁸⁸ See M. Fishbane, 1985, p. 85, on this issue.

²⁸⁹ E. Tov, 1994, discussing the “compositions [found at Qumran] which stand outside the tradition of the biblical text,” attributes to them the character of being “based on an accepted form of the Bible.” Again, they did not intend to ‘rewrite’ the Bible; they simply composed a writing faithfully founded upon the Bible. H. Najman, 2003, deliberates at length on the question of whether the TS and *Jub.* were intended to replace the Torah, and states: “The goal of rewriting [*Jub.* and 11QT] was not to replace but rather to honour the past, while representing it to their distinctive audiences” (p. 44). She states further that this was a “pious effort” to convey the essence of earlier traditions and revealed interpretations, in danger of being ignored (p. 46).

²⁹⁰ The TS is a writing *sui generis*; see p. 134. S. W. Crawford, 2005, p. 139, writes: “[The TS] is not meant to replace the Torah (including Deut) but to stand alongside it as an equally authoritative representation of God’s revelation to Moses on Sinai.”

²⁹¹ G. J. Brooke, 2002, uses these examples in another way to question the correctness of the term “rewritten texts”; he suggests that they “came to be scriptural canon” (p. 32).

²⁹² E. Tov, 1998, p. 279. He suggests using the biblical citations in the non-biblical writings for a comprehensive investigation of the biblical writings in the Qumran library.

²⁹³ E. Tov, 1994, p. 134.

these texts as ‘Rewritten Torah’; they are nothing other than a literary exercise. Textual analysis in its broadest range, including literary, form and source criticism, is undeniably an important and highly commendable work, and we should all take advantage of this research. I am simply perplexed by the unwarranted attachment of labels and attributes that do not correspond to reality, and only create erroneous and possibly misleading notions;²⁹⁴ I question this ingrained practice.

I will return to the rationalization of the peculiar style of Qumran writings below.

We now turn to the second phenomenon, the ideological difference manifest in the Qumran writings, the key point of which is the source of authority for interpretation.

2.5.2 *Revelation*

Having demonstrated the similarity between rabbinic and Qumranic exegesis, I will now proceed to analyze the ideological diversity that generated differences between the two systems.²⁹⁵ The key differentiation, in my opinion, is the source of each group’s interpretative authority. The Rabbis believed themselves to have the unrestricted authority to interpret the Torah,²⁹⁶ granted to them by divine will and intent, whereas the Qumran leaders and scholars believed that the only authoritative source of interpretation was divine revelation to selected persons.²⁹⁷

²⁹⁴ S. Talmon, 1994, p. 8, warns against “expressions which affect, or outright predicate, the group’s characterization.” It seems to me that the same caution should equally apply to the characterization of their writings. Cf H. Najman, 2003, p. 52, who states that calling the TS “New Torah” can be misleading.

²⁹⁵ See Z. Safrai, 2000, p. 523, who declares that the study of the Qumran writings comprises the connections and the distinctions between the sectarian and rabbinic halakhic and philosophical approaches. S. D. Fraade, 1991, p. 13, states that Qumran and rabbinic commentaries “and the *Sifre* in particular, . . . display common as well as distinctive traits, it being important not to stress one in disregard for the other.”

²⁹⁶ For substantiation of this statement see Heger, 2003, pp. 20–22 and 61–62. Ben Sirah offers a hint as to the authority of the teachers of the law, the priests in his period; we read in Sir 45:17: “In his commandments he gave him authority and status and judgments, to teach Jacob the testimonies, and to enlighten Israel with his law.”

²⁹⁷ J. M. Baumgarten, 2003, p. 37, refers to “the Qumran doctrine that the understanding of the laws was progressively revealed to the sect’s teachers.” M. G. Abegg, 2003, p. 85, considers the revelation of “hidden things” (4Q266 II I 1–6 and 4Q268 frag. 1:1–8) as an element of the renewed covenant with the group. The Rabbis did not envisage a renewal of the covenant in their time. M. Hengel, 1994, p. 11, states that revelation continued for Qumran, as it did for the early Christians until the fourth century.

R. Elijior²⁹⁸ perceives a mystical dimension to this significant divergence between Qumran and the Rabbis with respect to the solar or lunar calendar issue. The solar calendar of Qumran and its fixed celestial patterning of time, revealed to them by angels, reflect the divine sovereignty that does not leave room for human intervention of any kind. This stands in contrast to the rabbinic lunar calendar, based on fallible human judgment. One could extend this mystic dimension to the very interpretation of the Torah. The Rabbis believed that the Israelites, having received the Torah, are of a higher status than the angels,²⁹⁹ and their decisions overrule cosmic “reality.”³⁰⁰ They participate, through their interpretation,³⁰¹ in the creative process of the continuing development of Torah precepts and ideas. Qumran, in contrast, denied any authority to human interpretation, and relied entirely on heavenly revelation for the true meaning of the Torah. This distinct and superior source, combined with the fluidity of the text, explains many distinctive aspects of the theology/philosophy behind their way of life. It also accounts for the smooth and imperceptible transition between the biblical text and interpretation.

As we have noted, copies of the biblical texts from Qumran are quite close to the later canonized text of the MT.³⁰² These copies represent their “original” versions of Scripture, which, as I have argued above, they had no intention of changing,³⁰³ or replacing; the minor variations

²⁹⁸ R. Elijior, 2004, p. 205.

²⁹⁹ We read in *Midr. Cant* 8: “When the Holy One Blessed be He contemplated handing over the Torah to Israel, the angels went timidly to Israel and before the Lord, saying: Master of the World [the Torah] is your authentication, your glory; your honour requires that it should remain in heaven. He said to them: You have no yearning to fulfill [many precepts of the Torah that are not appropriate for you].” And we read in *Midr. Cant* 4: “Rabbi Yohanan said: On the day when God descended to Mount Sinai to hand over the Torah to Israel, six hundred thousand angels descended with Him, each holding a crown to adorn each one of the Israelites [the number of Israelites who left Egypt, according to Exod 12:37].”

³⁰⁰ See n. 115 regarding the rabbinic viewpoint claiming for themselves the authority to proclaim the date of the first of the month and thus establish the dates of the holidays, even in conflict with cosmic reality.

³⁰¹ We read in *b. Meg.* 7a: “They [God, in plural, like the royal ‘we’] validated in heaven what they [the Israelites] have decided on earth.”

³⁰² H. Stegemann, 2000, pp. 946–7, questions the view that the MT preceded the Qumran writings.

³⁰³ Cf. B. Nitzan, 2003, p. 254, who suggests that “Hebrew exegetical versions reflect pre-canonical versions used in public, which presumably could have been used as *Vorlage* for biblical translations.” We do not know the relevant circumstances in this period, but the Rabbis were definitely against such a practice. See *b. Meg.* 3a, *b. Qidd.* 49a and

were, as shown, likely the result of divergent textual traditions, or clarifying emendations/improvements that do not change the meaning of the MT text. On the other hand, they did not perceive the interjection of their own interpretations into the original text as offensive,³⁰⁴ they considered this in the opposite way: as the insertion of biblical quotations into their interpretational writings, not as rewritten Torah.³⁰⁵

As the rabbinic attitude is well known, I shall cite only two examples from rabbinic literature that vividly illustrate the Rabbis' mode of thought. I will then concentrate more extensively on describing and substantiating the Qumranic outlook, including the citation of various corroborating scholarly assertions.

2.5.2.1 *Rabbinic View of Interpretative Authority*

The Akhnai narrative in *b. B. Metzia* 59b³⁰⁶ offers an excellent example of the Rabbis' perception of the extent of their authority, including their right to defy divine opinion. In this case, a miraculous intervention was performed by God; a Voice from Heaven indicated that the divine will was to establish the halakhah as it had been declared by Rabbi Eliezer in his contest with the Sages. Despite this, the Sages decided differently, ignoring God's will and disputing the legitimacy of His intervention. Rabbi Joshua justified their challenge by declaring: "the Torah is not in heaven" (Deut 30:12). There follows an explanation: "Since the Torah was already given [to us] from Mount Sinai, we do not listen to [later] Voices from Heaven." The last episode in the narrative is even more audacious: "Rabbi Natan met Elijah and asked him: What did the Holy One blessed be He do at that time? [Elijah] answered: He smiled

b. Shabb. 115a; translations are rejected, and only Targum Onkelos, the most precise Aramaic rendering of the Hebrew original, is acknowledged.

³⁰⁴ S. A. White, 1992, p. 228, writes: "There was no concept of a 'canonical text' at Qumran... the concept of canon in this strict, legal community, even for Torah scrolls, was fluid." G. J. Brooke, 2002, p. 33, poses the question of how many variations of the source texts in a composition are required to cross the fine line between rewritten Scripture and "something more obviously exegetical."

³⁰⁵ T. H. Lim, 2000, p. 73, writes that the Pesharists "were conscious of the special status of what they cited"; however, "the distinction between biblical and non biblical was not hard and fast... [because] they also believed that what was being revealed to them in their time was also divine in origin." This statement is relevant to all Qumran writings characterized as revealed interpretation

³⁰⁶ Regarding the use of this source instead of other, less detailed sources, see Heger, 2003, pp. 12, 14, and 15 and relevant notes. J. Rubinstein's deliberation on the Akhnai narrative and his comparison of the Bavli and Yerushalmi sources (1999, pp. 49–50) are also discussed in the above notes.

and said: My sons were victorious over me, my sons were victorious over me.” I understand this aphorism as not only implying that God agreed with the Sages’ opinion in this particular case, but also as an ultimate declaration of the Sages’ independence to interpret the Torah as they deemed appropriate.³⁰⁷

I think that the Rabbis used imaginative stories on this and many other occasions because they did not dare to make such statements openly and directly. Such a “concealed” statement is found in *b. Hul.* 91b: “[It is written]: ‘above him stood the Lord [Gen 28:13].’ Resh Laqish said: If this were not written [by God] we wouldn’t have been able [allowed] to express it [as it is an anthropomorphic expression].” A similar idea is found in *b. Rosh Hash.* 27a: “[This is a declaration] that the mouth could not have said and the ear could not have heard.”³⁰⁸ Another “concealed” narrative on the same general issue of interpretative authority is found in *b. Menah.* 29b: “[When Moses came up to heaven after his death, he asked to see the great scholar and Torah interpreter Rabbi Akiva, and God fulfilled his wish]. He sat eight rows behind [Rabbi Akiva’s disciples] and could not understand what they said; he became distressed. When Rabbi Akiva told them a halakhic rule, his disciples asked him: How do you know that? He replied: This is a halakhah given to Moses at Sinai; then Moses relaxed.” The Sages felt somewhat uneasy in boldly declaring that their interpretation of the Torah was so far from the simple meaning of Scripture given to Moses that even he could not understand it. A charming story seemed to them a more gentle method of conveying their essentially radical and consequential message. Although they believed themselves to possess the authority to interpret the Torah as they deemed appropriate in their circumstances, they preferred a practical approach. They used stories to avoid direct confrontation with potential opposition, and preferred to inculcate their radical messages by gradual and indirect infiltration of the public consciousness. Equally importantly, we observe from these imaginative and well-formulated anecdotes the Rabbis’ fundamental

³⁰⁷ On the issue of the extent of rabbinic authority see Heger, 2003, pp. 61ff, 96, 118 and 346.

³⁰⁸ This dictum is stated in reference to the different terms found in the third commandment: זָכוֹר in Exod 20, and שָׁמוֹר in Deut 5. Since both terms are deemed to have been uttered by God, the apparent inconsistency is resolved by the declaration that both expressions were uttered by God simultaneously. Although it seems that the declaration is simply implying that a human cannot utter or hear two statements at once, I think the dictum has a deeper philosophical implication, including my assumption.

opposition to the idea of divine revelation or intrusion into their vested interpretative authority. The Rabbis did not differentiate between ‘disclosed’ things and ‘hidden’ things that had to be revealed; the Torah was given to humans to be interpreted by them, as stated by Rabbi Joshua.

I speculate that rabbinic insight into the words of Ps 115:16 may have influenced their theological principle of division between God and humans with respect to the boundary of authority and responsibility. A homily in *b. Sukkah* 5a offers a clue to understanding the rabbinic perception of this verse: “Rabbi Yose says: The Divine presence never came down [to earth] and Moses and Elijah never went up to heaven, as it is said: ‘The heavens are the Lord’s heavens, but the earth He has given to human beings [Ps 115:6].’” When this statement is confronted with explicitly contradictory biblical evidence, the answer is: “[God did not tread upon the earth.] He stood ten hand-breadths³⁰⁹ above it, and similarly ten hand-breadths divided Moses and Elijah from heaven.” We must assume that this homily was not intended as a concrete anthropomorphic portrayal, but was a metaphorical pronouncement with significant import. Although, according to Jewish theology, God is both transcendent and immanent, being constantly involved in matters of this world, an abstract boundary exists between the two apparently opposite attributes. This bestows upon humans the authority to interpret the Torah and fix holidays, even in conflict with the cosmological cycles.³¹⁰

2.5.2.2 *Qumran’s View of Interpretative Authority: Revelation*

In contrast to rabbinic belief,³¹¹ Qumran scholars and spiritual leaders rejected the concept of human interpretative authority; they believed

³⁰⁹ According to rabbinic legal concepts things that are separated by a space of less than ten hand-breadths are deemed to be joined; when the space between them is ten hand-breadths or more, they are considered divided. Hence, being separated by ten hand-breadths, God was legally not ‘on’ earth and Moses and Elijah were not ‘in’ heaven.

³¹⁰ See above p. 122 and n. 115 and Heger, 2003, pp. 64 and 66–67 for relevant citations and explanations.

³¹¹ We read in *b. Yoma* 80a: “It is written: ‘These are the commands’ [Lev 27:34—the emphasis is on ‘these’ and no others]—from now on [even] a prophet is not allowed to create any new [precepts].” Moreover, we read in *t. Sotah* 13:3: “After the death of the last prophets Haggai, Zechariah and Malachi, the holy spirit ceased in Israel; nevertheless, they were made to hear through a Voice from Heaven.” As we have seen above, Rabbi Joshua denied any authority to the Voices from Heaven, and God agreed to this.

in ongoing³¹² revelation among their group³¹³ as the sole authority, and acted accordingly.³¹⁴ The significance of revelation for the understanding of Qumran halakhic literature was recognized early by many scholars.³¹⁵ This study attempts to further develop this thesis, by comparing this belief regarding the source of their authority to rabbinic ideas, and emphasizing the consequential impact of this belief on their approach to biblical interpretation and decision-making.

The belief that Qumran spiritual leaders and scholars received divine revelation³¹⁶ bestowed upon their decisions the aura of divine utterances. Such persons were perceived to be speaking in the name of God, with knowledge of His intentions (perhaps comparable to the infallibility of the Pope, who is believed to speak *ex cathedra* by authority of the Holy Spirit). The source of this belief might have been Scripture itself. I have already mentioned the changes in Pentateuchal regulations and the institution of supplementary cult customs and celebrations effected by Ezra/Nehemiah; we have noted the differences in the dimensions of their Temple compared to those of Solomon's Temple, and other decrees conflicting or absent in the Pentateuch. But Solomon himself, in constructing his Temple and its furnishings, had no instructions as to the

³¹² See J. M. Baumgarten, 1977, pp. 29ff. He cites a number of quotations from sectarian writings corroborating his thesis of revelation as the basis for Qumran law. In 1996, p. 16, he refers to "progressive revelation." See also note 315 regarding Flusser's understanding that divine revelation continued among this group; and D. R. Schwartz, 1992, p. 230.

³¹³ See Josephus, *J.W.* II: 159. See also B. Nitzan, 2001, p. 44, who writes in the name of J. Licht that in the sectarian view, the revelation of the Torah at Sinai was not a one-time event, but a continuous process that accompanied historical development.

³¹⁴ See L. H. Schiffman, 1993, pp. 45ff.; C. Hempel, 1998, p. 173; and J. M. Baumgarten, 1996, pp. 15–16, who gives citations in support of his statement that revelation was a source for Qumran law.

³¹⁵ J. M. Baumgarten, 1996, p. 29, writes: "This divergence [considering extra-biblical writings as halakhic texts and particularly TS as apparently canonical] may be related to the unique concept of revelation reflected in the Qumran texts." See also D. Weiss-Halivni, 1986, pp. 38–47; S. Talmon, 1989, p. 30; and A. Shemesh and C. Werman, 1997. The latter review Qumran's biblical source for this belief, citing Deut 29:28 (v. 29 in KJV), "The secret things belong to the Lord our God, but the things revealed belong to us and to our children for ever," for the distinction between disclosed and hidden precepts. The simple meaning of the verse seems to refer to manifest and hidden sins, as understood by the *Mekhilta deRabbi Yishmael Yitro parshah 5, b. Sanh.* 43b, and all the traditional commentators, but the Qumran scholars deduced something different. See also a further elaboration on this issue by D. Flusser, 2002, pp. 252–255. Flusser maintains that the Qumran group made a subtle distinction between the character of prophetic revelation and that of Qumran revelation, and believed that a constant divine revelation persisted among their group.

³¹⁶ We read in CD-A III: 13–14: "revealing to them hidden matters."

dimensions or character of this permanent structure. In contrast, Moses received from God the most detailed instructions, as well as a concrete vision,³¹⁷ for the construction of the Tent of Meeting, including seemingly minor and insignificant items.³¹⁸ Solomon built ten lampstands instead of one, ten lavers and other new furnishings not mentioned in God's command to Moses. Moreover, one may wonder that Solomon built new furnishings and did not use the original lampstand and other furnishings consecrated by Moses, particularly the most venerated Atonement Cover³¹⁹ with the Cherubim,³²⁰ for use in his Temple.³²¹ The Qumran scholars may have assumed that Solomon was complying with divine instructions received by revelation, presuming that it was unlikely he would have simply acted according to his own fancy.³²² Although there is no record in Scripture of such specific divine instructions to Solomon, God's communication with Solomon is attested.³²³ Similarly,

³¹⁷ Exod 25:40 and 27:8.

³¹⁸ For example, the exact number of loops and clasps on each curtain (Exod 26:5–6).

³¹⁹ The site of the divine epiphany (Exod 25:22 and Lev 16:2).

³²⁰ We read in I Kgs 8:6 that they put the Ark "beneath the wings of the Cherubim [made by Solomon]." Moses' Cherubim were an integral element of the Cover, as stated in Exod 25:18: "Make the Cherubim of one piece with the Cover"; it does not seem reasonable to assume that there were two pairs of Cherubim, one with the cover and another on top of it.

³²¹ I make no assumption that these furnishings were indeed made by Moses in the desert, as recorded in Exod; the Qumran group certainly did not doubt it.

³²² L. H. Schiffman, 2002, p. 172, writes that the plan of the Temple in the TS is based on the plans of the Tabernacle, Solomon's Temple, Ezekiel's Temple and the Temple's description in Chronicles, as the architect/author of these regulations understood them. On the other hand, Schiffman writes in 1994, p. 114 that the TS author did not regard Solomon's Temple "as correctly designed, whereas he saw this temple as the fulfillment of that which God had commanded in Deuteronomy." I have not found such a criticism in the TS. The dimensions of the Temple in the TS, deviating from those of Solomon's Temple, seem to be relevant to the eschatological Temple, described in 11QT XXIX: 9 with the attribute "the day of creation." Schiffman himself writes in the same study (p. 117) that this term refers to "the end of the days." He emphasizes that the sacrifices listed are for "the present age and the present temple," but not the dimensions of the Temple: "In the end of days God will create a new temple which will replace the present one" (p. 117), and this Temple will be constructed according to the succeeding sections of the Scroll. On scholarly assumptions of the connection between the TS and 4Q364, 365/366 and 367, see S. White Crawford, 1994. The TS is also linked to the New Jerusalem writing and to 4QFlorilegium, and there is no doubt that these writings refer to the eschatological Temple. See F. García Martínez, 1992, pp. 180–213; and D. R. Schwartz, 1980–81, pp. 89–90, on the affinity between this writing and the TS with respect to the eschatological Temple, the desecrated Temple and the First Temple built by Solomon.

³²³ I Kgs 3:5–14, 9:3–9 and 11:11.

Ezra and Nehemiah may have received divine revelation for their innovative decrees. We observe Nehemiah's dialogue (as opposed to prayer) with God in Neh chap. 13.³²⁴ The Qumran scholars and leaders might have assumed that this communication persisted,³²⁵ in contrast to the Rabbis, who believed, as we have seen, that prophecy ceased in Israel after the last three prophets of the Second Temple period. Nor would the Qumranites have been alone in this belief; Josephus³²⁶ maintained that the Essenes³²⁷ benefited from some sort³²⁸ of prophecy, as did kings and High Priests.³²⁹ On the other hand, both the Rabbis and the Qumran Sages believed that all the Torah commands originated at Sinai; the dispute between the two groups was limited to the origin of the interpretations. H. Najman³³⁰ states that it is implicit in *Jubilees* that its text was meant to be "the transcription of the revelation to Moses at Sinai," regardless of when it was written. The difference between the rabbinic and Qumran theology consists solely in the source of interpretative authority in each group: the rabbinic belief in their own authority

³²⁴ In Neh 13:31, the concluding verse, Nehemiah emphasizes his role in the establishment of the first fruits and wood offerings. Cf. J. VanderKam, 1989, p. 224.

³²⁵ G. J. Brooke, 1998, p. 272, writes: "Some in the sectarian movement saw themselves as standing in the line of prophets as inspired by God to disclose the mysteries of his servants, the prophets." He cites as support the text of 1QpHab VII: 4–5. Contra J. E. Bowley, 1998, p. 354, who asserts that although the prophets were important, he does not perceive prophetic activity in Qumran literature. A. Fitzpatrick-McKinley, 1999, p. 175, writes that at Qumran "exegetical revelation has replaced direct prophecy and those that possess exegetical illumination are called 'knowers' משכילים." This reflects my assumptions, in different words. I have discussed the similarities and differences between divine inspiration and revelation in Qumran ideology in a forthcoming study.

³²⁶ *J.W.* II: 159.

³²⁷ Although there is almost an *opinio communis* among scholars that the Essenes are to be identified with the Qumran community, I do not intend, with my example from Josephus, to explicitly confirm this view. See, e.g., García Martínez and Van der Woude 1990, and reservations on some aspects of their theory by C. Hempel, 1998, pp. 4ff. See also M. Goodman, 1995. For our purpose it suffices to demonstrate that these particular attributes circulated in public.

³²⁸ Josephus assumed that he too had divine revelations transmitted through dreams (*J.W.* III: 351). A rabbinic homily in *Avot Rab. Natan*, Recension A, chap. 34 suggests a variety of divine communications: "The holy spirit has ten names [there follow ten Hebrew expressions]." A literal translation of the Hebrew terms would not render their exact meanings, but the variety of names indicates the different aspects of the communication perceived to exist between God and humans. We especially observe the difference between the direct דיבור "speech" as between God and Moses, and the vague חידה "riddle." We read in Num 12:8: "With him I speak face to face, clearly and not in riddles."

³²⁹ *Ant.* XIII: 282 and *J.W.* I: 68.

³³⁰ 2003, p. 54.

to interpret Scripture, versus the Qumran belief in divine revelation to their leaders.

2.5.2.3 *Impact of Revelation on Qumran's Literary Style*

This distinction regarding the source of interpretative authority between the Rabbis and Qumran scholars explains the peculiar literary style of the Qumran writings, and offers us a clue to the basic philosophy that directed their halakhic decisions. I have discussed at length the issue of the imprecise biblical quotations in their writings and the interlacing of biblical texts and exegesis. I also postulate that the belief in revelation explains the peculiar style of the TS. This scroll, in contrast to others, contains a great number of regulations not found in the Pentateuch, such as instructions for the dimensions of the Temple and its precincts, the New Holidays, etcetera. In this respect it is similar to the books of Chronicles, which contain material additional to, as well as conflicting with, the books of Kings.

We must distinguish between interpretation of scriptural decrees, and completely new ordinances.³³¹ The halakhot in CD and MMT are usually obvious understandings of biblical laws, often justified by the expression **כתוב** or **בספר מושה** (in MMT).³³² This justification procedure explains the oddity, noted by scholars,³³³ that even rules introduced by the expression **כתוב** are not quoted exactly as written in Scripture, or do not appear at all,³³⁴ as we would expect from the introductory term. I have discussed above an example of the first type, and will now discuss an example of the second type, cited by Bernstein.³³⁵ I refer to the ambiguous literary style of the prohibition of intermarriage between

³³¹ G. J. Brooke, 2000, p. 69, writes that “only the TS purports largely to be a direct address of God.” He also states: “New laws, in themselves matters of legal interpretation, are presented in the form of Torah.” I hesitate to use this classification, since, as argued above, we have no clear indication as to how the Qumranites arrived at their halakhic decisions. Moreover, given my thesis that revelation was seen as the source of interpretation, I think it is unlikely that we can detect a definite demarcation between what they perceived as Torah and as interpretation. We are limited to speculation, except when the phrase “We think—we say” is used, as I shall propose in the ensuing text (pp. 131–2).

³³² Y. Sussmann, 1994, p. 186 writes: “The halakhic stratum has a pronounced scriptural orientation . . . not reflecting a particular contemporary community.”

³³³ See M. J. Bernstein, 1996, pp. 38ff.

³³⁴ Bernstein, *ibid.*, writes: “They are allusions, not citations, although they are introduced by “it is written.”

³³⁵ See M. J. Bernstein, *ibid.*

Israelites and priests in 4Q397 (4QMMT_d) Frag. 6–13, 12–14.³³⁶ The Qumran scholars believed that the biblical prohibitions of כלאים and שעטנז,³³⁷ against mixing wool and flax in garments, mating of different species of animals, and sowing different plant species together, related equally to all types of mixed unions, including those between humans of different genealogies.³³⁸ Like the inborn, divinely created divisions between individual species of animals and plants, Israelites and priests, Aaron’s descendants, were also believed to reflect distinct cosmological categories, of differing degrees of holiness. Israel was holy, but the priests were most holy; being of a different classification they were forbidden to intermarry,³³⁹ similar to the prohibition against mixing different species of animals and plants. This distinction is also evident with respect to the purity laws in the MT. Neither a priest nor an Israelite is allowed to enter the Temple precinct in a state of impurity (Num 19:13). But a priest is not permitted to become impure at any time or in any circumstance (Lev 21:11), through active³⁴⁰ or passive³⁴¹ contact with a human corpse, except in fulfilling his duties toward his closest relatives; moreover, he must not become impure with respect to a married sister who has died (Lev 21:2–3). He is also restricted in choosing his wife

³³⁶ We read there: “And concerning the fornication carried out in the midst of the people; they are members of . . . holiness, as is written: ‘Holy is Israel.’ And concerning the pure animal, it is written that he shall not let two species mate; and concerning clothing, that no materials are to be mixed; and he will not sow his field or his vineyard with two species because they are holy. But the sons of Aaron are the holiest of the holy” (reconstruction from G. Martínez and Tigchelaar).

³³⁷ See Lev 19:19 and Deut 22:9–11.

³³⁸ On the meaning of the term זונה used in Qumran literature, and on the issue of whether the illegal marriages in this lemma refer to intermarriages of priests with laics, or of Jews with gentiles, see R. Kugler, 1997; Kugler quotes a number of scholarly debates on the second issue.

³³⁹ See J. Kampen, 1996, pp. 135ff, who also perceives this phrase as the rationale for the prohibition. See also H. K. Harrington, 1998, p. 175 on this issue. A. Shemesh, 2001, pp. 182–4, cites rabbinic views that suggest a predilection for a priest marrying a priest’s daughter, without going to the extreme of prohibiting intermarriage with an Israelite woman.

³⁴⁰ We read in Num 19:11: “Whoever touches the dead body of anyone will be unclean for seven days.”

³⁴¹ We read in Num 19:14: “When a person dies in a tent, anyone who enters the tent and anyone who is in it will be unclean for seven days.”

(Lev 21:7).³⁴² The formula “it is written” utilized in the MMT rule³⁴³ therefore seemed appropriate to the Qumran Sages, as this rule was deemed included in the biblical command by simple logical considerations.

We may compare this approach to that of the Rabbis regarding the biblical prohibition against seething a kid in its mother’s milk; this prohibition was extended, through exegesis, to all types of ritually pure animals and all kinds of milk, yet the Rabbis characterized this extension as a Torah precept.³⁴⁴ It also seems to me that the Qumran deductive

³⁴² The biblical rules detailing the relatives for whom a priest may become impure do not constitute an integrated system with all relevant details, nor do they reflect a single principle. We do not know, for example, what the rule is regarding the priest’s wife, or regarding his married daughter; Lev 21:3 excludes his married sister from the permission to become impure, but it is unclear whether the same rule would apply to his married daughter. If the underlying principle of defilement is the act of marriage, then it is appropriate that his married sister is excluded from the permission. If this is not the basis, and this seems to be the case since he may marry a widow, then there is no logic for excluding his married sister from the permission; alternatively there should be a difference depending on whether the marriage is to an Israelite or to a priest. The Rabbis built up a set of rules founded on various exegeses, which have no apparent coherence or logical basis (see *Sifra Emor, parshah 1*; *y. Yevam. 6:4, 7c*; *b. Yevam. 22b, 60a*; *Mishneh Torah, Hil. Avel 2:10*). It is possible that the sectarians deduced a different principle from these indefinite biblical rules, which perceived the mixing with Israelites as the basis for the defilement. It is plausible that they allowed impurity with respect to a priest’s sister married to a priest. (Maimonides declares this prohibited, although I did not find an explicit talmudic dictum in this respect). The pericope regarding priestly impurity may also have served as the rationalization for their ban on a priest’s intermarriage with Israelites. This possibility would assist Qumron’s interpretation of the MMT rule, against J. M. Baumgarten 1994, pp. 171–2, by giving a scriptural basis for it.

³⁴³ M. Bernstein, 1998, p. 143, describes the use of this term as “a flexible way of referring to the biblical text as supporting the list of laws.”

³⁴⁴ L. Schiffman, 1994, pp. 111–12, seems to distinguish between the ongoing interpretative revelations at Qumran and the TS rule, founded upon original revelations at Sinai. He also seems to distinguish between the Qumran and the rabbinic attitudes towards the authority and status of the rules deduced by interpretation. I disagree with this statement. The Rabbis declared that in principle all interpretations of rules were given to Moses at Sinai (though I must emphasize that this principle sometimes conflicts with pronouncements that seem to presume the opposite); on this point they differ from the Qumran opinion that the revelation of interpretations was an ongoing process. But even on this point, the distinction is lessened by the rabbinic maxim that every later interpretation also had its origin from Sinai (see p. 330). The Rabbis also maintained that many rules founded upon their interpretation had the identical authority and status as Torah rules (see also pp. 135–6 on this issue); one such example is the extension of the prohibition against mixing meat and milk to cooking and eating all kinds of meat with all types of milk, which is perceived as a Torah precept. As I have noted, however, the Rabbis were not consistent in the application of their principles, unlike Qumran scholars who adhered more avidly to the biblical text and to their overall principles. As a general principle, the Rabbis considered that rules deduced by interpretation were identical in their status and obligatory character to explicit Torah laws, as for example the meat and milk prohibition and many Sabbath laws. On the other hand they considered as rabbinic those rules founded upon a preventative principle, as, for example, the

method is actually more faithful to the biblical text than the far-fetched rabbinic exegesis underlying the expansion of the meat and milk ban (as well as in many other occurrences).³⁴⁵ In any event, we may conclude that in essence this rabbinic justification is identical with the MMT justification of the prohibition of intermarriage for priests; the sole difference is in the literary style used. Interpretations of scriptural decrees, or what seem to us interpretations, are sometimes found in Qumran writings without explicit reference to Scripture, but expressed rather in a biblical style that reminds us of biblical decrees, or with the introduction “it is written.”³⁴⁶ The interpretation of a biblical command, received by revelation, is thus deemed to have been included in the command. In other occurrences the interpretations are explicitly introduced by “we think/say [that this is the correct interpretation].”³⁴⁷ In common is the belief that the interpretation is an intrinsic part of the biblical source,³⁴⁸ whether this is implicit or declared explicitly; this is the case both for rules with an apparently direct scriptural correlation and for rules with an implausible relation to the scriptural source.³⁴⁹

extension of the milk and meat prohibition to the consumption of fowl and milk, and certain Sabbath rules, such as the prohibition against buying and selling on Sabbath or riding an animal; these decrees enjoy in principle the same authority as Torah rules, but are distinct regarding their legal consequences.

³⁴⁵ I have discussed above (pp. 98ff.) the rabbinic requirement for young children to take part in the Passover meal, against the simple meaning of the scriptural text reflected in 11 QT XVII: 6–9.

³⁴⁶ One could argue that the term “it is written” with respect to the statement “Holy is Israel” has no biblical origin. I think that Qimron (1994, p. 55) is correct in doubting that this expression alludes to Jer 2:3. Since we have seen that Qumran literature freely quotes biblical citations, the author of MMT may have been referring to the biblical dictum: “for you are a holy people to the Lord” (Deut 7:6 and others). The reconstructed term “Holy of Holies” with respect to the priests is, on the other hand, an indirect connotation; it appears solely with reference to the priests receiving “the most holy” offerings, and items implicitly connected with them.

³⁴⁷ J. M. Baumgarten, 1994, p. 34, writes that this expression “we say” indicates a lack of esteem for tradition and a reliance on the Sage’s own exegesis. I would hesitate to make such a broad statement that the Qumran scholars were against tradition. There is no doubt that they kept many rules whose only foundation was tradition; for instance, the Qumran phylacteries, with no biblical details as to structure and the verses to be contained inside, are evidence of the observance of a tradition regarding these details. See p. 136 and n. 370.

³⁴⁸ Cf. M. Kister, 1996, p. 101, who states that in spite of resemblances “the world of the Qumran sect is distinct from that of the Bible.” He disputes Talmon’s well-known opposing opinion, and contends that the allusion to books of the Bible in Qumran literature indicates the difference between the literatures (p. 102).

³⁴⁹ The prohibition against polygamy (CD-A V:1–3) is also linked to a biblical source, the text of Gen 7:9: “male and female, in pairs, came to Noah and entered the ark.”

It is also in contrast to the TS, which contains a great number of ordinances devoid of any biblical support.³⁵⁰ These are quite possibly authorizations of existing practices in the Temple, or procedures that the author thought should be performed, comparable to the additions and modifications encountered in Chronicles (see pp. 123ff.). The TS author was therefore constrained to compose this work in a different style, indicating that it was directly received through divine revelation;³⁵¹ Moses is not mentioned,³⁵² nor the justifying expression “it is

³⁵⁰ Cf. L. H. Schiffman, 1996b, p. 181, who states: “It was this ‘preexistent’ Torah which was being interpreted.” Whatever *Vorlage* the TS author used, he definitely did not intend to present it as an exegesis of another source, but as an original divine revelation. Schiffman, 1994, is even more explicit. In relation to the TS, he writes there: “His laws are derived from a type of midrashic exegesis of the material in the canonical Torah.” We might envisage, as I demonstrated earlier (pp. 70ff.) that the establishment of the New Festivals was derived by exegesis, but it seems to me that there is no way to deduce by exegesis the instructions and measurements regarding the building of the Temple that appear in the TS. See G. Boccaccini, 1998, p. 100, who writes that the TS “does not recognize the Mosaic torah as its source.” G. Brin, 1987, p. 521, writes that some subjects in the TS are described in such a manner that their source cannot be recognized. He conjectures that some decrees are indeed the product of the author. In any case, the style of the author’s writing indicates that he intentionally attempted to demonstrate his own authorship.

³⁵¹ L. Schiffman, 1994c, writes that the TS is “a veritable Torah of the Lord.” Y. Yadin, 1977, Vol. 1, pp 71–88 remarks that the divine name is written in the same square script as the “canonical” books of Qumran. Avi Hurwitz, 2001, p. 45, writes that the TS is written in classic Pentateuchal Hebrew to give the impression that it is of ancient origin, spoken by God, though the author’s later language of the post-classical period is easily discernible in the text. This style is specific to the TS; the authors of the other Qumran writings did not attempt to mimic classic Pentateuchal Hebrew. The TS author, like the Rabbis, presented the document as originating from Sinai, as stated in 11 QT LI: 6–7 (noted by Schiffman, 1994, p. 110). The Rabbis held that all the relevant details of all ordinances were given at Sinai (*Sifra BeHar parshah* 1); whatever an elder disciple declared before his master had already been told to Moses at Sinai (*y. Pe’ah* 17a). Another oddity regarding the TS is the fact that there seem to be no original texts of this opus interlaced with interpretations, as is the case with the writings classified as ‘Rewritten Torah.’ This fact, which is based on comparison with the MT, may be accidental—we have simply not found the relevant text as yet—but such a contingency is extremely doubtful. The writings called “New Jerusalem” are in Aramaic and cannot serve as evidence against the above assumption.

³⁵² This oddity is extremely atypical, since, as noted by M. Bernstein, “Moses is the biblical figure most often referred to in all of the sectarian texts found at Qumran” (2003, p. 51). B. Nitzan, 2003, p. 354, states that the TS is a “salient apocryphal edition of the biblical text,” and that the purpose of the TS is similar to that of Deut and Chron (p. 356). It seems to me exceedingly problematic to categorize an extensive halakhic writing that does not mention Moses as an “edition of the biblical text” and to compare the purpose of the TS to that of Chr; the former is entirely halakhic and the latter is completely historical. P. Flint, 2003, p. 300, conjectures that the TS “presents itself as a new Torah for the Last Days in which God speaks to Israel—evidently through Moses.”

written.”³⁵³ M. O. Wise³⁵⁴ perceives a similarity between the Teacher of Righteousness and Moses; both were law-givers and covenant-bringers. Although it is assumed that the TS was conceived before the period of the Teacher of Righteousness, comparable attributes to Moses are bestowed upon him in Qumran writings; hence we assume the same comparison had occurred to the TS author.

The TS, in my opinion, is an independent work, *sui generis*, unconnected to the Torah.³⁵⁵ Philip S. Alexander, in his classification of Qumran laws,³⁵⁶ puts the TS in the category of divinely revealed “biblical laws” that cannot be changed, as opposed to the *serakhim*, man-made laws that can be changed. H. Najman affirms that the TS also attributes its authority to a pre-Sinaitic covenant, pointing specifically to Col.XXIX: 8–10.³⁵⁷ Further, A. Lange³⁵⁸ asserts that the TS “claims to have been revealed to Moses on Mount Sinai.” While I agree that its literary style marks it as an explicit divine revelation, I have not encountered any allusion to its having been received by Moses. Similarly, the apocryphal books of *Enoch* and *Jubilees* had the same significance and authority as the Pentateuch and the prophetic books, being identically received by divine revelation. Since revelation was ongoing, there was no canonization of the existing writings; the creation of Scripture was an ongoing process.

³⁵³ I therefore question the appropriateness of G. Brin’s description of the TS as a composition with “each section having been quoted from one or another Biblical source” (1987, p. 519). The author of the TS definitely did not intend to present his opus as a “literary mosaic” composed from various sources, as Brin alleges, but was determined to expound it as God’s utterance and endow it with His authority. See Yadin, 1977, Vol. 1, p. 60. Wacholder, 1983, p. 97, alleges that the TS was perceived by the sect as a Second Torah. See also H. Stegemann, 1989.

³⁵⁴ M. O. Wise, 2003, p. 115, writes: “The Teacher makes the remarkable claim that he is a prophet of the same sort as Moses, a law-giving covenant bringer.”

³⁵⁵ E. Tov, 1994, p. 115, writes: “The TS provides evidence of all types of rewriting, from slight reworking to extensive paraphrasing, which removes the TS much from the biblical text.” He also states that “comparing the TS with biblical text, one cannot speak in textual terms of omissions vis-à-vis the biblical text” (p. 116); nevertheless, it is considered to be within the group called “Reworked-Rewritten Torah.” Reverting to the issue discussed earlier in the study, I ask: how detached must a writing be to be considered an independent work?

³⁵⁶ P. S. Alexander, 2003, p. 23.

³⁵⁷ H. Najman, 2003, pp. 56–7. I doubt whether these verses claim that the TS, or part of it, is of pre-Sinaitic origin or founded upon God’s covenant with Jacob at Bet-El. I would read the passage in connection with Gen 28:13–22, in which Jacob undertakes to offer a tenth of what he owns to God. Thus the author of the TS is not referring to the origin of the TS text or rules, but to the Israelite’s obligation to bring daily offerings.

³⁵⁸ A. Lange, 2003b, p. 315.

2.5.2.4 *Impact of Revelation on Qumran Halakhah: Differences and Similarities between Qumran and Rabbinic Halakhah*

We must keep in mind, however, that Qumran scholars did not discern any legal difference between new decrees and those revealed through exegesis. Both types were the words of God, equally authoritative,³⁵⁹ being received by revelation.³⁶⁰ The boundary between them is not elucidated in Qumran literature, and it is also blurred in rabbinic writings, generating in both cases a tension between the two concepts.³⁶¹ The allegation that a rabbinic expansion is a Torah precept (such as the prohibition against eating all types of milk with all types of meat) is not an unusual phenomenon.³⁶² We must also note the generally inconsistent application of the rabbinic concept “a halakhah given to Moses from Sinai.” In some occurrences the legal consequences of the halakhah in question indicate that it is considered a Torah decree, while in others it is treated as a rabbinic ruling.³⁶³ Similarly, we have no indication of the reason why one MMT halakhah is introduced with the term “it is written,” implying an explicit Torah decree, and another with the phrase “we think,” suggesting human interpretation. I think it is likely that the different expressions do not reflect any significant distinction; and I will elaborate upon this below. At any rate, we should not expect, either in rabbinic literature or in Qumran writings, the kind of systematic approach found in, for instance, Greek writings or modern legal literature. Scripture is certainly not the model of a well-organized system; nor is the work of its early interpreters, the Qumran scholars and the Rabbis.

³⁵⁹ Professor Harry Fox has drawn my attention to the apparently identical rabbinic maxim: “Both [conflicting halakhic opinions] are the words of the living God” (*b. Erw.* 13b). This paradoxical motto is simply a “philosophical” pronouncement that legitimizes rabbinic halakhic dicta that oppose each other; it has no bearing on the question of whether a rule is a Torah or a rabbinic precept, nor does it establish final halakhah. It differs from the Qumranic attitude toward revealed exegesis.

³⁶⁰ According to P. S. Alexander, 2003, because the biblical laws that appear in Qumran literature with their particular interpretation are considered to be divinely revealed, the interpretation is an intrinsic element of the biblical law; there is no distinction between law and interpretation.

³⁶¹ M. Bernstein, 1996, p. 50, reflects on the affinity between various far-fetched exegeses of rabbinic oral law and certain MMT regulations; he does not consider the issue of when exegesis is to be considered simply the revelation of a Torah precept, or an actual rabbinic interpretation.

³⁶² See also n. 344 on this issue.

³⁶³ See Heger, 2003, pp. 208ff.

I disagree with M. G. Abegg's statement that the rabbinic "oral law is distinguished by extra-biblical maxims—building a fence/wall around the law, something the Qumran sect detested (CD 8.12)—whereas the Qumran sect exegeted existing biblical law."³⁶⁴ He supports his statement with a similar declaration by Schiffman.³⁶⁵ These statements are not exact with reference to either the Rabbis or Qumran. Many rabbinic rules are founded upon exegesis to complement biblical lacunae; they are not preventative and are not generated for the purpose of "building a wall." And as for Qumran, although I argued above that the additional festivals are not "beyond hermeneutics," as Milgrom suggests, but are founded upon exegesis, there is no doubt that Qumran too had halakhot that are unquestionably "not found in the Bible," in Schiffman's words. In addition to the many laws in the TS that may be perceived as *sui generis*, I refer, for example, to the identical rules found in rabbinic literature and expressed in Qumran phylacteries regarding the structure of the phylacteries and their accompanying prayers,³⁶⁶ which are entirely absent in Scripture.³⁶⁷ The Rabbis justified these rules (ten in number)³⁶⁸ by the *deus ex machina* formula *הלכה למשה מסיני*, "a halakhah [given] to Moses at Sinai."³⁶⁹ This formula is used when there is not the slightest hint in Scripture for the rule in question.³⁷⁰ We do not know what justification or formula the Qumran group used to derive these rules; they are not "an interpretation of the Bible," as maintained by Schiffman. Nonetheless, we observe the parallel approach in principle to this issue. In essence we may say that the Rabbis searched for exegetical methods to resolve biblical lacunae, and changed the simple meaning of the texts when they deemed it necessary for practical purposes; whereas Qumran scholars acted in this way only in extreme circumstances, when their usual straightforward interpretation could not be applied.³⁷¹

³⁶⁴ M. G. Abegg, 2003, p. 87.

³⁶⁵ L. Schiffman, 1975, p. 32, writes that the rabbinic "oral Torah is characterized by the inclusion of laws not found in the Bible . . . while the Qumran sect relied exclusively on interpretation of the Bible for the derivation of its halakhah."

³⁶⁶ See D. Falk, 1998, p. 115.

³⁶⁷ See the substantiation of this statement in n. 370.

³⁶⁸ See Maimonides, *Mishneh Torah, Hil. Tefillin, Mezuzah veSefer Torah* 1:3.

³⁶⁹ For an extensive study of this formula and its application see Heger, 2003, pp. 81–85 and 208–221.

³⁷⁰ Maimonides, in his Introduction to his Mishnah commentary (ed. Kafih, 1965, vol. 1, pp. 17–18) asserts that this attribute refers to a rule for which there is no evidence in, or hint from, Scripture.

³⁷¹ Although we read in CD VI: 18: "to keep the Sabbath day according to its exact

We observe that despite the Qumranic belief in revelation, their halakhic writings do not contain any rules that would permit something prohibited in Scripture.³⁷² We have seen³⁷³ that the new festivals and the additional offerings decreed in the TS were construed in such a way as not to override any Sabbath or other scriptural regulations. The general attitudes of the Qumran spiritual leaders and scholars towards the divine decrees were similar to those of Ezra and Nehemiah, the returnees from exile, as suggested earlier.³⁷⁴ As such, they could certainly bear the attribute “those who fear the commands of God” (Ezra 10:3)³⁷⁵ Their inspirations, believed to be of divine origin, were accordingly not tempered by any lenient tendency. This is especially so with respect to the rules relevant to the priests and the Temple cult; as is evident from the Qumran writings, this was an ideological movement initiated and conducted by priests. Unlike the Rabbis, the Qumran scholars lacked any authority to interpret the Torah, and thus could not consider practical criteria in their halakhic decisions. The Rabbis attempted to find in the interpretation of the Torah³⁷⁶ the answers to their problems and difficulties, while the Qumran scholars expected divine enlightenment to provide the same results. Interpretation is a human activity, founded upon logical considerations. The Rabbis created an exegetical system

interpretation,” a phrasing that seems to imply that all the Sabbath rules are founded upon exegesis, I doubt whether all the Sabbath rules listed in CD X and XI could in fact be deduced by exegesis; some must have been based on tradition. The Rabbis, the great “experts” in devising far-fetched exegeses, admit that the scriptural support for the Sabbath rules is “like mountains suspended by a hair” (*m. Hag* 1:8). We must therefore assume that Qumran scholars were also convinced of the feebleness of, or total lack of, biblical support for their Sabbath laws.

³⁷² They did not consider their withdrawal from the Temple’s sacrificial cult as a transgression of Torah precepts, since they believed this cult was not conducted properly; participation in improper rituals seemed to them a greater evil. See also my proposition on the practical meaning of their withdrawal from the sacrificial cult (ch. 4, subchapter 4.4.4. concerning the pilgrimage offerings). Moreover, they envisioned their holy community as a substitute for the Temple until the arrival of the *eschaton*.

³⁷³ I have cited above (pp. 79, 86) the rules of the “New Holidays,” which were not declared days of rest like the holidays decreed in Scripture. The offering of the sacrifices on these feast days would therefore not amount to the desecration of a holiday on which work is prohibited.

³⁷⁴ See pp. 80ff.

³⁷⁵ See the meaning of this characteristic in n. 140.

³⁷⁶ We read in *m. Avot* 5:22: **הַפּוֹךְ בַּהּ וְהַפּוֹךְ בַּהּ דְּכֹלָהּ בַּהּ** “Turn it [the Torah] and turn it, because it contains everything.” On the contradiction between the rabbinic maxim that all halakhot were given to Moses at Sinai and transmitted to the people, and the disputes between the Rabbis that resulted from different interpretations of biblical verses, see Heger, 2003, pp. 49–50 and relevant notes.

based on sophisticated legal principles³⁷⁷ that allowed them ample latitude in halakhic decision-making. Divine revelation received by the Qumran leaders and scholars instructed them as to the exact meaning of the biblical laws; such a process did not allow any participation or contribution by human interpretation or decision-making. The task of the Qumran leaders was restricted to revealing the relationship between the biblical text and the divine decision. They could not envisage that an omniscient God³⁷⁸ would have to adapt His laws to altered circumstances; such an idea would approach blasphemy. Their divinely-conceived inspirations could thus not contain any reforms or adaptations of scriptural decrees, in stark contrast to the Rabbis' decisions. Similarly, they could not conceive human halakhic decisions in conflict with scriptural texts, or founded upon legal fictions,³⁷⁹ though the Rabbis boldly advanced such practices.

Another significant difference between rabbinic and Qumranic halakhah³⁸⁰ that is a consequence of their different sources of authority is the distinction made in rabbinic law between *מִן הַתּוֹרָה/מִדְּאֻרֵי־תֹא*, "biblical law," and *מִדְּבַרֵי סוֹפְרִים* or *מִדְּרַבְנָן*, "rabbinic decree."³⁸¹ Although, as we have seen, the Rabbis did sometimes bestow the attribute of "Torah decree" on rules attained through far-fetched exegesis (for example, the extension of the kid-in-its-mother's-milk prohibition to all kinds of meat³⁸²

³⁷⁷ See Heger, 2003, pp. 96–102, regarding the method utilized by the Rabbis for their classification of what is considered work on Sabbath; this is founded upon sophisticated legal principles, sometimes seeming to contradict common sense.

³⁷⁸ We read in 1QH^a IX: 23–25: "Everything has been engraved before you with the stylus of remembrance for all the incessant periods and the cycles of the number of everlasting years in all their predetermined times, and they will not be hidden and will not be lacking from before you."

³⁷⁹ See Lutz Doering, 1997, p. 264.

³⁸⁰ E. Nodet, 1995, sees the revelation that is the basis of Qumran halakhah as the decisive difference between the Rabbis and Qumran. He then, however, lists certain conceptual consequences that I would consider unconvincing. His evident purpose is to link Qumran theology to later Christian beliefs, and this leads him to a distorted judgment of Qumran thought. He postulates, for instance, that Qumranites entirely ignored ancestral tradition, and that they perceived extreme purification as the paramount and central virtue, overshadowing, or neutralizing, all other Torah precepts (pp. 70–1).

³⁸¹ See J. M. Baumgarten, 2000b, p. 26.

³⁸² The meat of fowl is the only exception, since its mother has no milk; this is prohibited as a rabbinic preventative regulation. In *m. Hul.* 8:4 it is stated: "[It is written in Deut 14:21 not to cook a kid] in its mother's milk; fowl is not included [in this prohibition] since the mother has no milk." In *b. Hul.* 104, deliberations on this mishnah prohibit putting cheese on the table with fowl: "If we permit putting fowl and cheese [on the table] people might put meat [such as beef] with cheese, and [the prohibition against] eating [such] meat with milk [products] is a Torah precept."

and milk products),³⁸³ they also decreed many regulations that they expressly identified as “a rabbinic decree.” Qumran rules, founded upon divinely revealed exegesis, do not display such a distinction; all decrees originate from the same divine source and have identical attributes.³⁸⁴ I thus disagree with L. Ginzberg,³⁸⁵ who explained the absence of this distinction by arguing that the authors of the CD objected to the Pharisaic/rabbinic preventative “fence” concept and thought that it was not rigorous enough.

I consider it unlikely, therefore, that Qumran laws adhered to the rabbinic maxim that “saving a life overrides the Sabbath [law].” There is no hint in Scripture that one may, for any reason whatsoever, transgress

³⁸³ For an extensive study of the sources and rabbinic exegeses of these regulations, see Heger, 2003, pp. 157–174.

³⁸⁴ As L. H. Schiffman, 1998, pp. 558–9, states, the sectarians had no concept of a dual Torah. I do not, however, concur with Schiffman’s sweeping statement that “tradition was regarded [by the sectarians] as having no authority, since all Israel had gone astray” (p. 558), since there are a great number of identical Qumran and rabbinic interpretations of ambiguous or sparsely-worded biblical decrees. See also my disagreement with Schiffman and Abegg (p. 136) concerning the different principles of the Rabbis and Qumranites. One obvious example is the interpretation of the vague term טוֹטָפוֹת (Deut 6:8, translated as “frontlets” by the KJV, “symbol” by the NIV, and as ἀσάλευτων “tranquil mind” by the LXX). In fact, the Karaites, faithful to the text, do not utilize phylacteries, since they are not decreed in Scripture. Both the Rabbis and Qumran used the same intricate rectangular structure or capsule for the phylacteries and the same scriptural pericopes were contained therein; see Y. Yadin, 1969. The fact that Qumran used additional scriptural pericopes does not negate the significant features shared by the two communities, considering that Scripture does not provide any indication of the form and content of these items. Only common tradition can explain the common characteristics of the phylacteries in both communities. A baraita in *b. Meg.* 24b asserts: “The rule that *tefillin* must be square is a halakhah given to Moses at Sinai,” a maxim that confirms the lack of even the feeblest biblical support for this rule. There are many such examples that attest to common traditions in Qumran and rabbinic halakhah; we therefore cannot declare that tradition had no authority in Qumran. I am similarly reluctant about another of Schiffman’s statements: “Oral tradition played no part in the development and transmission of sectarian law” (1983, p. 90). This seems to me implausible, since, regardless of when this movement was initiated, it did not start from ground zero. There must have been a variety of customs entrenched in Israelite society regarding the performance of vaguely described biblical decrees, transmitted orally; the Qumranites must have incorporated some of these, unless we accept the far-fetched assumption that they had some sort of written codex of all their customs and laws. I suspect that Schiffman’s statement was influenced by his assumption that the Essenes were the Sadducees, and by his reliance on the erroneous assertion (found in the later traditional commentators—see Maimonides, *Mishneh Torah*, *Hil. Eruvin* 2:16—and in a single vague reference by Josephus in *Ant.* XIII: 297) that the Sadducees did not believe in oral law.

³⁸⁵ L. Ginzberg, 1970, p. 125.

a biblical law.³⁸⁶ The Qumran scholars likely did not envisage that God would communicate a maxim that would collide with the general norm.³⁸⁷ I thus do not entirely concur with the somewhat vague proposition to the contrary advanced by Lutz Doering.³⁸⁸ Perhaps he misunderstood the dictum in 4Q265 Miscellaneous Rules, or Serekh Damascus Document Frag. 7:I: 7–8,³⁸⁹ which allow one to lift a person out of the

³⁸⁶ See Heger, 2003, pp. 28 and 103 on this issue.

³⁸⁷ L. H. Schiffman, 2003, p. 12, maintains that the Qumran Scrolls are of Sadducean origin, a view that I, among others, reject. He writes: “Their interpretations [i.e. those of the Sadducees as expressed in the DSS] attempted to adhere as closely as possible to the plain meaning of Scripture.” This statement seems to be conditioned by the traditional assertion that the Sadducees did not believe in the Oral Torah and that they thus insisted on a literal interpretation of Scripture. The Scholion of *Megillat Ta’anit* (Lichtenstein) states, for instance, that the Sadducees insisted on the literal meaning of the *lex talionis*, because they maintained that one must accept “matters as written.” It is doubtful, however, that such a comprehensive statement can be supported from the rabbinic records of halakhic debates with the Sadducees (which are themselves of doubtful authenticity), or from the Qumran writings. None of the examples quoted in this study hint at an adherence to a literal interpretation, and the existence of the New Festivals is definitely opposed to such an assumption. Rather, I suggest that Qumran’s halakhot disclose their objection to interpretations that went against explicit scriptural texts, which the Rabbis practised when they deemed it necessary. This is what is meant by their accusation “sly interpreters” in CD-A I: 18. A. I. Baumgarten, 1997, offers another explanation of Qumran’s allegedly extreme attitude, which conforms, in different words, to my theory; he states that the sectarians were “willing to take certain opinions current in their world to their logical ends, even if they are quite radical” (p. 34).

³⁸⁸ He writes in 1997, p. 270: “The interpretation that this view generally subordinates a human life to the holiness of the Sabbath has to be dismissed.” This circuitous statement appears to mean that the saving of a life overrides the Sabbath. On the other hand, he writes subsequently: “The Qumran texts, therefore, go a ‘third way’: life-saving within the boundaries of their Sabbath law.” This second statement seems to me to contradict the first. If life-saving must be performed within the boundaries of the law, then it is subordinate to the Sabbath law.

³⁸⁹ We read there: “and if a person falls into the water on the Sabbath, one should extend his garment to him to lift him out with it, but he should not carry a vessel on the Sabbath [for the purpose of lifting him out] and if an army. . . .” I have changed García Martínez’ translation/interpretation here. He placed a period after the phrase “to lift him out with it,” starting a new sentence and rule with “No-one should carry a vessel,” unconnected with the previous decree on how to save a person has who fallen into the water. I think that we must understand the intent of this rule not as an authorization to save a person by extending one’s garment to him, a perfectly harmless and permissible action, but as a prohibition against carrying an implement on Sabbath for saving a person. The first clause, which is the subordinate clause in my opinion, stresses the notion that only a method that does not require the transgression of a prohibition is permitted; this leads to the second, main clause that decrees the prohibition against using an implement. I understand the conjunction in **וְכִלִּי** “and a vessel/tool” as a link to the previous phrase, whereas the next conjunction in **וְאִם צִבָּא** “and if an army” starts a new sentence and a new rule. The term **וְאִם** is the beginning of the new rule, just as in our verse **וְאִם נִפֶּשׁ אָדָם** “but if it is a man” starts a different rule with respect to a person, distinct from the antecedent one that relates to an animal. All the decrees of the Sabbath laws

water on the Sabbath to save him, by extending one's garment to him. By using one's garment, one does not in fact infringe any Sabbath law,³⁹⁰ either the *muqtzeh* rule or the prohibition against carrying an object on Sabbath.³⁹¹ This is not a "third way," as Doering suggests; it is a perfectly permissible action. Saving the life of a person, or of an animal, without disobeying the law, does not represent any desecration of the Sabbath. The method by which the rescue is performed defines what is and what is not an infraction of the law. For example, using a rope that is *muqtzeh* is explicitly prohibited in CD-A XI: 16–17, but using a garment for that purpose that is not *muqtzeh* (as portrayed in our above-cited Fragment) is allowed. Hence, life-saving is prohibited if it is carried

in this fragment and those of the Sabbath and of the Day of Atonement in the subsequent fragment are restrictive, starting with 78 "not"—that is, they express what is prohibited on these days. In both fragments there are only two exceptions, marked by a difference in style: one is the element of our verse that allows rescuing with a garment, and the second is the permission to walk an animal two thousand cubits. We lack the antecedent text to the latter, but it is evident that its purpose was not to permit a short walk but to prohibit a longer walk with the animal, similar to the restrictive style of all the other rules. The parallel Sabbath laws in CD XI demonstrate the identical literary structure. All the rules are restrictive, but the literary structure of v. 1 is analogous to our v. 8; it states first the permitted method and then the prohibited: "On the road, if he goes down to bathe, he should drink where he stands *vacat* but he is not to draw [water] with any vessel." The only method stated for saving a person without transgressing the law is not suitable for an animal, and is therefore completely prohibited. Such a reading of 4Q265 would concur in essence and in style with the rule in CD-A XI. The first rule regarding an animal would also be comparable to the rabbinic law that prohibits an unlawful rescue of an animal. We read in *b. Shabb.* 128b: "[If] an animal fell into a water canal [and might drown], one brings mattresses and pillows [not *muqtzeh* objects] and places them beneath it [so that it may climb out of the canal on top of these objects], and if it climbs out, it climbs out [and thus will be saved without a violation of the Sabbath law]." In the subsequent rhetoric a question is raised whether this method might still constitute a violation of a Sabbath law by moving an object from its habitual site; the answer is that such a violation is a rabbinic decree, and it is overridden by the Torah prohibition "against causing pain to animals." The absolute prohibition in the CD against rescuing an animal on Sabbath demonstrates convincingly that Qumran made no distinction between explicit Torah law and law deduced by exegesis, as the Rabbis did.

³⁹⁰ There is no transfer "from one domain to another," even if we assume, for instance, that the rescuer stands on private property and the canal is considered public property. We must assume that the garment remains in the hand of the rescuer in order to assist the drowning person, and no transfer of the garment is effected. Therefore there is no infraction of this particular Sabbath rule.

³⁹¹ The term *muqtzeh* connotes something "set aside/dedicated," and is a legal concept referring to something that is not to be used on Sabbath. A garment is not *muqtzeh*, since it is regularly worn on Sabbath and is not dedicated to an action prohibited on Sabbath; there is clearly no prohibition against wearing a garment on Sabbath. Hence if a man extends his garment to another, he has not carried it as a load, which is a forbidden action. See also J. M. Baumgarten, 2000b, p. 23.

out through a forbidden action, and is thus indeed subordinated to the Sabbath law. The tenacity of the Essenes,³⁹² and their resolution in facing death for their beliefs (as recorded by Josephus),³⁹³ tend to confirm that in their perspective nothing, not even saving a life, supercedes the divine commands.³⁹⁴ Such a perspective is also revealed in *Jub.* 50:12, a writing revered in Qumran, which prohibits making war on Sabbath, among other extreme restrictions.³⁹⁵ These examples also corroborate my postulate that the belief in ongoing divine revelation for the correct interpretation of Scripture would preclude any conflict with scriptural regulations. The Rabbis, in contrast, armed with their authority to decide the correct interpretation of Scripture, each in his generation as he saw fit,³⁹⁶ could dare to assert a rule like the overriding of the Sabbath law.³⁹⁷

Another peculiarity of Qumran halakhic literature, in contrast to rabbinic writings, is the lack of any internal halakhic dispute. Divine revelation as the means and basis of interpretation allowed no leeway for disputes. The human authority claimed by the Rabbis, on the other hand, left ample room for different individual views and, in consequence, for disputes. The rabbinic prohibition against writing halakhot, in order

³⁹² See above n. 327 regarding the identification of the Essenes with the Qumran community.

³⁹³ *J.W.* II: 151–157.

³⁹⁴ I do not concur with R. T. Beckwith's assertion (1982) that the Pharisees were the conservatives and the Essenes and Sadducees the reformers. The history of the rule that saving of a life supersedes the Sabbath (as set out in 1 Macc 2:33–42 and *Ant.* XII: 274–276) attests to the fact that it was the “establishment” that introduced this far-reaching reform, and the “dissidents” (or however we refer to the Essenes and others) who were the conservatives and opposed this innovation. See also A. I. Baumgarten, 1997, p. 13, who perceives the Pharisees as reformists and the Essenes as introversionists, who gave up the quest for change.

³⁹⁵ See J. M. Baumgarten, 1996, p. 19, and 2003, p. 40. He also maintains that Qumran law did not permit even defensive war on Sabbath. See also H. K. Harrington, 1998, p. 167. L. Ginzberg, 1970, p. 68, perceives an inconsistency between the rule of CD XI: 15, which implicitly permits the overriding of the Sabbath for the saving of a life, and XI: 16, which prohibits it. He resolves this discrepancy by suggesting that the saving of a human life was permitted, while the saving of an animal was prohibited.

³⁹⁶ The command “Act according to the law they teach you and the decisions they give you” (Deut 17:11) is introduced by the phrase “Go to the priests, the Levites and to the judge who is in office at that time” (17:9), indicating that the contemporary judge/Rabbi had the authority to decide. There is a relevant homily on this verse in *b. Rosh Hash.* 25b. On the extent of rabbinic authority, see Heger, 2003, pp. 61ff.

³⁹⁷ In reality the Rabbis did not devise this rule, since it was in practice before their time; they merely attempted to reveal a biblical support for it. See Heger, 2003, p. 240 on the narrative in *b. Yoma* 85a.

to maintain their flexibility³⁹⁸ and the possibility of amendment,³⁹⁹ stands in utter contrast to Qumran practice.⁴⁰⁰ God's words and decrees are eternally valid and immutable; the Qumranic interpretations of and additions to Scripture, perceived as generated from a divine source, could therefore not be influenced by changing circumstances.⁴⁰¹

Common to the two systems, on the other hand, is the fact that Qumran writings and Pharisaic practice demonstrate a similar use of anonymous halakhic utterances. There is almost no identification of the authors of Pharisaic halakhot. Similarly, the Teacher of Righteousness, the source of many Qumranic declarations, is also not identified by name; Qumran literature in fact does not divulge the name of any scholars, authors or recipients of divine inspiration/revelation.

2.5.2.5 *Revelation versus Exegesis—Complementary or Incompatible?*

At the end of my thesis on revelation as the foundation of exegesis⁴⁰² in Qumran literature, I would like to approach a methodological issue. One may question the proposed association between revelation and exegesis;⁴⁰³

³⁹⁸ See J. Goody, 1986, pp. 130ff., on the relative flexibility of an oral legal system and of a written code.

³⁹⁹ See Heger, 2003, pp. 72ff.

⁴⁰⁰ S. A. White, 1992, p. 227, n. 14, writes: "Qumran groups had a tradition of writing down their legal precepts, unlike the Pharisees, whose tradition was oral."

⁴⁰¹ I do not discuss the differences between Qumran's stricter purity laws, in contrast to the rabbinic rules. The underlying principle is identical, and the motive for their stricter application at Qumran is a debated issue. H. K. Harrington, 2000, p. 86, for example, asserts that purity increases holiness, which bestows divine energy on the members of the community. This concept of obtaining divine energy seems to me an ultra-modern concept; divine inspiration and grace would seem more appropriate. Maimonides, *Guide of the Perplexed*, III: 51 (ed. Pines) speaks of a divine intellectual outflowing that creates a bond between God and those who truly apprehend, worship and love Him. Other scholars maintain that the equalization of the purity laws for Israelites and priests in the Qumran community was imperative for the creation of a Temple community that replaced their participation in the Jerusalem Temple's sacrificial celebrations (E. Qimron, 1992, p. 292), or equated the two celebrations. D. Dimant, 1986, p. 188, states that the community members "intended to recreate the 'congregation of priests.'" A. I. Baumgarten, 1997, p. 8, proposes that the use of amplified purity mechanisms was a means of expressing disapproval of one's neighbours, and of keeping the group together, separated from the others (pp. 92ff.). Harrington writes (p. 91) that the group submitted to priestly purity regulations, but he considers the urge for enhanced holiness as a distinct goal.

⁴⁰² That the Qumran scholars practised exegesis was already observed by B. Z. Wacholder, 1964/66. He writes: "We have examples of halakhot in the *Damascus Document* that presupposes the acceptance of an oral exegesis by the Qumran sect" (p. 578).

⁴⁰³ H. K. Harrington, 1998, p. 178, poses the question: "Is there an exegetical base for these [Qumran] laws?"

if revelation is the foundation of interpretation, exegesis would seem superfluous.⁴⁰⁴ My proposition is founded on a subtle psychological phenomenon, which has manifested itself continuously to the present day. There are and always have been visionaries, those who believe they experience communication with the divine realm. But such persons have acquired, by appropriate education or by a life-changing experience, a spiritual preparation that makes them predisposed⁴⁰⁵ for the belief in such divine communication. They are “programmed” for such an experience, as we would say in modern jargon.⁴⁰⁶ An atheist, or a person without a deep and overwhelming religious belief, would never claim to have received a divine communication. Hence, there is no conflict between the two concepts of exegesis and revelation.⁴⁰⁷ The Qumran scholars and spiritual leaders craved revelation matching their own perceptions of the scriptural text; such perceptions were based on their

⁴⁰⁴ This is indeed the opinion of S. D. Fraade, 1998, pp. 75ff, expressed in a different way. He writes: “In no case do the Qumran texts evidence such a connection between sectarian rules and scriptural interpretation” (p. 75); further, “the Qumran community claimed divine authority for their rules...by virtue of the divine election, inspiration, and dedication of their priestly leaders” (p. 77). A. Shemesh, 1999, p. 162, interprets Fraade as meaning that the Qumran writers were “concealing from the reader the techniques by which they inferred the law from Scripture, and the fact that the law was the result of intellectual, that is, human inquiry into the verses of the Bible.” I disagree with Shemesh on this point. His assessment implicitly accuses the Qumran writers of hypocrisy, and I do not perceive such an accusation in Fraade’s analysis. Moreover, Fraade asserts that the Qumran rules are described as having been revealed “through the Teacher of Righteousness,” and “the successor inspired teachers, or, ideally at least, the elect community as a whole” (p. 76). Such a statement contains no suggestion of a practice of concealment. The Qumranite claim of divine enlightenment may be perceived by us as an illusion, but it is a long way from deliberate concealment.

⁴⁰⁵ The Italian philosopher of history Giovanni Battista Vico (1668–1744) wrote that people accept only the ideas for which their previous development has prepared their minds, and which, let us add, appear to be useful to them. I am indebted for this significant statement to A. I. Baumgarten, 2000, p. 1, who quoted it in the name of E. J. Bickerman, 1988, p. 305.

⁴⁰⁶ A. Rofé, 2003, p. 759, observes a similar symbiosis in the relationship between religion and text with respect to the scribes and copyists of Holy Scriptures; the text they produce is influenced by their religious belief. He stresses the interaction of all the relevant elements, stating: “Religion, law, historiography, literature, and text will mutually inform one another, interweaving to create a unified picture” (p. 760).

⁴⁰⁷ S. D. Fraade, 2003, writes: “Legal systems are no more functional systems of order and control than they are fictive systems of meaning and imagination.” I compare the modern phenomenon of imagination to the ancient inspiration by revelation; both affect the legal system, and the end result in each case is preconditioned by the author’s basic education and philosophical background.

particular theological-philosophical background.⁴⁰⁸ Armin Lange⁴⁰⁹ calls this phenomenon—that is, the relation between exegesis and revelation—in Qumran’s apocalyptic and non-apocalyptic literature, as well as in antique Judaic literature, “divinatory hermeneutic.” It represents a symbiosis of the two concepts, not a contradiction. He cites a number of examples from Daniel⁴¹⁰ and Qumranic⁴¹¹ literature and a quotation from *ben Sirah*⁴¹² as evidence. D. Instone Brewer⁴¹³ calls the Teacher of Righteousness “an inspired exegete,” to whom God revealed the true meaning of the Habakkuk prophecies. A similar phenomenon in modern religious practice may be observed with respect to the election of a new Pope. The College of Cardinals elects him, but then it becomes a divine choice; the cardinals’ opinion is deemed to have been guided by divine inspiration.

2.6 *The Significance of the Temple and its Sacrificial Celebrations—Qumran and Rabbinic Perspectives*

The significance of the Temple, its cult and its clerics, and, in consequence, their impact on the relevant laws that is so manifest in Qumran writings, also contrasts with rabbinic attitudes towards these topics.⁴¹⁴ The Rabbis effected the transformation of a priestly controlled, concrete, ritual into a sophisticated conceptual and intellectually-guided

⁴⁰⁸ The apparent tension between the Qumran assertions of divine revelation and those texts that stress human observation and reflection, such as 1Q27, Frag. I: 3–4, can also be resolved through this principle: those who reflect in the true way on the mysteries of existence will receive divine enlightenment. Shemesh and Werman, 1997, resolve this apparent contradiction in a similar manner. They maintain that although divine revelation was the source of the Qumranites’ inspiration, meticulous examination of the relevant scriptural texts was also considered a decisive factor in the attempt to discover the correct halakhah.

⁴⁰⁹ A. Lange, 2003.

⁴¹⁰ We read in Dan 9:23: **והבן במראה** “understand the vision.”

⁴¹¹ We read in 1QpHab VII: 4–5: **כול רזי דברי: מורה הצדק אשר הודיעו אל את כול רזי דברי: עבריו הנבאים** “...the Teacher of Righteousness, to whom God has made known all the mysteries of the words of his servants, the prophets....”

⁴¹² We read in Sir 39:7–8: “The Lord will direct his counsel and knowledge as he meditates on his mysteries [this is the NRSV translation, but the Greek term ἀποκρύφους means rather ‘the hidden things’]. He will show [NRSV, but the Greek term ἐφανεῖσθαι is better translated as ‘reveal’] the wisdom of what he has learned.”

⁴¹³ D. Instone Brewer, 1992, p. 197. He refers to the Habakkuk prophecies, but the same concept applies equally for the true meaning of the Torah commands.

⁴¹⁴ See Heger, 1996, pp. 377f. and pp. 400–401.

ritual.⁴¹⁵ A ritual system, led by an aristocratic, genealogy-centered group assembled at one holy site, was converted into a system in which eminent lineage and sacred site lost their primacy. Every place where Jews gathered for worship became sanctified, and knowledge of the Torah became the prerequisite for leadership. The destruction of the Temple was evidently an important element of this dramatic change with its far-reaching ramifications, but we have no authentic data about the Pharisees' perception of the sacrificial celebrations before this traumatic event. Due to the absence of any valid data to the contrary, one should assume that they indeed took part in the sacrificial celebrations and were involved, as far as they had the political power to do so, in ensuring their performance according to Pharisaic rules. Yet I do not exclude the possibility, or even the probability, that at least some of the Pharisees, the presumed forefathers of the Rabbis,⁴¹⁶ already had a different view in the late pre-70 period about the significance and perpetuity of the sacrificial system.⁴¹⁷ They did not attempt, as it seems, to renew these celebrations in the interim period between the Temple's destruction and the Bar-Kokhva rebellion, a period in which the Rabbis empowered themselves as spiritual leaders.⁴¹⁸

The fact that the Rabbis diligently continued their studies on the Temple and its cult in the post-70 period, and expressed hope for its renewal in the *eschaton*, does not contradict the above proposition.⁴¹⁹ The utmost significance of the Temple is evident in Qumran writings. Despite this, the Rabbis decided, for their own valid reasons, to replace the sacrificial celebrations with prayers.⁴²⁰ As mentioned above, we do not possess any original writings from the Pharisees on this and other issues, and thus we are unable to carry out a defensible and convincing comparison of their attitudes toward the Temple and its cult with those of the Qumran group. I hypothesize, however, that the Rabbis deliberately encouraged the discontinuation of the sacrificial cult after

⁴¹⁵ *Ibid.*, p. 389.

⁴¹⁶ See Heger, 2003, pp. 249–252 (“Excursus: The Association between Pharisees and Rabbis”) on this issue.

⁴¹⁷ See Heger, 1999, pp. 380ff. on the progressive sublimation of sacrifices to prayer.

⁴¹⁸ Scholars debate the issue of the recognition of their status by the Roman administration and the extent of their power, but there is no doubt of their ascent to internal leadership in that period. Josephus records their support by the masses (*Ant.* XIII: 298), which evidently facilitated the transfer of respect and leadership from the priesthood to the intellectual Rabbis.

⁴¹⁹ See chapter 4, n. 400.

⁴²⁰ See L. H. Schiffman, 2003, pp. 19ff, and B. Nitzan, 2003, pp. 198ff.

the Temple's destruction and strengthened the status of Yavneh and its scholars against Jerusalem and its priestly class.⁴²¹

2.7 Conclusion

I believe I have substantiated my thesis concerning the similarities and dissimilarities between Qumranic and rabbinic exegesis in both homiletic and halakhic writings. The methods of the Qumran scholars and the Rabbis were similar, if not identical, although they did not reach, in many instances, the same end results. The different philosophical-theological background and approaches of each group account for this diversity. The momentous disparity with respect to the source of interpretative authority affected *a priori* the outcome of each group's distinct halakhic decisions and the literary style of their presentation. Notwithstanding these distinctions, however, the similarities in their overall methods are evident. It is difficult to judge which aspect is more important than the other.

The general textual fluidity of the biblical text in the pre-70 period and Qumran's belief in revelation as the source of interpretative authority are the two phenomena at the core of the distinction between the rabbinic and the Qumranic styles of writing, and in the manner in which each group applied essentially similar exegetical methods and reached their concrete decisions.⁴²² Both groups attempted to reveal in the biblical texts support and justification for their pre-existing ideas, each according to its own philosophical-theological beliefs.⁴²³ Qumran leaders believed they had received by revelation the precise details of the authentic halakhah—that is, the divine intention regarding the indeterminate decrees, lacunae and apparent inconsistencies that they perceived.⁴²⁴ Interpretation received by revelation is by definition imbued with sublime merit; this in turn influenced the mode of the written presentation and publication of Qumran halakhah. In contrast,

⁴²¹ See Heger, 1999, pp. 372–380.

⁴²² J. Milgrom, 1989, p. 178, writes: “In the Temple scroll it [homogenization] produced Scripture. For the rabbis, it produced oral law.”

⁴²³ S. D. Fraade, 2003, p. 59, writes that the different laws deduced by the Rabbis and the TS from the same biblical decree “should be viewed more profoundly as an articulation of the respective ideological and rhetorical cultures of the two interpretive polities.”

⁴²⁴ See G. Brin, 1995, p. 106.

the Rabbis believed that they possessed, with divine endorsement, the exclusive authority for the interpretation of Scripture and the establishment of halakhot. Both groups, to reach decisions in conformity with their ideals and predispositions, or with other goals, modified the simple meaning of the scriptural texts. I hypothesized that the Rabbis considered practical issues in their decisions, in contrast to the Qumran scholars, whose fundamental ideology would not allow such concerns. Therefore, the Qumranic halakhic decisions often appear closer to the simple meaning of the biblical text, as demonstrated above.

The case of the “Training Minhah,” amply discussed in the study, reveals the intricate exegetical methods applied by the Rabbis to deduce this regulation from Scripture, and is a good example of this process.⁴²⁵ It also exposes the Rabbis’ boundless imagination, and our limited ability to reveal their methods unless their sources and modes of interpretation happen to be disclosed—in *Midreshe Halakhah* and in the amoraic assumptions presented in the *Gem.* in the analyses of mishnaic rules. My discussion of the “New Holidays” decreed in the TS, exposing the biblical inconsistencies that likely influenced their institution, suggests that there were similar fundamental ways of thought in Qumran. But in the absence of explicit disclosure of sources and hermeneutic methods for Qumran literature, like those we possess for rabbinic dicta, we are restricted in our ability to detect the precise manner in which Qumran authors deduced their decisions from Scripture,⁴²⁶ both in this specific instance and in general.

This shared exegetical system, modifying the meaning of the biblical texts, was, however, presented in each group’s writings in distinct literary styles. Qumran scholars explicitly altered scriptural structure to emphasize the divine source of their rules, as in the TS, or created a unity and equivalence between the original text and its interpretation in other non-biblical writings. The Rabbis, on the other hand,

⁴²⁵ There are many such examples in rabbinic literature. See e.g. the tortuous rabbinic exegesis regarding the issue of the “purity on the day after taking the ritual bath before sundown,” referring to the scriptural rule in Lev 22:6–7, and the three different categories of purity n. 121, p. 294.

⁴²⁶ Cf. L. H. Schiffman, 1983, p. 212, who declares: “. . . [We] must also consider the question . . . how the legislators related to the Hebrew Bible” (p. 212). If he refers to the question of which scriptural verse and relevant dilemma may have motivated them to declare the law in a particular manner, then our opinions concur. M. Bernstein, 1998, p. 141, notes the difficulty “to determine whether any particular aspect of Biblical law attracted Qumran interpretation.”

though pretending a Sinaitic origin for their interpretations, made a legal distinction between such interpretations and presumed original scriptural decrees, and preserved this division in their writings.⁴²⁷ When the Rabbis needed an altered biblical text for their exegesis, they used the formula: “Don’t read it X [as written], but read it Y,” to fit the wording required for the deduction of the homily⁴²⁸ or halakhah,⁴²⁹ but they did not change the “writing” of the original text. The prevailing *laissez-faire* environment regarding scriptural texts⁴³⁰ in the period before canonization⁴³¹ explains the ‘inaccurate’ citations of biblical quotations in the Qumran non-biblical writings. In the period between the writings of Qumran and the rabbinic literature, the scriptural text was fixed, and the Rabbis’ biblical quotations in their writings were meticulously accurate.

I have thus questioned whether the labels ‘Rewritten Torah’ or ‘Rewritten Pentateuch,’ applied to Qumranic non-biblical texts that deviate from the later canonized MT text in their biblical citations and that amalgamate such citations with interpretation, are justified. There is no evidence of intent by Qumran scholars to ‘rewrite’ the Torah; the fact that the biblical scrolls in their possession demonstrate conformity with the MT text confirms the opposite. The term “parabiblical writings,” introduced by E. Tov⁴³² and further explained by A. Lange,⁴³³ would be more appropriate if we assume that a distinct label is absolutely

⁴²⁷ S. Talmon, 2002, p. 13, writes: “[The Sages] never attempted to integrate any of their own literary creation into the Bible canon.”

⁴²⁸ We read in *b. Meg.* 28b: “Whoever studies halakhot is assured to be a part of the world to come, because it is written: ‘His ways are eternal [Hab 3:6].’ Do not read it ‘halikhot,’ [as written, meaning ‘ways’] but read it as ‘halakhot’ [and the interpretation is, whoever studies] halakhot [is assured a place in] the world [to come].”

⁴²⁹ I will cite an example of such a reading for the justification of a halakhic issue. We read in *b. Rosh Hash.* 13a–b: “[The *Gem.* records a lengthy discussion on how we know from Scripture that grain and olives that achieved a third of their potential growth in the seventh year are considered fully grown in that year and subject to the relevant regulations. The answer is:] it is written [in Lev 25:21]: ‘The land will yield enough for three years.’ Don’t read it as ‘three’ but read it ‘a third’ [and we deduce from this that whatever has grown a third of its potential growth is considered to be fully grown in the seventh year].” G. J. Brooke, 2000, p. 70, describes the method of altering biblical texts to fit “more neatly” the desired interpretation as common in Qumran and New Testament writings. He ignores the similar rabbinic technique.

⁴³⁰ S. Talmon, 2002, p. 43, writes that before 70 C.E. “equanimity” dominated with respect to scriptural variants.

⁴³¹ S. A. White, 1992, writes: “Clearly, the community held the Pentateuch in very high esteem, but had no taboos against a very free handling of the text.”

⁴³² E. Tov, 1994a.

⁴³³ A. Lange, 2003b, p. 305.

necessary for the identification of these writings. Erroneous or deceptive labels and titles create predetermined opinions about the character of the Qumran writings, and negatively influence future analysis and research. Although these labels now seem to be ingrained, I hope that my opinion will not remain the “voice of one calling in the desert” (Isa 40:3), and that this issue will eventually be reconsidered. Finally, I reiterate the conclusion presented in my book *The Pluralistic Halakhah*, though this has not been discussed directly in this study: The Rabbis practised in most instances the maxim of ‘integrative interpretation’;⁴³⁴ within the limitations expressed in the study, I assume that Qumran scholars acted similarly, even if unintentionally.

The halakhic disagreements between the ‘Pharisaic’/rabbinic schools and those of the various sectarian movements, in the late period of the Second Commonwealth, are now a well-established reality. Similarly well-established is the significance of the Temple celebrations in that period. Given these realities, as well as the numerous cases of unclear and inadequate biblical decrees underlying the sacrificial system, one must assume that the rise of conflicting exegeses and subsequent passionate disputes would be inevitable. The next chapter will illustrate the endless potential of different and conflicting interpretations of these biblical commands.

⁴³⁴ Scholars debate whether the halakhah was the product of presumably ‘correct’ hermeneutics—‘creative interpretation’—or the result of a prior ideological decision, subsequently supported or justified by appropriate hermeneutics—‘integrative interpretation.’ I take a definite stand on this issue: the Sages’ decisions were founded mainly upon their own conceptual reflections, and the subsequent hermeneutics served as justification. We encounter a common rabbinic admission of failure at the conclusion of a rhetorical attempt to reveal a scriptural origin for the quoted halakhah: “It is a rabbinic decree, and the biblical verse serves merely as a support” (*b. Yoma* 74a). S. D. Fraade, 1991, p. 14, approaches this issue from another aspect: “the double facing character of ancient scriptural commentary.” He perceives *Sifre* as the outcome of an integration process of hermeneuticist and historicist attitudes, rather than the result of one approach. I do not disagree that such examples abound in rabbinic midrashic literature, but I argue that one cannot affirm one single guiding principle in rabbinic literature. In some instances this double principle could be applied, but in others only one of them would pertain. I maintain that as a rule, when the simple hermeneutic method clashes with historical circumstances, or with a differing viewpoint, the latter gains the upper hand. An example is the Rabbis’ decision to require youngsters of less than 20 years of age to participate in the Passover offering, in apparent conflict with the scriptural text (see the discussion above pp. 98–102). A practical perspective, of whatever nature we care to speculate, must have guided the Rabbis’ judgment.

CHAPTER THREE

THE MINHAH OFFERING

3.1 *Scope of the Chapter*

A superficial reading of the scriptural rules describing the performance of the various offerings gives the impression that all necessary details are included in the relevant texts. We might thus assume that a systematic program governs the requirements of the offerings with respect to their substances, quantities, mode of celebration and distribution among the priests. To some extent, this is correct. The Talmud,¹ and later Maimonides,² attempted to construct a classification of the offerings, evidently detecting a coherent system underlying the various rules and regulations. Although the motives for these attempts at classification are not explicitly indicated, I assume that the Sages aspired to demonstrate the ideology underlying the sacrifices in general, as well as the theological context of their distinctive characteristics.

This chapter will critically analyze one type of offering, the Minhah or grain offering,³ to illustrate: a) the failure of the scriptural rules to provide for many specific requirements and modes of performance of the various offerings; b) the inadequacy of the attempts at classifying the common characteristics of the offerings. I shall then demonstrate the process of development within this sacrificial ritual, which occurred through increasing sophistication and accretion. I shall further argue that in this process divergent theories arose regarding the method of examining the texts, as the missing rules were complemented by creative interpretation and comparison between similar offerings. Such diversity

¹ Chaps. 5–9 of *m. Menah.* contain various types of classifications for the various offerings. Several examples follow. 5:1 states: “All the Minhah offerings must be unleavened, except the bread of the Thanksgiving offering and the two loaves of the first fruits which are of leavened dough.” In 9:2 we read: “There were seven [standard] measures of liquid in the Temple.”

² We read in *Mishneh Torah, Hil. Ma'aseh HaQorbanot* 1:8: “All the Holocaust offerings of animals [excluding a Holocaust of birds] must be males.”

³ The issue of whether the Minhah and the grain offering are identical is debated among scholars, and I shall revert to this topic with a critical analysis of the Sages' reasoning.

may be seen as the source of the many conflicts regarding the rules and celebrations of the sacrificial cult at the Temple, the most significant type of worship in the period after the Hasmonean revolt. It is reasonable to conclude that the intensity of the conflict in matters of such extreme importance, and the associated intense emotions, contributed significantly or even primarily to the creation of sects among the people of Judah. To trace this process and substantiate it is the ultimate goal of this study.

As the sacrificial cult proceeded from simple, ad hoc and non-centralized worship by individuals to the rigid institutionalization of elaborate celebrations performed by specialized clerics in a centralized locus, the apparatus of the offerings—the altar and its accoutrements—and the methods of celebration were affected. The loose mound of earth⁴ of the nomadic period was slowly and in various stages replaced by a complex stone altar⁵ of elaborate design and precise dimensions.⁶ We may trace through the biblical narratives the extended path, linking the practice of the Patriarchs, who built altars, though with no indication as to the type of sacrifice offered there (or indeed whether they offered sacrifices at all),⁷ to the records of occasional offerings at particular events,⁸

⁴ We read in Exod 20:21 (v. 24 in KJV): “Make an altar of earth for me and sacrifice on it your burnt offerings and Fellowship offerings, your sheep and goats and your cattle. Wherever I cause my name to be honoured, I will come to you and bless you.” There is no indication of the form or dimensions of this simple earthen altar. For a substantiation of the thesis that the simplicity of the altar and the lack of any standardized rules continued in practice well into the monarchic period until the time of Ahaz, king of Judah (742–727), see Heger, 1999, pp. 131ff. It is possible that cultic sophistication occurred in Northern Israel in an earlier period, based on the latest archeological findings that confirm a generally higher standard of material culture; however, we do not possess any textual evidence, explicit or implicit, for a specific reform of this kind in Northern Israel.

⁵ The bronze altar has an even more detailed and complex structure. I have doubts, however, as to the authenticity of this altar; I suspect that when the relevant text (Exod 27:1–8) was composed and edited, such a furnishing was already long obsolete. For more details of my hypothesis as to when such an altar was in use and its specific purpose, see Heger, 1999, pp. 271–281.

⁶ See Ezek 43:13–17 for the scriptural rules, and *m. Mid* 3:1–4 for rabbinic descriptions of the exact structure and dimensions of the holocaust altar in the Second Temple period and the method of its construction. See also Josephus’ record in *J.W.* V: 225 and in *Ag. Ap.* I: 198. Concerning the inconsistencies between these two records of Josephus, see Heger, 1999, pp. 37–38.

⁷ Gen 12:7, 8; 13:4, 18; 26:25; 33:20 (the term **ויצב** is used here, which may indicate a pillar rather than an altar); 35:1, 3, 7. The first mention of an altar built by Moses (Exod 17:15) does not indicate whether a sacrifice was offered.

⁸ See among others: Josh 22:10; Judg 6:26; 13:19–20; 1 Sam 7:17; 14:35; 2 Sam 24:18–25. Regarding instances in which offerings were made on the ground or on a stone, rather than upon an altar, see Heger, 1999, pp. 13ff.

and ultimately to the establishment of daily and seasonal sacrifices performed according to strict procedures.⁹ These momentous changes did not occur suddenly or by order of an authoritative leader, but were the result of many stages in a long path of development. It is our fascinating task to critically analyze the biblical narratives, commands and rules, with the aim of detecting the stages of this development. I shall, as indicated, concentrate on a critical examination of the ordinances with respect to the various Minhah offerings; such an analysis, I propose, will adequately reveal and substantiate the general process of development.

3.2 *Methodology*

Despite the focus on the voluntary Minhah offering, it will often be necessary to discuss other offerings, since the rabbinic system of exegesis both stimulates and includes comparisons with similar offerings. I will attempt, whenever appropriate, to interpret the relevant biblical decrees in a straightforward way (that is, without attempting source critical or other analysis), and compare the results of this interpretation with the rabbinic hermeneutics. Whenever available, I will quote the parallel Qumran halakhot, which indicate other interpretive approaches and conclusions that were possible. I shall critically analyze the rabbinic procedures for each step of the Minhah regulations, from the quantities required up to the approach to the altar for burning the dedicated share, and the consumption by the priest of the remaining share. I have attempted where possible to set out the particulars of each step of the Minhah offering in the order in which they would be performed; in some case, however, the ideological and theoretical approaches of the Rabbis compel some variation in this order. At the end of the chapter there is a concise explanation of rabbinic motives and methods of deliberation for the reader unfamiliar with rabbinic literature.

I wish to assert that we have no way to ascertain whether in fact the ritual in the Temple corresponded exactly to the talmudic rules; but we have no reliable evidence to the contrary. Nor can we rely on Qumran writings in the few instances in which we have evidence that their rules contradicted the rabbinic regulations; these rules, like the rabbinic rules, may represent what their Sages thought the rules “ought to be” rather

⁹ As commanded in the P stratum of the Pentateuch: part of Exodus; Leviticus; and Numbers.

than what they really were. Whenever relevant and available I shall quote the rules of sacrifices recorded by Josephus, but I must draw the attention of the reader to the fact that his records are not entirely reliable. I shall not quote from Philo's works, since he was not interested in technical details of the sacrificial system; his main interest was primarily the allegorical significance of the sacrifices rather than in the minutiae of the rituals. Nor are Josephus' reports of the Temple furnishings¹⁰ and sacrifices¹¹ precise; he too was primarily concerned with an allegorical presentation of the Israelite cult, the Tabernacle and the sacrificial celebrations. This motive is evident, for instance, from his symbolic representations of the Tabernacle (*Ant.* III: 123) and the lampstand (III: 146), and from his apologetic arguments and extensive allegorical interpretations (III: 179–187).

It is, in any event, of no importance whether the celebrations in the Temple were performed exactly as the talmudic deliberations indicate; it suffices for our purpose to demonstrate the insufficiency of the biblical commands, and the myriad potentialities for various and divergent interpretations to complement the missing details. The prevailing rhetorical structure found in the Talmud and in *Sifra*—"You [interpret and] say that . . . , but perhaps it is not so [and should be interpreted differently]"—demonstrates the possibility of contrary interpretations, and enhances the validity of my thesis regarding conflicting cult rules as the motive for sectarian division.

3.3 *The Biblical Commands for the Regular Voluntary Minhah*

We read in Lev 2:

(1) When someone brings a grain offering to the Lord, his offering is to be of fine flour. He is to pour oil on it, put incense on it (2) and take it to

¹⁰ I have noted above (n. 6) the conflicting records of Josephus with respect to the dimensions of the stone altar in the Second Temple.

¹¹ In *Ant.* III: 204–207, Josephus lumps together the rituals and the offerings for the seven days of the Temple ordination and the consecration of Aaron and his sons (Exod 29:1–37; there is a brief repetition in Lev 8:1–36 of Moses carrying out these commands, and of the animals offered by Aaron at his first sacrificial performance on the eighth day (Lev 9). In Exod 29 and Lev 8, the requirement for the first seven days is a bull (Exod states *פר בן בקר*, Lev just *פר*), two rams, and a basket of *matzot*. In Lev 9, in contrast, Aaron is required to offer a bull calf and a ram, and the congregation of Israelites must offer a male goat, a calf and a lamb. Josephus (204) simply mentions three animals, without distinction: a bull, a ram and a male kid.

Aaron's sons the priests. The priest shall take a handful of fine flour and oil, together with all the incense, and burn this as a memorial portion on the altar, an offering made by fire, an aroma pleasing to the Lord. (3) The rest of the grain offering belongs to Aaron and his sons; it is a most holy part of the offerings made to the Lord by fire. (4) If you bring a grain offering baked in an oven, it is to consist of fine flour: cakes made without yeast and mixed with oil, or wafers made without yeast and spread with oil. (5) If your grain offering is prepared on a griddle, it is to be made of fine flour mixed with oil, and without yeast. (6) Crumble it and pour oil on it; it is a grain offering. (7) If your grain offering is to be baked in a pan, it is to be made of fine flour and oil. (8) Bring the grain offering made of these things to the Lord; present it to the priest, who shall take it to the altar. (9) He shall take out the memorial portion from the grain offering and burn it on the altar as an offering made by fire, an aroma pleasing to the Lord. (10) The rest of the grain offering belongs to Aaron and his sons; it is a most holy part of the offerings made to the Lord by fire. (11) Every grain offering you bring to the Lord must be made without yeast, for you are not to burn any yeast or honey in an offering made to the Lord by fire. . . .

It is not within the scope of this study to critically analyze the literary structure of this pericope, a matter amply considered by rabbinic sources,¹² traditional commentators and modern scholars.¹³ It suffices for our purpose to accept the notion that the pericope is composed of different sources, which may be inferred from the various interjections; it is further suggested by some that the elements of the composition date from different periods. Elliger¹⁴ in particular has analyzed the internal organization and structure of the pericope and demonstrates its different sources; he goes on to infer that there was a considerable interval between the different sets of circumstances that led to each particular accretion. I would only add to his conclusions the point that within all the sacrificial rules in Lev chaps. 1–5, it is only in this Minhah pericope in chap. 2 that the priestly remuneration is indicated.¹⁵ This fact

¹² The natural sequence of animal Holocaust offerings in chap. 1 and Fellowship offerings in chap. 3 is interrupted by the grain offerings in chap. 2; as well, there is the different introductory style in chap 2, “When someone brings [a grain offering.]” Explanations of these issues were attempted in *Sifra*, *Dibura DeNedawah*, *parshah* 8, s.v. *parsheta* 8, by the prominent *Sifra* commentator Malbim, in *b. Menah.* 104b, and by Ibn Ezra.

¹³ D. Z. Hoffmann, 1953, Vol. 1, p. 103, and K. Elliger, 1966, p. 39.

¹⁴ Elliger, 1966, pp. 38ff.

¹⁵ This is only reiterated in chaps. 6–7, in the separate *torot* (זאת תורת) pericope. The phrase: “[The rest of the offering] will belong to the priest, as in the case of the grain offering [Lev 5:13]” appears only for the Sin offering of grain. This is not surprising, since it refers to the much later-instituted Sin offering, and at that time the priestly remuneration was already an established procedure. This phrase also attests to the late

supports the hypothesis of a later composition, after the institutionalization of the priestly class and its precisely-regulated compensation system, which differed for each type of offering.

3.4 *The Ingredients of the Offering*

3.4.1 *Quantities of Flour and Oil*

Already in the first verse of the pericope we are struck by the lack of data with respect to the quantities required for the various ingredients of the Minhah offering. There are no indications of either minimum or maximum quantities for the flour, oil and frankincense. Nor are there indications as to whether there were established standards and ratios for the different ingredients, such as are found for some of the other vegetal offerings (for example, the auxiliary Minhah in Num 15:2–12—מנחת נסכים in rabbinic terminology).

The minimum quantity of flour is established in *m. Menah.* 12:3 as a tenth of an *efah*. We read there: “If someone vows to offer a Minhah of barley, he must bring [a Minhah] of wheat flour; [if] a Minhah of regular flour, he must bring fine flour; [if] a Minhah without oil and frankincense, he must bring it with oil and frankincense; [if] a Minhah of half an *issaron* [a tenth of an *efah*], he must bring an entire *issaron*; [if] of an *issaron* and one-half, he must bring a Minhah of two *issaron*. Rabbi Simeon relieves him from his vow, since the vow was not made according to the regular requirements [of a Minhah, and therefore it was not valid].” We observe that the Rabbis established an *issaron*, a tenth of an *efah*, as the minimum quantity of the voluntary Minhah described in Lev 2. This quantity came to be the standard for every dedication of a Minhah offering; only this standard, or multiples of it, could be offered. With respect to the special offering of the anointed priest (a complex topic, discussed along with its tortuous exegesis in chapter 2 pp. 62ff., which explicitly indicates the requirement of a tenth of an *efah*, we read in *m. Menah.* 4:8: “The Habitin¹⁶ offering of the High Priest must not be brought in two halves, but he [the High Priest] brings an entire tenth

editing of our pericope, and the interjection of the clauses with respect to the priestly compensation.

¹⁶ This is the *terminus technicus* coined by the Rabbis for the specific daily Minhah of the High Priest, according to their interpretation of the relevant pericope, Lev 6:13–15 (20–22 in KJV).

and divides it [afterwards], offering one half in the morning and one half at twilight.” We observe that the Rabbis accept the tenth of an *efah* as the minimum quantity of an offering. It seems that this decision was taken as a result of a logical consideration—either an assumption that a lesser quantity would not be dignified for an offering to the Deity, or because it is the smallest measurement mentioned in the Pentateuch.

As is common in the Talmud, however, we also encounter a vague attempt to locate support from a biblical source. In *b. Menah.* 89a, at the end of a rhetorical deliberation regarding the required quantity of oil for a voluntary Minhah, we read, as an incidental consequence: “And the Sages, how do they interpret the connection ‘a grain offering and one *log* of oil [for a leper’s offering]’?¹⁷ This [they interpret as meaning] that one who donates a Minhah must offer a quantity [of flour] not less than that which would require a *log* of oil, and that is a tenth [of an *efah*].” This circular evidence, quoted incidentally, in contrast to the usual deliberations with respect to missing rules,¹⁸ indicates the reluctance of the Sages here regarding this specific issue. In other occurrences, the minimum quantity of one-tenth of an *efah* is stated as a commonly accepted, absolute requirement.¹⁹

We observe the feebleness of this deduction:²⁰ a) The *log* of oil of

¹⁷ For the cleansing of the impoverished leper, Lev 14:21 states: “If, however, he is poor and cannot afford these, he must take one male lamb as a Guilt offering to be waved to make atonement for him, together with a tenth of an *efah* of fine flour mixed with oil for a grain offering, and a *log* of oil, [and two doves . . .].”

¹⁸ As we read for example in *Sifra Zav, parshah* 3: “[It is written regarding the special daily grain offering of the High Priest, according to the rabbinic interpretation of Lev 6:13–15 (20–22 in KJV):] ‘with oil on a griddle’ [v. 14, KJV 21]. We learn that it requires a vessel and that oil must be added, but we do not know how much. So we compare it to the auxiliary Minhah that also requires oil, and since the auxiliary Minhah requires three *logim* [a fourth of a *hin*—Num 15:4] for a tenth of an *efah*, so this offering requires three *logim* of oil for a tenth of an *efah*. [Q] Let’s compare it rather to the voluntary Minhah that requires [only] one *log* for a tenth of an *efah*; so this too should require one *log*. [A.] Let’s see with which offering it is more compatible [and that will indicate to us how to proceed].” The deliberation continues on the quest for the common characteristics of the various Minhah offerings and the High Priest’s offering, in order to decide accordingly. The deliberation is resolved by comparing this offering to the auxiliary Minhah, and consequently deducing the same quantity of oil for the High Priest’s offering.

¹⁹ From the rabbinic deliberation quoted in the previous note, which also appears in *b. Menah.* 51a, we observe in the phrase “Let’s compare it to the voluntary Minhah that requires [only] one *log* of oil for a tenth of an *efah*” that this is considered a well-established proceeding.

²⁰ Since there is circular evidence here, I must mention the issue of the quantity of oil, which is interwoven with the talmudic deliberations on the quantity of flour. I shall treat the issue of the oil separately.

the leper's offering is required in addition to the oil to be mixed with the flour,²¹ whereas the oil required for the voluntary Minhah, to be deduced by comparison, is only to be mixed with the flour; yet for this portion of oil, there is no indication of quantity for the leper's offering. b) The *log* of oil used in the leper's cleansing process is specifically dedicated to the complex performance of sprinkling before the Lord; it is to be put on the lobe of the ear, the thumb, the toe and the head of the one to be cleansed. It thus has nothing in common with the oil of the Minhah, which is an integral element of that offering. This lack of inherent connection between the leper's *log* of oil and the Minhah offering is also emphasized by the requirement of an identical quantity of cleansing oil for both the rich and the poor leper. Regarding the offerings to be brought, the rich leper must bring three-tenths of an *efah* of flour mixed with oil, corresponding to three animal offerings, while the poor man brings only one-tenth of an *efah* of flour mixed with oil, as an auxiliary for one animal offering. There is no doubt that the amount of oil to be mixed with three-tenths of an *efah* flour²² is greater than the quantity of oil required to be mixed with one-tenth. For the separate cleansing performance, however, one *log* of oil is required in both instances, and thus it can have no connection with the oil to be mixed with the flour. The leper's Minhah is *sui generis* and has no similarity to either the individual voluntary Minhah or the auxiliary Minhah.²³ This comparison of two so disparate celebrations, and the far-fetched correlation of two totally distinct functions of oil, simply because one term follows the other in the text,²⁴ indicates the feebleness of the biblical support for the rab-

²¹ See the citation of Lev 14:21 in n. 17.

²² Scripture does not indicate the required quantity of oil to be mixed with the three-tenths of an *efah* of flour. The Sages require three *logim* of oil for each tenth of an *efah*; that is nine *logim* of oil altogether, since the Sages deem there to be three auxiliary Menahot with libations, one for each offering. See *m. Menah.* 9:6.

²³ The voluntary Minhah has no fixed quantity of flour, and requires the addition of frankincense (Lev 2:1). The leper's Minhah for both rich and poor, in contrast, has fixed quantities (Lev 14:10 and 21), and does not require frankincense, because this obligation is not mentioned in Scripture. The Rabbis consider it an auxiliary Minhah, and therefore the rules relevant to that Minhah apply; see *m. Menah.* 5:3 and 9:6 on this issue. The priest burns only a handful of the voluntary Minhah and eats the remainder (Lev 2:2–3). The leper's Minhah is entirely burnt on the altar; this is clearly indicated in Lev. 14:20: “[The priest shall slaughter] the burnt offering and offer it on the altar together with the grain offering,” and endorsed in *m. Menah.* 6:2.

²⁴ It is interesting to note that the modern but traditional commentator D. Z. Hoffmann, who usually quotes the talmudic deliberations in his commentary to Leviticus (1953), is reluctant to cite the above talmudic support in this instance; instead, he quotes (p. 105) an allegorical explanation by Rabbi S. R. Hirsch that since one-tenth of an

binic decision. Moreover, even this support refers only to the minimum quantity of flour. There is no indication that it constitutes a standard measure that can only be offered on its own or in multiples; the Mishnah, as we observed, does not allow the offering of a partial *issaron*, or similar intermediate quantities. There is no attempt to reveal a biblical support for the latter principle.

This rabbinic attempt at standardization also suggests the plausibility of other groups of priests or scholars, from the Sadducees or other sects, reaching a different result from another, more appropriate comparison.²⁵ For example, from a logical point of view, a comparison to the required quantities of flour and oil explicitly mandated for the auxiliary Minhah²⁶ would seem more opportune, though that too differs in some respects from the voluntary Minhah.²⁷

We have discussed the minimum quantity of flour for a voluntary Minhah and the rabbinical deliberations that led to this conclusion. We must now investigate the minimum quantity of oil required for one-tenth of an *efah* of flour for a voluntary Minhah. We have already noted above the circular reasoning used to deduce this quantity; that deliberation refers to the list in *m. Menah.* 9:3²⁸ of the different measures in the Temple: “And with the volume of one *log*, he would measure all the [amounts of flour] of the Menahot, even a Minhah of sixty-tenths requires sixty *logim* [of oil, that is, one *log* of oil for every tenth of an *efah* of flour].” The *Gem.* attempts to discover how the Mishnah arrived at this rule, and quotes a baraita: “For the offering of the poor leper, it is

efah of flour is the quantity of food necessary for a person’s daily subsistence, it would represent the symbolic devotion of his existence.

²⁵ See E. Regev, 1998.

²⁶ As decreed in Num 15:3–10 and 28:12–14. Different quantities are required for the auxiliary Minhah according to the animal offered (sheep, ram or oxen), which could also be appropriate for a voluntary offering.

²⁷ According to the talmudic deliberations, the flour and the oil of the leper’s Minhah is burnt on the altar, and not consumed by the priests, as is the remainder of the voluntary Minhah. We read in *b. Menah.* 91a: “But [in contrast to the regular Sin and Guilt offerings that do not require an auxiliary Minhah and libations (Num 15:3 requires this only for *עֹלָה אוֹ זִבְחָה*, usually representing a burnt offering and a Fellowship offering)], the Sin offering and Guilt offering of the leper require auxiliary offerings and libations.” Neither the flour nor the wine of these auxiliary offerings is consumed by the priests, as we read in *m. Menah.* 6:2: “The Minhah of priests, the Minhah of an anointed priest and the auxiliary Minhah are [entirely dedicated] to the altar, and the priests do not receive any part of them.”

²⁸ There is a discrepancy between the regular printed editions of the Talmud and the Mishnah commentaries of Maimonides and Albeck, regarding the order of chaps. 6–10 of Mishnah tractate *Menahot*. I use the latter numbers in my quotations from *m. Menah.*

written [Lev 14:21:] ‘a tenth of an *efah* [of fine flour] mixed with [oil for a grain offering], and a *log* [of oil] . . .’; this comes to teach us that a tenth of an *efah* of flour requires a *log* of oil.” The Talmud in fact skipped the words “oil for a grain offering” of the verse (shown in square brackets in the translation above) to read: “a tenth of an *efah* [of fine flour] mixed with a *log* [of oil],” thus facilitating the homiletic linkage between one-tenth of an *efah* and one *log*, though they are evidently separated in Scripture. As in other occurrences, the context and the Massoretic accentuation of a *tifa* on the term לְמִנְחָה in our verse clearly indicate a separation between the oil required for the mixing of the flour and the *log* of oil for the cleansing procedure. This biblical support is no more persuasive than the previous support with respect to the required minimum quantity of flour.

There are yet more issues with respect to flour and oil for the voluntary Minhah offering, besides the question of the minimum required quantities. We may ask in particular: a) is there ever a maximum quantity; b) do the quantities of flour and oil increase in tandem, or are there two separate standards; and c) must the ingredients be measured as multiples of one-tenth of an *efah* of flour and one *log* of oil, or are any quantities of flour and oil acceptable as long as they are above the minimum of one-tenth an *efah* of flour and one *log* of oil.

Regarding question a), we read in *m. Menah.* 12:4: “One may donate a Minhah of sixty-tenths of an *efah*, and bring it in one receptacle; if, [however], he vowed to donate [a Minhah of] sixty-one-tenths of an *efah*, he must bring sixty in one receptacle and the one in a separate receptacle.” We observe that there is no absolute maximum quantity of flour and oil a person may donate for a Minhah, but there is a maximum of sixty-tenths of an *efah* of flour to be used in one offering.²⁹ The motives recorded in the Mishnah for this limitation indicate a practical approach by Rabbi Simeon;³⁰ such an approach may give us insight into

²⁹ It is not explicitly stated that sixty-one-tenths would be considered two separate offerings; we shall see, however, that this deduction is evident from the motive stated for this limitation, that one should not bring a larger amount than the public offering.

³⁰ We read there in continuation of the first-cited passage: “[The reason for the limit of sixty-tenths of an *efah*] is because the public brings a maximum of sixty-one-tenths of an *efah* of flour for the offerings of the first day of the Feast of Tabernacles, when it occurs on a Sabbath, and therefore it is appropriate that an individual should bring one-tenth of an *efah* less than the public offering. Rabbi Simeon said: [This is not a logical comparison since they are for different offerings;] some are for oxen and some for sheep, but [the reason is that] up to sixty-tenths of an *efah* can be suitably mixed.” See also n. 272 on the practical and logical approach of Rabbi Simeon in other occurrences.

many of the Sages' original considerations and decisions, ultimately concealed and protected under the aegis of suitably interpreted biblical verses.

The setting of the maximum quantity of flour at sixty-tenths of an *efah* for one Minhah seems to have been agreed upon by the Sages³¹ without opposition to its practice.³² Regarding question b), in contrast, we encounter a notable conflict with respect to the quantity of oil required for offerings of more than one-tenth of an *efah* of flour. This dispute is apparent in the continuation of the above-cited *m. Menah.* 9:3, quoted again for the convenience of the reader: "And with the volume of one *log*, he would measure all [the amounts of flour] of the Menahot, even a Minhah of sixty-tenths requires sixty *logim* [of oil, that is, one *log* of oil for every tenth of an *efah* of flour]. Rabbi Eleazar son of Jacob says: Even a Minhah of sixty-one-tenths of an *efah* requires only one *log* [of oil], since it is said [Lev 14:21]: 'for a grain offering and a *log* of oil.'"³³

With respect to question c), I refer to the text of *m. Menah.* 12:3, cited above p. 156 in another context, which indicates the rabbinic opinion that the quantities of the voluntary Minhah must be standard—that is, one-tenth of an *efah* of flour and one *log* of oil, or multiples of these amounts. There is no possibility of offering intermediate quantities, such as one-and-a-half tenths of an *efah* of flour³⁴ or one-and-a-half *logim* of oil.³⁵

³¹ Again, we have no evidence as to whether any other Jewish group or sect accepted this regulation, or disputed it, during the period of spiritual agitation after the Hasmonean rebellion.

³² We have seen the different opinions with respect to the motive for this regulation.

³³ I have already discussed above (pp. 157ff.) the oddities of this homily. The Sages deduced from this linkage of two distinct topics the requirement of one *log* of oil for every tenth of an *efah* of flour, whereas Rabbi Eleazar inferred from the same homily a requirement of one *log* for every quantity of flour, regardless of its magnitude.

³⁴ The conflict between the Sages and Rabbi Simeon refers only to the legal consequences of a non-standard vow. The Sages considered the vow valid and compelled the donor to increase the quantity to the obligatory standard, that is, two-tenths instead of the pledged one-and-a-half tenths. In contrast, Rabbi Simeon deemed the vow invalid, since something has been promised that does not exist—a Minhah of one-and-a-half tenths of an *efah*—and the vow is simply empty words.

³⁵ This would be a logical deduction; since the Sages deduced, by circular evidence, the standard quantities of flour and oil from each other, they should also be equal with respect to odd quantities, and the same rules with respect to non-standard quantities of flour should apply to oil. It is possible that the Sages who pronounced the rule of *m. Menah.* 12:3 actually maintained such a principle. In *m. Menah.* 1:3 it is stated: "If he added oil [more than decreed] or put less, [the Minhah] is unfit." From this mishnah, we would assume that any quantity above or below the required quantity renders the Minhah unfit. From *m. Menah.* 9:3: "With the *log* [measure], he measured all [the oil]

3.4.2 *Type of Flour*

Scripture does not specify the type of the grain for the Minhah—that is, whether it must be of wheat or can be of any other grain; the text specifies only finely ground flour, סֹלֶת *solet*. In *m. Menah.* 6:5 it is stated: “All Menahot require three hundred rubbings and five hundred beatings [specific activities required to produce the mandated quality of fine ground flour].” The term *solet* implies only this particular attribute. Onkelos translates this term as סֹלֶת, and the Samaritan Targum uses the Hebrew term סֹלֶת. However, Jonathan uses סַמִּידָא, an abbreviation of the Greek σμιδαλις; Josephus in his record of the offerings uses both ἄλευρον³⁶ and σμιδαλις,³⁷ which indicate wheat flour (Liddell and Scott). Philo also uses the term σμιδαλις and we may assume that both historians assumed that this was the practice in the Temple.

The Sages deduced that the term *solet* need not necessarily imply wheat. The term appears as a requirement for the Omer Minhah in Lev 23:13, and in *b. Menah.* 68b³⁸ the Sages deduced, through a twisted hermeneutic exercise, that it must consist of barley. As Scripture does not specify the type of flour for the voluntary Minhah, this too had similarly to be deduced through comparison; but in this case the type deduced was wheat. We read in *Sifra parshah* 8, *pereq* 10: “[It is written] ‘Minhah’ to relate what is said here to all the Menahot and what is said

of the Menahot,” we similarly observe that the exact quantity was required and actually applied in practice. In *b. Menah.* 11a, however, Rabbi Eleazar declares that only a doubling of the oil, that is, two *logim* instead of one *log*, renders the Minhah unfit, but a lesser addition of oil does not.

³⁶ *Ant.* III: 233.

³⁷ *Ant.* III: 235.

³⁸ *Bavli Menah.* 68b deduces that the Omer Minhah (Lev 23:13) must be of barley, from the identical term אֲבִיב that appears in Exod 9:31, clearly referring to barley, and in the eternal precept to bring an offering of first fruits in Lev 2:14. But the comparison and deduction are flawed, since this term does not appear in the command for the Omer Minhah in Lev 23:9–14. The rabbinic presumption that Lev 2:14 relates to the Omer Minhah is equally faulty. The text regarding the offerings in Lev 2 points to individual voluntary offerings, in contrast to the command for the Omer, which unquestionably indicates obligatory public offerings. Verse 14 starts with the conjunction וְאִם “and if,” appropriate for a voluntary offering. The Sages, ignoring these significant differences in the two pericopes, amalgamated the two distinct decrees and created a hybrid structure of this offering with mixed rules. Some bear the character of a voluntary offering, some of an auxiliary offering and some of the particular Omer offering—for instance, the two-tenths of an *efah* of flour for one lamb (Lev 23:13), instead of the regular one *efah*. The tortuous rabbinic deliberations that resulted from the lacunae in the biblical instructions again demonstrate the potential controversies with respect to the correct performance of the offerings.

about all the Menahot to this Minhah. Just as the fine flour specified there [Exod 29:2] is wheat, so is this one. [It is written] ‘his offering is to be of fine flour [Lev 2:1]’; [this indicates] that one must pledge to bring only an offering of wheat flour.” The specific requirement of wheat flour appears only once in Scripture, for the particular offerings of the seven ordination days in Exod 29:2.³⁹ These offerings are *sui generis* in many other respects;⁴⁰ it is therefore illogical to deduce from them the same requirement for all other Menahot cited in Scripture. Yet the Sages decided that the voluntary Minhah must be exclusively of wheat. We read in *m. Menah.* 12:3: “When one pledges to offer a Minhah of barley, he must bring [a Minhah] of wheat; if he pledges a Minhah of regular flour, he must bring [a Minhah] of fine flour.” The Mishnah equates the requirement of fine flour, explicitly indicated in Scripture, with the obligation to bring wheat flour, which is not mentioned in Scripture with respect to the voluntary Menahot.

In addition to this absolute and categorical requisite, the Sages established a standard of high quality for the flour, as we read in *m. Menah.* 8:2: “One must not bring [the Minhah from grain cultivated] with manure, by artificial irrigation or between trees, but if he did so, [the Minhah] is suitable.”⁴¹ We obviously do not know whether the scholars of the

³⁹ We read in Exod 29:2 that the auxiliary bread and cakes of the Ordination offerings “must be made of fine wheat flour.” A particular flour, “barley flour,” is explicitly required only for the Jealousy offering (Num 5:15), but there the term *solet* is not used. No particular flour is mentioned for the other Menahot. We must agree that the term *solet* does not of itself indicate wheat flour, since we have observed that it was necessary to deduce from another Minhah that it is wheat flour that is required; the term *solet* indicates only that the flour is finely ground.

⁴⁰ The Ordination offerings differ from the regular offerings in many aspects, of which I shall list a few: This offering has, exceptionally, an auxiliary Minhah for the first Holocaust ram (Num 15:6–7). The second ram is similar to a Fellowship offering, (since its greatest part is eaten by the offerer), but it is called “consecration ram” (Exod 29:22). It has a certain affinity with the Thanksgiving offering (תודה) that also requires baked bread and cakes instead of the auxiliary Minhah, and is eaten only on the same day, in contrast to the two days allowed for the consumption of the regular Fellowship offering. But the resemblance ends there and the number of distinctions are far greater. The bread and cakes of the Thanksgiving offering are leavened and are not burnt on the altar, whereas the bread and the cakes of the Ordination offering are unleavened and one of each is burnt on the altar. The right thigh of the Ordination offering is burnt on the altar, whereas those of the Thanksgiving and Fellowship offerings are eaten by the priests. Therefore, this Ordination offering is *sui generis*, and the particular requirement of bread and cakes baked of wheat flour for this specific offering does not justify the deduction of the same requirement for other Menahot.

⁴¹ Cultivation using such unnatural improvements to the soil was considered inadequate for the production of the highest quality grain. The Mishnah indicates, in

various sects agreed to or opposed the above requirements, deduced by the Pharisees using tenuous hermeneutics.

3.4.3 *The Type of Oil*

In the commands with respect to the various Menahot, only the non-specific term “oil” is indicated. The one exception is the auxiliary offering for the daily Tamid, as commanded in Exod 29:40 and Num 28:5, which require the flour to be mixed with “pressed oil” [from olives];⁴² this is not required for the regular auxiliary Menahot (Num 15:2–10). There are three distinct terms in Scripture for the oil used in cult rituals: the non-specific שֶׁמֶן “oil,” the superior שֶׁמֶן כֹּתִית “pressed oil,” and שֶׁמֶן זֵית זָךְ “clear olive oil” of the highest quality, which appears exclusively as a requirement for the lighting of the lampstand in the Temple. There is evidently a difference between the neutral term “oil” and the specific “pressed oil,” with respect to their method of extraction.⁴³ But there is no indication in Scripture as to the required origin of the oil for the Menahot, even for the auxiliary Minhah to the Tamid offering that specifically requires the “pressed oil” quality; this term need not necessarily refer to olive oil. The Rabbis assumed that the oil for all Menahot must be of olives.⁴⁴ Regarding the quality “pressed oil,” however, there seems to be a certain confusion between this term and “clear pressed

continuation, the preferred system: “How does he proceed [to attain the finest crops]? He plows the first year [and leaves the field fallow] and sows it seventy days before Passover only in the second year, and consequently it will produce much fine flour.”

⁴² Scripture does not indicate the origin of the oil, but the method of extraction of the oil seems to imply its origin from olives. This is also the particular term utilized for the specific oil required for the lighting of the lampstand: “clear oil of pressed olives for the light” (Exod 27:20 and Lev 24:2).

⁴³ We read in *b. Menah.* 86b: “Rabbi Judah says: The term כֹּתִית really means crushed.” In *t. Menah.* 9:6, Rabbi Judah elaborates on his declaration, and we read there: “Rabbi Judah says: He did not grind them [the olives for the oil] in a mill, but crushed them in a mortar, and he did not grind them with a wooden beam but with stones.”

⁴⁴ We read in *m. Menah.* 8:3: “The first grade of oil comes from Tekoa.” In *b. Menah.* 65b on this mishnah, Rabbi Yohanan explains the uniqueness of Tekoa: because the people of Tekoa regularly consume olive oil, they are smart, as is written in 2 Sam 14:2: “So Joab sent someone to Tekoa and had a wise woman brought from there.” Since in Israel the non-specific term “oil” was understood to refer to olive oil, the Sages assumed that the term in Scripture also meant olive oil. We read in *b. Ned.* 53a: “One who vowed in Israel not to consume oil [without specifying the type] may consume sesame oil, but must not consume olive oil; [if he makes the same vow] in Babylon, he must not consume sesame oil, but may consume olive oil.” The Sages did not discuss this issue, or attempt to find support for it in Scripture, but took it for granted that שֶׁמֶן (at least in Israel) referred to olive oil.

olive oil.”⁴⁵ As a result, ambiguity on this significant topic is evident; there are no specific deliberations or clear declarations as to whether, in the Sages’ opinion, there is a distinction between the oil required for the auxiliary Minhah for the Tamid and that for all other Menahot.⁴⁶ According to my understanding of the rabbinic assumptions, one is allowed to use oil of “pressed oil” quality for all Menahot, but it is not obligatory for any of them, despite the fact that “pressed” quality is explicitly required for the Tamid auxiliary. The required quality of oil for the lampstand is also unclear, because of the failure to determine whether there is a difference in quality between “clear pressed olive oil” and “pressed oil.”⁴⁷ Given this ambiguity, we can imagine the number of different opinions with respect to the correct quality of oil that could have arisen among Sages in the Second Temple period. I reiterate here that regardless of whether the actual performance of the rituals and the quality of the ingredients used in the Temple accorded precisely with the rabbinic rules in the Talmud, a critical analysis of the deliberations of the Sages indicates the great number of potential and plausible conflicts at this time with respect to the correct manner of ritual worship.

⁴⁵ It seems to me that there is no clear separation in the Talmud between the biblical terms “pressed oil” and “clear pressed olive oil,” and a certain confusion reigns with respect to these terms. There is an obvious distinction between them in Scripture; the attribute “clear,” and its use exclusively for the lampstand, indicate that high quality oil was required only for this specific purpose, but not for the Menahot. In *m. Menah.* 8:5 it is deduced from Exod 27:20 that the quality “clear pressed” is not required for the Menahot. In *b. Menah.* 86b it is declared that one may use this quality of oil for Menahot, but the Torah does not recommend it, so as to save the unnecessary expense. These passages refer to the difference between “clear pressed” and “pressed”; however, we don’t know whether the Menahot require “pressed” oil like the Tamid auxiliary, or regular (olive) oil, as the term “pressed” is not mentioned. The difference between the two qualities is also not clearly defined in rabbinic literature, as we have seen.

⁴⁶ See next n. 47.

⁴⁷ Here too there are apparently different or at least ambiguous assertions. In *m. Menah.* 8:4 the details of the complex process of extracting olive oil are set out, with the distinct qualities of each extraction. The following mishnah 5 states: “The first extraction of the first step is of superlative quality,” and in mishnah 8:4 we read: “The [oil of the] first extraction is reserved for the lampstand, and the subsequent extractions are for the Menahot.” The biblical attributes of the oils are not associated in the mishnah with the steps of the extraction, and therefore it is not clear from these mishnayot whether their editor assumed a distinction between the biblical terms “clear pressed” and “pressed.” In consequence, it is not clear whether the first extraction, appropriate for the lampstand, is called “clear” and the rest are “pressed,” or the first is “pressed,” suitable for the lampstand, and the remainder is regular oil, and can be used for the Menahot. Some of the traditional commentators understood that “pressed” is not required even for the Tamid auxiliary offering.

3.4.4 *Frankincense*

In Lev 2:1–11, the addition of frankincense appears only with respect to the flour *Minhah*, but not with respect to the three prepared types of grain offerings: “baked in an oven [v. 4],” “on a griddle [v. 5],” and “in a pan [v. 7].” From a literary analysis of the structure of these verses it is evident that the rules for these three types of *Minhah* constitute a separate and independent command. This oddity has been observed and deliberated upon by scholars,⁴⁸ and I shall therefore limit myself to a concise argument to substantiate this postulate. The first pericope concerning the flour *Minhah* constitutes a comprehensive command with all relevant details: the ingredients (v. 1), the stages of the performance (v. 2), and the priestly remuneration (v. 3). The following pericope in vv. 4–10, though it refers to the same *Minhah* offering, is stylistically different, in that it comprises three different manners of preparation (vv. 4–7). These are bundled together (vv. 8–10) with respect to their common features, such as the stages of presenting the offering to the priest, the priest’s bringing the offering to the altar (v. 8), his lifting of the memorial portion,⁴⁹ and the burning of the offering on the altar (v. 9). At the end of the pericope, the priestly remuneration is also set out for all three types of *Minhah* (v. 10). We can thus detect two separate and independent pericopes, each with all its relevant minutiae, in the same sequence and with similar wording; there is then a concluding pericope, vv. 11–13, with shared rules for the two previous independent pericopes. We must therefore assume that originally the three *Minhah* types specified in vv. 4–10 did not require the addition of frankincense,⁵⁰ since this appears only in the first pericope. The structure of the three pericopes, and the fact that the concluding vv. 11–13, which state the common rules and requirements for all *Menahot*, contain no indication or hint of frankincense, make the lack of frankincense conspicuous.⁵¹

⁴⁸ See for example the extensive analysis of K. Elliger, 1966, pp. 38ff. on this topic.

⁴⁹ Because of the different physical condition of baked goods, which does not allow the taking of a handful like that decreed for the flour offering, the separation of the priest’s portion is of course expressed in distinct terms in the second pericope. On the other hand, the identical ritual term **אִזְכָּרָה** “the memorial portion” appears in both pericopes, thus corroborating the parallelism of the two independent pericopes.

⁵⁰ See K. Elliger, 1966, p. 38, Note [b], and the discussion of the frankincense issue on pp. 202ff.

⁵¹ The absence of a mention of frankincense would not in itself imply that it is not required. There are explicit biblical commands not to put frankincense on some *Menahot*. For instance, with respect to both the grain offering for Sin (Lev 5:11) and the

The Sages, who did not apply critical structural analysis to Scripture, concluded—quite possibly without any doubt⁵² or relevant deliberation—that frankincense was a requisite for all Menahot, with the exception of specific cases explicitly exempted from this obligation. This rule is reflected in the emphatic and comprehensive declaration in *m. Sotah* 2:1: “All the Menahot require oil and frankincense, and this one [the Jealousy Minhah] does not require oil or frankincense.” In *b. Sotah* 15a it is asked: “[How does the Mishnah declare that all the Menahot require oil and frankincense?] There is the Minhah⁵³ of the sinner, in respect of which Scripture says [explicitly] ‘he must not put oil and frankincense upon it [Lev 5:11].’” In reply, the *Gem.* alters the text of the Mishnah in order to resolve the contradiction, declaring: “this is how you must read the Mishnah.” The wording in *m. Menah.* 5:3 is more careful; rather than the sweeping generalization of *m. Sotah* above, it specifically lists the Menahot that require oil and frankincense. We read there: “And these are the Menahot that require oil and frankincense”; the Mishnah then goes on to set out all the types of Menahot listed in Lev 2:1–10

special Jealousy Minhah (Num 5:15) it is stated: “he must not put frankincense on it.” In these cases, Scripture emphasized the lack of frankincense; hence where there is an absence of such a prohibition we might have assumed that frankincense was required.

⁵² The requirement of frankincense for all the individual voluntary Menahot is so strongly entrenched in the minds of the Sages that they use this ‘assumed’ common feature to deduce additional common requirements, not decreed in Scripture, for other Menahot. *Sifra Zav parshah 3 pereq 4* establishes that the High Priest’s Minhah, decreed in Lev 6:13–15, requires only one *log* of oil. The discussion attempts to decide which offering is comparable in its characteristics to this High Priest’s Minhah and hence would require the same quantity of oil. We read there: “Or argue this way: compare an individual’s independent Minhah that requires frankincense with an individual’s independent Minhah that requires frankincense [and therefore, since the individual’s Minhah requires one log of oil, the same quantity should be required for the High Priest’s Minhah.” There is no question in the mind of the Sages that all the individual voluntary Menahot and the High Priest’s Minhah require frankincense, although this is not mentioned in Scripture for the High Priest’s particular Minhah, nor explicitly decreed with respect to the baked Menahot.

⁵³ The confusion between different concepts and designations of offerings is also perceivable in this occurrence. The sinner’s grain offering is called a Minhah by the Talmud, but Scripture does not utilize this term. Moreover, the particular character of this offering as a Sin offering is emphasized twice, in Lev 5:11 and 12. The distinct rule not to put oil and frankincense upon this offering is explained by the declaration “because it is a Sin offering,” and this fact is reiterated in v. 12. Nevertheless, it is included in the talmudic discussion within the ambit of the Menahot. The sole mention of the term Minhah with respect to this Sin offering is simply its comparison to a Minhah, specifically regarding the priest’s remuneration: “it will belong to the priest, as in the case of the Minhah offering.” The use of the adverb כ “as [in the case of the Minhah]” confirms the fact that it is not a Minhah.

as requiring frankincense: “And these are the Menahot that require oil and frankincense: The Minhah of fine flour, [prepared] on a griddle, [baked] in a pan, cakes and wafers [baked in an oven].”⁵⁴

The Sages obviously rejected any possibility that Lev 2:1–13 might have been composed of different *Vorlagen*, conceived in different periods, and put together by a later editor. We know that frankincense arrived in Israel at a late stage and in connection with the Minhah,⁵⁵ and its absence in the description of many Menahot may be due to the fact that these commands originated from an earlier period when frankincense was not yet freely available. We can now only speculate which elements of this reworked pericope of Lev 2:1–13 are of earlier or later origin. To this issue we shall now turn. The required quantity of frankincense will be discussed later, since it is related to the topic of the baked Menahot.

3.5 *The Sequence of Development of the Minhah Rules*

3.5.1 *Baked Minhah versus Flour Minhah*

Elliger⁵⁶ contemplates that some elements of the command regarding the flour offering in vv. 1–3 are of ancient origin; to these were later added the requirement of frankincense, the mention of the Aaronite priests, the exact quantity of flour and frankincense to be lifted by the priest, and the priestly remuneration. He reaches this conclusion based mainly on critical literary analysis.

As I have posited on other occasions, we must also consider historical circumstances and their influence on the development of ritual celebrations. I do not disagree with Elliger that the frankincense requirement is a later interjection, but I propose that the entire command for the raw flour Minhah is of a later origin than the rules for the baked Menahot.

⁵⁴ It is not within the scope of this study to critically analyze the roots and meanings of the biblical terms referring to the various utensils used for the distinct methods of preparation of the grain offerings; I have therefore used the NIV translation for these terms. I wish, nevertheless, to point out that this translation does not correspond to the LXX interpretation. In *m. Menah.* 5:8 a controversy is reported among Sages with regard to the difference between *מחבת* and *מרחשת*, and that demonstrates that they were not in use anymore in their period. For an extensive discussion of these terms, see R. Peter-Contesse and J. Ellington, 1990, pp. 28ff.

⁵⁵ For a broad study concerning the first appearances of the term *קטר* in Scripture, its connection with the Minhah grain offering, and the specific incense substance “frankincense,” see Heger, 1996, pp. 191ff. and pp. 200–201.

⁵⁶ Elliger, 1966, pp. 38–39 and 45–46.

I postulate that ritual celebrations of all types, including those of a sacrificial character, started spontaneously, with no precise rules concerning the substance or quantities of offerings. With the progression of time, the rituals became more sophisticated, and were celebrated predominantly by experienced clerics, who refined the ceremonial aspects. Such development inevitably led to a standardization of all elements, an essential step toward the refinement of the cult, and the enhanced prestige of the clerical class. The centralization of the cult in Judah and the consequent concentration and control of the cult by a restricted group, had a great impact on the standardization of the sacrificial rituals. This would include the promotion of rigid rules regarding the substances for the offerings and their required quantities, the precise classification of the various offerings, their respective manners of performance, as well as explicit regulations for the priestly remuneration.⁵⁷ These developments are well-recognized, and traces of them are discernable throughout the Bible;⁵⁸ thus I need not substantiate them here.

Careful consideration of the above criteria should guide us in our attempt to establish the sequence of the various biblical rules. From the point of view of historical development, we must reach the conclusion that vv. 1–3, or at least the specification of the contents of the memorial portion and the method of removing it, represent a sophistication of the ritual procedure, in comparison to the rules regarding the baked *Menahot* in the subsequent verses. The addition of the frankincense and the priestly remuneration are certainly late elements introduced into the text; but we must still ask whether the entire precept of the flour *Minhah* represents an earlier or later stage than the baked *Minhah*, or whether they all have a common origin. Only in the P stratum of the Pentateuch are there any explicit indications as to the manner in which the *Minhah* offering was prepared and burnt⁵⁹—that is, whether it was

⁵⁷ See the next subchapter 3.5.2.

⁵⁸ I would like nevertheless to mention several prominent examples that demonstrate the extent of the developmental stages. The most explicit evidence, I would suggest, is the fact that in the books of the prophets laypeople celebrated the sacrifices, whereas according to the later P stratum of the Pentateuch only the sons of Aaron and their descendants were allowed to perform them. The remuneration of the priests also underwent many stages. It is evident that individuals who offered sacrifices at their local shrines, or ad hoc on some stone or rock, likely without any exact regulations as to the manner of their performance, did not donate anything to the priests, who were not involved at all in the celebration.

⁵⁹ See the next subchapter on the issue of whether initially the entire *Minhah* was burnt, like the *Olah* (1 Kgs 18:38), and only at a later stage was a small portion of it burnt upon the altar and the bulk of it granted to the priests.

offered as flour or baked; nonetheless, we may discover implicit but reliable indications by a thorough analysis of biblical narratives,⁶⁰ as well as through logical considerations.

We may assume that in Israel the procedure of offering food for the gods, as practiced in the surrounding cultures, was antecedent to the development of a ceremonial sacrificial cult.⁶¹ We may similarly assume that the food was of some vegetal substance, and that it was offered for consumption; this would imply that a grain offering was baked or cooked. We have ample and reliable evidence with respect to the loaves of bread offered daily to the gods in Babylon,⁶² and the similarity of this procedure to Israelite custom.⁶³ The book of Jeremiah gives explicit evidence of baked bread offered in Judah to the Queen of Heaven. The prophet reproaches the people of Judah for their illicit offerings to this goddess, accusing them of kneading dough and baking **כֹּנִיִּים**,⁶⁴ “cakes,”⁶⁵ to be burnt for her.⁶⁶ W. Zwickel offers a comprehensive investigation

⁶⁰ I shall cite one of several indications from Scripture that point in this direction. The Minhah offered by Manoah, as described in Judg 13:15–23, seems to have consisted of baked bread for the Minhah and a kid for the Holocaust. We read in v. 16: “Even though you detain me, I will not eat any of your bread. But if you prepare a Holocaust offering, offer it to the Lord.” (The NIV does not use the specific term “bread” though it appears explicitly in the text.)

⁶¹ For textual traces of this primeval concept in Israel and surrounding cultures, see Heger, 1999, section 9.2: “From Archaic Food Offerings to the Gods to Loftier Concepts,” pp. 322ff.

⁶² See F. Blome, 1934, pp. 13 and 247ff. In clause 235, Blome compares the twelve loaves of the Israelite Showbread to a similar Babylonian offering of thirty times twelve loaves of wheat flour. H. F. W. Saggs, 1962, p. 352, writes: “Rimush of Agade in the third millennium already dedicated bread and beer for the daily offerings for the table of Shamash.” In P. D. Miller Jr. et al., 1965, p. 7, we read: “Indeed, if there is one common thread running through both Sumerian and Akkadian myths about the relationship between gods and men, it is that men were created to relieve the gods to provide for their own food.”

⁶³ See J. Milgrom, 1990, Excursus 65, “The Tamid”: “In its outer form, the Tamid resembles the daily offering of Israel’s neighbours, for whom, at least symbolically, it formed the daily diet of the gods.”

⁶⁴ For a sensible explanation of the term **כֹּנִיִּים**, see P. A. H. De Boer, 1972, p. 35. Cakes stamped with an image of the deity and baked for sacrifice are also mentioned in Jer 7:18 and 44:19.

⁶⁵ We read in Jer 7:18: “The children gather wood, the fathers light the fire, and the women knead the dough and make cakes of bread for the Queen of Heaven. They pour out drink offerings to other gods to provoke me to anger.”

⁶⁶ These cakes were offered and burnt as a sacrifice, as we read in Jer 44:19: “When we burnt [offerings] to the Queen of Heaven and poured out drink offerings to her, did not our husbands know that we were making cakes like her image and pouring out drink offerings for her?” The association between burning offerings and libations on the roofs appears often in Jer, in 19:13; 32:29 and in connection with the Queen of Heaven in

concerning the burning of bread on altars as a method of cult celebration in Israel.⁶⁷ Though Zwickel does not distinguish between bread, wafers and cakes baked on a griddle, his work further substantiates the proposition that it was baked goods that were offered, rather than flour.

A plain, seemingly insignificant, detail of the procedure of the Minhah may also support my postulate. Lev 2:2 states the exact measure of the flour and oil to be burnt on the altar: “a handful of the fine flour and oil.” The indication of a precise quantity hints at a later sophistication in the manner of performance, in contrast to the memorial portion of the baked goods for which no quantity is indicated,⁶⁸ nor is it technically possible to take an exact quantity of bread or wafers with oil that corresponds to a handful. In fact, the removal from the baked cakes of the portion to be burnt upon the altar is not expressed with the term קמץ, taking a handful, probably because it was an impracticable task.⁶⁹

44:17, 18 and 25. All these occurrences unmistakably refer to the same type of offerings, baked cakes, and their burning is expressed with the specific term קטר.

⁶⁷ W. Zwickel, 1990, discusses at length the issue of the substances burnt on the altars and the dependence of archeology on textual investigation and evidence. For our purpose his conclusions are of interest. Following the interpretation of various biblical quotations (pp. 172ff.), he states (pp. 184–5): “All dies führt zu dem Schluss, dass das Opfern von Brot im vorexilischen Israel ebenso verbreitet war wie in der gesamten altorientalischen Umwelt.” (“All this [his arguments regarding the prohibition against offering leavened bread and honey, as the Canaanites did, the bread carried by the pilgrims in 1 Sam 10:3, and the Thanksgiving offering with leavened bread in Lev 23:17] leads to the conclusion that the offering of bread was widespread in pre-exilic Israel, as in the surrounding ancient Near Eastern milieu.”) He concludes on p. 195: “Neben dem Räuchern von Fett ist ab dem 8. Jh. mit Am. 4:5 (vgl. auch Jes. 6:6 und vielleicht auch Jes 1:13) das Verbrennen von Brot belegt.” (“In addition to the ‘fumigating’ of fat, the burning of bread is [textually] proven since the 8th century with Amos 4:5 (cf. also Isa 6:6 and possibly also Isa 1:13).”

⁶⁸ We read in Lev 2:9: “He shall take out the memorial portion from the Minhah.”

⁶⁹ The Sages were well aware of the intricacy, if not the unfeasibility, of this duty. It is in fact stated in *b. Menah.* 11a: “This is [one of the most] difficult tasks in the Temple.” From *b. Ketub.* 106a, we may infer that the priests were taught how to perform this delicate assignment. This is not surprising, considering the numerous and at times contradictory guidelines. In *y. Yôma* 2:1, 39c, the minimum quantity of the handful is established as “not be less than [the size of] two olives”; in contrast, *m. Menah.* 1:2 requires a fixed minimum quantity: “[If] one took a handful [from the Minhah] and found [mixed with it] a small pebble, or a grain of salt or of frankincense, it is unfit, because [the Sages] said that one who took more or less than a handful made [the handful] unfit [for sacrifice].” At the same time, it is prohibited to use a precise measure (*b. Menah.* 19b). Given all these requirements, the task seems Sisyphean, and almost impossible to perform correctly with broken pieces of rigid wafers. A passage found in *b. Menah.* 75b and *b. Ber.* 37b alleges that the priest crumbled the baked Minhah until it again become flour, thus facilitating the removal of a handful. This is an absurd solution, and is, of course, not mandated by the biblical text.

The collection of powdered frankincense from oil-smearred, firm⁷⁰ cakes baked of unleavened dough would similarly be an impossible task. We may further note that in the three circumstances in which offerings in the form of baked cakes are mandated—the Thanksgiving offering,⁷¹ the Ordination offering,⁷² and the Leper’s offering⁷³—it is the entire wafer or cake, rather than a part, which is waved, eaten by the priest or burnt. The daily Priestly offering,⁷⁴ which is presented as a baked offering, is entirely burnt and does not require the taking of a part. In *m. Menah.* 7:2 there is an explicit declaration that the Thanksgiving offering and Ordination offering must be of whole cakes, and that it is prohibited to perform the celebration with broken pieces.⁷⁵

I postulate, therefore, that vv. 4–8 correspond to the earlier stage of the Minhah offerings, when cakes baked by different methods were offered and entirely burnt.⁷⁶ Frankincense, not freely available at that early stage, does not appear as an element of the baked cakes. Verses

⁷⁰ It seems that הלוח were thick loaves and רקיקין were thin, dry cakes or wafers. The commentator Ibn Ezra explains at Lev 2:4: “*Halot* [means] thick [loaves] and some maintain round [loaves] from the term *halilah* [‘rounded,’ according to Jastrow] utilized by our predecessors.” The thin cakes baked on a griddle must have been quite dry, and therefore another portion of oil had to be poured on them, to make them fit for consumption. In a discussion concerning the distribution of the cakes to the priests, *b. Qidd.* 53a discerns between soft and rigid cakes: “It is possible that one is not allowed to exchange a [Minhah] baked on a griddle for [a Minhah] baked on a pan, because this one [the first] is soft and the other is rigid.”

⁷¹ We read in Lev 7:14: “He has to bring one of each kind as an offering to the Lord.”

⁷² We read in Lev 8:26: “Then from the basket of bread made without yeast, which was before the Lord, he took a cake of bread, and one made with oil, and a wafer.”

⁷³ We read in Num 6:19: “The priest is to place in the hands of the Nazir a boiled shoulder of the ram, and a cake and a wafer from the basket.”

⁷⁴ I refer to Lev 6:13–16; the Rabbis assert that these verses refer to a priestly offering that is baked and is entirely burnt. The many perplexities in this pericope, both in rabbinic and in scholarly considerations, are discussed in Chap. 2, subchapter 2.3.2.1.

⁷⁵ We read there: “Of all the types [of cakes/wafers] he took one out of ten as a Terumah [according to mishnah 1, the Thanksgiving offering contained ten of each kind], because it is said [Lev 7:14] ‘He has to bring one of each kind as an offering to the Lord.’”

⁷⁶ K. Elliger, 1966, p. 45 reaches through literary analysis the same conclusion that initially only the baked Minhah was known in the Jerusalemite cult. He conjectures that only a part, “the memorial” in the Bible, the amount of which was unspecified, was burnt on the altar, and the priest received the remainder. It is interesting that the modern orthodox scholar D. Hoffmann, 1905, Vol. 1, p. 144, also reaches his conclusion through literary analysis that initially the Minhah offering was entirely burnt. He resolves the contradiction with Lev 2:3 and 2:10 by proposing that this was the custom before the construction of the Tabernacle in the desert; following its construction this custom was changed, and a system of fixed remuneration for the priests was instituted.

8 and 9 were added later, when the priesthood became a dominant group and introduced laws and rules for their own benefit. Their share of the sacrifices was increased; they received the entire carcass of the Sin and Guilt offerings, and with respect to the Minhah, the bulk of the offering went to the priests, with only a small portion being burnt on the altar. We may note that it is only with respect to the individual's voluntary Minhah offering and the Sin and Guilt offerings, including the Sin offering of grain, that most or all of the offered substance became the remuneration of the priests. The Sin offering is a late institution within the sacrificial system;⁷⁷ it seems, however, that it was only at a second stage in the development and institutionalization of the cult system that the entire carcass of this offering was granted to the priests.⁷⁸

The numerous biblical references to sacrifices that contain the term לחם "bread,"⁷⁹ the primary food element, unquestionably reflect the primeval custom of the baked bread offering, and its later refinement into a dedicated system of specialized offerings for a variety of purposes

⁷⁷ It is not within the scope of this study to substantiate this statement, which is generally accepted by scholars. 2 Kgs 12:17 mentions "the money from the Guilt offerings and Sin offerings." R. Rendtorff, 1967, p. 54 argues that this pericope and that in 2 Kgs 16:10–18 were unquestionably adjusted to harmonize with the Pentateuchal texts. See also his conclusions about the origin of the Sin offering (pp. 239–241) and Heger, 1999, pp. 302–303, especially n. 63.

⁷⁸ According to Ezek 46:20, the priests ate the Sin, Guilt and Minhah offerings. It is by no means certain, however, that this regulation was actually in force in this early period, given the particular concern of Ezekiel (himself a priest) to enhance the overall status and advantage of the priests (44:6–31); his views in 46:20 may have reflected his general attitude. We must also consider that Ezekiel's list of sacrifices and their manners of celebration deviates in many significant particulars from the rules of the P stratum in the Pentateuch; in particular, the quantities of the auxiliary Menahot for the public offerings in Num 28:12 are utterly in conflict with the instructions in Ezek 45:24. (It was only through an extraordinary exegesis, quoted in *b. Shabb.* 13b, that a compromise was reached that permitted the inclusion of the book of Ezekiel in the canon.) Ezra 8:35 may be evidence that in Ezra's time the Sin offering was burnt; I am somewhat hesitant to build an argument on the basis of this *sui generis* offering. (See Ch. 2, n. 150 on this verse.)

⁷⁹ The number of such examples is overwhelming. I will simply note the common association of לחם and אשה, "bread burnt to the Lord," and לחם and אלהים, "God's bread," with respect to sacrifices. Even as late as Ezekiel's period, the concepts were still associated, or even interchangeable. We read in Ezek 44:7: "while you offered me my bread: fat and blood." The Massoretic cantillation marks for the above verse point clearly to such an interpretation—that is, the term לחמי is the generic expression for offerings, followed by the specific types, the fat and blood that are burnt. The traditional commentators, as well as Cassuto, interpret this phrase in the same manner. The NIV is not explicit in its translation, but KJV offers the same interpretation as the one I have proposed: "When ye offer my bread, the fat and the blood."

and occasions. The significance bestowed in Scripture upon the perpetual Showbread,⁸⁰ an obvious residue of an archaic anthropomorphic era,⁸¹ and the authentication of its ancient origin that we see in 1 Sam 21:5–7,⁸² confirm the archaic use of baked bread as an offering. Other biblical narratives further confirm that the offering of bread was a common procedure; in addition to the bread offered by Manoah, cited earlier in the study (n. 60) the description of Gideon's offering in Jud 6:18–21⁸³ explicitly substantiates that earlier vegetal offerings consisted of baked cakes or wafers. In these two occurrences, furthermore, both the bread and the animal offerings were entirely burnt.⁸⁴

3.5.2 *Shift of Privilege from Altar to Priests*

The significant transition from the baked Minhah to the flour Minhah, for the benefit of the priesthood, was accompanied by another, more significant shift in the manner of performance of the Minhah offering. The primeval procedure of burning all of the offering on the altar was changed, as I suggested above, to the burning of a small part of it,

⁸⁰ We read, for instance, in Exod 25:30: “the Bread of the Presence on this table to be before me at all times.” Further, the Showbread is always mentioned together with the table, in the instructions for and record of the table's construction, and is required to be upon the table even during the wanderings in the desert (Num 4:7). Precise instructions on how to prepare these loaves and when to replace them (Lev 24:5–9) further corroborate their utmost importance in the cult, likely because of their ancient origin. In *b. Menah.* 96b there is evidence of the continuous significance of the table with the Showbread even in later times: “But we deduce that they [the priests] lift the [the table] for the pilgrims, show them the [Show]bread, and tell them: See the divine affection for you . . . A great miracle occurred with respect to the Showbread: it was removed as [fresh as when] it was set out [a week before].”

⁸¹ The Sages were well aware of this, and interpreted the terms used for the table's accoutrements in an entirely distorted manner to eliminate any anthropomorphic associations for the table, the bread and its accessories. See Heger, 1996, pp. 116–127, “Excursus: The Table and its Accoutrements,” for an extensive study of these interpretations.

⁸² This narrative is well known, and I will quote only v. 7: “So the priest gave him the consecrated bread, since there was no bread there except the Bread of the Presence that had been removed from before the Lord and replaced by hot bread on the day it was taken away.”

⁸³ For the sake of brevity, I will quote only the relevant phrases from the narrative. We read Gideon's suggestion in Judg 6:18: “and I shall bring my offering”; in v. 19 it is described as “and from an *efah* of flour [he made] unleavened bread.” In vv. 20–21, we again encounter the terms “the meat and unleavened bread” and “he touched the meat and the unleavened bread.”

⁸⁴ We read in Judg 6:21: “Fire flared from the rock, consuming the meat and the bread.”

and the greater part was granted to the priests, according to the rule in Lev 2:10: “The rest of the grain offering belongs to Aaron and his sons.”⁸⁵ This distribution of shares between the altar and the priests also appears in other occurrences in the opening chapters of Lev 1 to 8. Lev 6:6–11 sets out the priestly remuneration from the Minhah offering in its logically appropriate spot,⁸⁶ among the series of laws for all the offerings beginning with “These are the regulations.” It is also in the correct sequence following the Olah, as in the initial sacrifice commands in Lev chaps. 1 and 2. In Lev 6, however, only the flour Minhah is mentioned, with instructions on how it is to be divided between the altar and the priests; there is no word about priestly compensation from baked cakes. Lev 2:9, which indicates the taking of a memorial portion from the baked Minhah, does not specify how this should be performed, or the contents and size of the portion,⁸⁷ in contrast to the “handful” and its composition decreed for the flour Minhah.⁸⁸ The term *אזכרה* used in v. 9 does not indicate whether frankincense was included,⁸⁹ as noted above, this may substantiate the postulate that the description of these

⁸⁵ This verse refers to the baked Minhah; I cite it to point out the contrast between this procedure and the narrative describing Gideon’s offering, in which the baked bread was entirely burnt (n. 83). The words in v. 10 appear also verbatim in v. 3, referring to the flour Minhah.

⁸⁶ I have already noted above that the mentions of priestly remuneration for the Minhah in Lev 2:3 and 10 are out of place. The priestly compensations for all offerings, including the Minhah, are set out in the repetition of the sacrifices in Lev chaps. 6 and 7; the rules for each offering start with the heading “These are the regulations. . . .”

⁸⁷ It simply says: “The priest shall take out the memorial portion from the Minhah.” The term *אזכרה* *azkarah*, variously translated in the different sources, remains unclear. The LXX translates it literally, and Wevers speculates that it may mean “to stir God’s memory, or recognition of some divine gift in the past.” The traditional commentator Rashi explains that by the burning the portion on the altar, the offerer’s good standing is remembered by God. Ibn Ezra’s explanation is conceptually similar. Milgrom suggests that it refers “to the fact that the entire cereal offering should really go up in smoke,” which would support my postulate that initially the entire offering was burnt. Though a small part of other offerings is burnt on the altar, this odd term is utilized only with respect to the Minhah offering, indicating its significance. Elliger, 1966, p. 45 conjectures that it may hint that a bigger share should have been offered to God, without specifically declaring that this was the original custom.

⁸⁸ Lev 2:2 indicates various significant minutiae concerning the procedure: “He shall take a handful of the fine flour and oil, together with all the frankincense.”

⁸⁹ The Jealousy Minhah (Num 5:15) does not require either oil or frankincense: “He must not pour oil on it or put frankincense on it.” The portion for the altar is still required, however, again with the term *azkarah*: “The priest is then to take a handful of the Minhah as a memorial offering” (Num 5:26). The term is again used with respect to a handful without oil and frankincense for the poor man’s Sin offering of grain in Lev 5:11 and 12.

offerings originates from an earlier period when this specific substance was not yet in common use in the sacrificial cult; nor were precise rules yet in practice. Precise rules are a later development and a feature of greater cult sophistication; in contrast, the earlier simple manner of sacrificial worship, initiated and performed by laypeople in different places, was obviously without common regulations, or specific know-how.⁹⁰

The third text dealing with the priestly compensation for the Minhah offerings, Lev 7:9–10, refers only to the manner of distribution among the priests; it is mute with respect to the division between the portions for the altar and the priests, though this is indicated for the other offerings in that series of decrees. What is even more perplexing is the fact that both verses could be interpreted as dictating that the entire Minhah belongs to the priest.⁹¹ The term “and every grain offering” is used at the beginning of both verses, in contrast to the other regulations with respect to priestly compensation from the Menahot, which correctly specify the priestly share with the term “the rest [of the offering].”⁹²

We must also note that with the exception of the Thanksgiving and Ordination offerings,⁹³ whose performance requires baked Menahot, all the other commands for obligatory grain offerings, of later origin,⁹⁴ require Minhah offerings exclusively of flour. The different manner of

⁹⁰ These are generally accepted facts, but I would also like to draw attention to the story of Micah's Levite, and his expectation that he would enjoy special divine favour as a result of the professional sacrificial performances rendered on his behalf. We read in Judg 17:13: “Now I know that the Lord will be good to me, since the Levite has become my priest.”

⁹¹ The term “and every grain offering” can be interpreted as “and the entire Minhah.” In fact, the text gives no indication that any share of the Minhah is to be dedicated to anyone other than the priest, and hence would be open to such an interpretation. In its context, however, the phrase should be interpreted as “every Minhah.”

⁹² Lev 2:3; 2:10; 6:9.

⁹³ Thanksgiving: Lev 7:12; Ordination: Exod 29:2 and Lev 8:2.

⁹⁴ All obligatory offerings reflect the later institutionalization of the sacrificial cult. The primeval burnt offerings and fellowship offerings were voluntary, and represented the spontaneous offerings of individuals and of public authorities at special occasions; these are amply documented in numerous narratives in Scripture, and there is no need to list them here. The Minhah auxiliary to the daily Tamid and to other obligatory holy days offerings, as well as the auxiliary Menahot to the voluntary burnt offerings and Fellowship offerings, are regulated in Num 15:1–16, not in their expected place; these unquestionably portray a well-organized cult institution, and hence reflect a late period.

distribution to the priests for the baked⁹⁵ and the flour Menahot⁹⁶ may⁹⁷ also indicate the distinct origins of these two types of offerings.

These textual oddities, as well as the many repetitions of the priestly share for the Minhah offering, lead us to contemplate the motive for this extraordinary emphasis on ensuring remuneration to the priests for this specific offering, which may previously have been entirely burnt. In this context, I draw attention to another biblical emphasis on the legitimacy of the priestly share for the Minhah. In addition to the specific rules for each offering, at their appropriate spots, there is a general justification in Num 18:9 for the priestly remuneration from all offerings. This follows right after the narrative of the Korah rebellion and Scripture's attempt to consolidate the Aaronite clan's grip on the priestly privileges. We read there: "You are to have the part of the most holy offerings that is kept from the fire. From all the gifts they bring me as most holy offerings,⁹⁸ whether Minhah or Sin or Guilt offerings, that part belongs to you and your sons." Since, according to scholarly opinion, the Sin and Guilt offerings are of a later origin, we may assume that this is also true of the command to grant to the priests the greatest part of the Minhah offerings.⁹⁹ The association of these three offerings with respect to the priestly remuneration also appears in Lev 6:10 (v. 17 in KJV) in the rule of the Minhah: "I have given it [the Minhah] as their share of the offerings made to me by fire. Like the Sin offering and the Guilt offering, it is most holy." To ensure the smooth implementation of this innovative rule, its justification had to be reiterated at this critical and opportune occasion.¹⁰⁰

⁹⁵ Lev 7:9: "Every Minhah offering baked in an oven or cooked in a pan or on a griddle belongs to the priest who offers it."

⁹⁶ Lev 7:10: "And every Minhah offering, whether mixed with oil or dry, belongs equally to all the sons of Aaron."

⁹⁷ I cannot exclude the possibility that the different rules were instituted for practical reasons.

⁹⁸ The Rabbis, as usual, attempted to include the entire array of offerings in this reiterated command. We read for the interpretation of this verse in *Sifre Num pisqa* 117: "All the gifts—these are the two loaves [of the Feast of Weeks, as it is written: 'two loaves as a Wave offering'] and the Showbread; 'all the Minhah offerings'—these are the sinner's Minhah and the voluntary Minhah; 'all the Sin offerings'—these are the individual and the public as well as the bird and animal Sin offerings; 'all the Guilt offerings'—these are the offerings for certain and for doubtful guilt, the Guilt offerings of the Nazir and the leper."

⁹⁹ I need not corroborate in this study the postulate that the P stratum of the Pentateuch is of later origin than Deuteronomy. The priesthood gained its political power in the Second Temple period, and also used this power for their financial benefit.

¹⁰⁰ For our purposes it does not matter whether the events of the Korah narratives

The above passages serve as the theological basis and legal justification for the transfer of a gift originally presented to the Deity to another entity, the priesthood; they also emphasize that it is God who grants His part to them. Such an explanation also appears in Lev 7:34, regarding the extremely lavish remuneration from the Fellowship offering.¹⁰¹ Although this offering is of ancient origin, the unusually excessive remuneration required an explanation. This offering was originally a communal banquet at which only a small part was offered on the local “high place,” as may be deduced from the narrative in 1 Sam 9:12–19;¹⁰² the prized leg portion was offered to the most respected person to eat (1 Sam 9:23–24).¹⁰³ Deut 18:3 attests to the minor share to be given by the people to the priests.¹⁰⁴ This stands in contrast to the major share commanded in the later regulation of Lev 7:31–32.¹⁰⁵ The meager forefoot, the jowls and the stomach were replaced by the large thigh of the back leg and the breast.¹⁰⁶ Such a significant change in the apportionment

actually occurred as portrayed in Scripture; it suffices to conclude that the scriptural message intended to glorify the Aaronite priestly clan as being elected by God. The narrative emphasizes God’s actual involvement in the defence of their exclusive status, to ensure their remuneration.

¹⁰¹ We read there: “I have taken the breast that is waved and the thigh that is presented and have given them to Aaron the priest and his sons as their regular share from the Israelites.”

¹⁰² From vv. 13 and 19 we deduce that the people ate the entire sacrifice, and the ritual, as it seems, was limited to Samuel’s blessing; there is no mention of burning something on the altar. It is plausible to assume that the fixed remuneration *in natura*, consisting of specific parts of the offered animal, represented a change from earlier custom. Micah, for instance, offered his priest a salary for his services (Judg 17:10). The guardian priests of the sanctuaries probably received a share of the animals, slaughtered by the families for their common meal. The type and amount of meat likely depended on the goodwill of the pilgrims, or their desire to receive certain favours from the priests with respect to a choice site or time for their banquet. We observe in 1 Sam 2:14 that Eli’s sons were considered wicked because they took what they wanted. At any rate, the priest did not receive the thigh and the breast, the choice parts of the offering, as was later decreed in the P stratum of the Pentateuch.

¹⁰³ We read there in v. 23: “Samuel said to the cook: Bring the piece of meat I gave you [to reserve it].” In v. 24 we learn the specific part of the slaughtered animal: “So the cook took up the leg [thigh] with what was on it and put it in front of Saul.”

¹⁰⁴ We read there: “This is the share due to the priest from the people who sacrifice a bull or a sheep: the shoulder [foreleg], the jowls and the inner parts.” There is a difference between the זרוע “the arm” of a person, and the שוק “foreleg” of an animal. Onkelos translates the first as דרעה and the second as שוקא. The LXX makes no difference and translates both as βραχίονα, but in 1 Sam. 9:24 שוק is translated as κωλέαν “the thighbone with the flesh on it” (Liddell and Scott).

¹⁰⁵ We read in vv. 31–32: “... but the breast belongs to Aaron and his sons. You have to give the right thigh of your Fellowship offerings to the priest.”

¹⁰⁶ The Rabbis naturally attempted to harmonize the two conflicting decrees, and we

between the offerer and the priest required an explanation. In contrast to the remuneration from the Minhah, Sin and Guilt offerings, whose justification is emphasized after the crucial Korah affair, the justification regarding the remuneration from the Fellowship offering appears as an element of its command. This demonstrates the increase in the power¹⁰⁷ of the priesthood in the Second Temple period, and the priests' use of political power to enhance their financial interests¹⁰⁸ while maintaining that God had granted His share to them. They expanded the range of the sacrifices, refined the manner of the celebration by complex rules appropriate to a restricted clerical class, and upgraded their share of the offerings. This dramatic modification is part, needless to say, of the P stratum of the Pentateuch, written and redacted by the priesthood.

In Deut 18:3¹⁰⁹ it is the people who are to give the portions of animal sacrifices to the priests; this is a reasonable remuneration that does not require a particular justification. In contrast, in Lev 7:34,¹¹⁰ part of the P stratum of the Pentateuch that decrees a significantly increased priestly share, it is the Deity who grants His share of these offerings to the priests, as with the Minhah. A concrete example of this concept appears in Exod 29:22–28. In vv. 22–25 the right thigh of the Ordination ram is burnt on the altar and described as “an offering made to the

read in *m. Hul* 10:1: “The [decree to grant the priest] the foreleg, the jowls and the inner parts is valid in the land [of Israel] and outside Israel; when there is a Temple and when there is no Temple. This rule [on the basis of Deut 18:3] refers to secular slaughter, but not to sacrificial offerings [at which the rule of Lev 7:31–3, regarding the breast and the right thigh, applies].” They thus resolved the inconsistency by maintaining that the two commands refer to two different types of slaughter. I need not elaborate here on the frailty of the rabbinic attempt to harmonize conflicting biblical commands. Some of the traditional commentators are aware of these problems, and attempt various ways of remedying them.

¹⁰⁷ It is significant that the Mishnah uses the term “power/authority /right/prerogative” in its description of the division of offerings between the altar and the priests. In *m. Menah.* 6:2, which specifies the shares, it is stated: “With respect to these [offerings] the power/the right of the altar is superior to that of the priests [who receive nothing]; with respect to these [other offerings] the power/right of the priests is superior to that of the altar and they receive the entire offering.” This same expression is used, for example, regarding the comparison of the extent of a man’s authority to annul his wife’s vow and the extent of a father’s authority to annul his daughter’s vow.

¹⁰⁸ For an extensive deliberation on the priestly striving to gain financial advantage from their position, and on the crude methods they used at times to attain their goals, see Heger, 1996, pp. 242–252, “The Incense Monopoly.”

¹⁰⁹ See the entire text of this verse in n. 104.

¹¹⁰ Lev 7:34 states: “I have taken the breast that is waved and the thigh that is presented and have given them to Aaron the priest and his sons as their regular share from the Israelites.”

Lord by fire”; then in vv. 27–28 the right thigh is granted to Aaron and his sons forever.¹¹¹

This modified theological basis for the apportionment of the offerings also required an additional change in the status of the Minhah. Initially, whatever offering or part of an offering that was dedicated to the Deity, could not have been consumed by the offerer. Since the Minhah, as I propose, was originally baked and entirely burnt on the altar,¹¹² the shift from its dedication to God to its consumption by the priest necessitated the shattering of a strong taboo. We may assume that this shift encountered a strong opposition from the people; it thus had to be inculcated through constant repetition,¹¹³ similar to modern advertising, and justified by the notion that the Deity had decided to grant His portion to the priests. It was thus not the worshiper who donated the offering to the priests.¹¹⁴ Since, however, the Minhah had been permitted for human consumption, it had to be upgraded to “most holy,” a status that limited its consumption to priests.¹¹⁵ It was associated with and compared to the Sin and Guilt offerings, as I have demonstrated. The Fellowship offer-

¹¹¹ We read there: “[NIV translation of v. 27] Consecrate those parts of the Ordination ram that belong to Aaron and his sons; the breast that was waved and the thigh that was presented.” The KJV translation of v. 28 states: “And it shall be Aaron’s and his sons’ by a statute for ever [the LXX translates νομίμων αἰώνιον ‘a law/custom for ever’] from the children of Israel; and it shall be an heave offering from the children of Israel of the sacrifice of their peace offerings, even their heave offering unto the Lord.”

¹¹² Both the Holocaust and the Minhah were entirely burnt, as we read in Judg 13:23. In Josh 22:23 the Holocaust and the Minhah are linked together, and the *terminus technicus* עלה utilized for the burnt offering is applied to the Minhah; the Fellowship offering, in contrast, which is only partly burned, is treated distinctly with the use of another term for the offering procedure, עשה. A similar philological association is found in Jer 14:12. Although this attachment between these two offerings and their distinction from the Fellowship offering is not observed in all occurrences, these factors do indicate that initially, before the addition of frankincense, the entire Minhah was burnt. The later dedication of the frankincense, the most precious ingredient of the Minhah, to the altar, and the economic interests of the priests, induced an adjustment in the division of the parts for the altar and for the priests.

¹¹³ In Num 18:8–20, the programmatic pericope legitimizing and enforcing the Aaronite privileges, the term נתן, indicating that God has given His part to the priests, appears five times, in addition to other phrases to the same effect.

¹¹⁴ This sophisticated outlook was accepted custom in the many areas of the ancient world, and was possibly not a new revelation to the Israelites; the difficulty was the concrete change from burning the offering, to having it go up in smoke to heaven, to having it consumed by the priests. This crucial modification required a theological justification.

¹¹⁵ There is no other rational explanation for the elevated status of “most holy” for a voluntary vegetal offering, and a lower status of “holy” for the Fellowship offering of an animal.

ing remained with a lower holiness grade of “holy,”¹¹⁶ since laypeople had to be allowed to eat it.¹¹⁷ It is also both logical and probable that the period when frankincense was introduced to the sacrificial cult and added specifically to the Minhah offering may have been seen as the appropriate time to effect this significant shift from altar to priests. The burning on the altar of all the frankincense, the most precious ingredient, would suggest that the most significant part of the Minhah was still dedicated to the Deity, and thus facilitate the people’s acceptance of awarding the flour and oil to the priests.

In conclusion, I propose the following stages in the development of the Minhah offering. Initially, it consisted exclusively of baked bread of all types, appropriate to the idea of offering food to the Deity. It was entirely burnt, similar to the ancient Olah, the Holocaust offering. Flour mixed with oil would not have been appropriate to the concept of offering food to the gods. The financial interests of the priesthood and their exclusive domination of the sacrificial cult induced the momentous shift in the allocation of the Minhah; an insignificant part of the bread was set aside to be burnt on the altar, and the priests allocated to themselves the major share. The biblical verses with respect to the baked Minhah, Lev 2:4–10 and 7:9, correspond to this stage, though they provide no indication of the exact division of the offering between the altar and the Deity.¹¹⁸ There are therefore no precise rules as to the method of removing the part to be burnt on the altar in the later-interjected verse, Lev 2:9; nor is there any mention of frankincense with respect to the baked types of Minhah offerings. The stereotypical phrase: “and the remainder of the offering” was pulled from its proper place in Lev 6:9 (6:16 in the KJV) and interpolated into the Minhah pericope of Lev 2:1–10 for both the flour and baked Menahot, to reiterate the legitimacy of

¹¹⁶ We read in Lev 21:22: “the most holy food of his God, as well as the holy food.” The notion that the priest eats God’s bread is implicit evidence of the notion that all sacrifices eaten by the priests are the divine share; it thus also justifies the increased share of the Fellowship offering. The Sages coined another expression for the lower grade of holiness: “light/simpler [grade of] holiness.”

¹¹⁷ We may compare this to the rule in 4Q397 (4QMMTd) Frag. 6–13, 12–14 that forbade intermarriage between priests and Israelites because Israel is holy but the priests are most holy. See ch. 2 pp. 129ff.

¹¹⁸ Although Scripture does not indicate whose share is greater with respect to the baked Minhah, the wording of the relevant verses definitely suggests that the priestly share was the greater; the expression “The priest shall take out the memorial portion” (Lev 2:9) implies that only a portion of the whole should be taken out to be burnt on the altar.

the priestly share.¹¹⁹ The rules regarding the distribution of the flour and the baked *Menahot* in Lev 7:9–10 should also have been placed in 6:6–11, in which the technical procedure of how to divide the *Minhah* between the altar's share and the priests' share is indicated; the repetition in chapter 7 should therefore be considered a further element in the process of legitimizing the change in distribution.¹²⁰

A number of significant circumstances influenced the final stage of the process, as we see in Lev 2:1–3 and 6:6–11. The introduction of frankincense, and the theological shift from an anthropomorphic to a more subtle intellectual notion of the Deity, and consequently of the sacrificial system, played into the hands of the priesthood and their financial interests. The frankincense and a symbolic part of the flour and oil were burnt on the altar, and the priests took the main share of the offering. For practical reasons, they preferred to have their allotment in flour and oil, which could be used more efficiently according to their desired manner of consumption, rather than a variety of breads of different quality and fashion.¹²¹ Thus priority was granted to the flour *Minhah*, as we can observe from the text, to the maximum advantage of the priests;¹²² the flour *Minhah* is the first in the list of the various vegetal offerings, and the only *Minhah* offering in the series of *torot*, the supplementary pericope that contains the priestly remuneration for all

¹¹⁹ The priestly compensation does not appear in Lev chaps 1–4, which describe the technical procedure for all types of offerings, except for the *Minhah*. These rules are indicated for all the offerings only later, in chaps. 6 and 7 in the pericope starting with the phrase “these are the regulations,” in which, strangely, the priestly recompense for the *Minhah* is repeated (6:9); the redundant interjection in chap. 2 indicates its later origin.

¹²⁰ I shall revert in due course to the issue of how much flour was taken by the priest to be burnt on the altar. Rendtorff, 1967, does not envisage the possibility that initially the entire *Minhah* was burnt, but he does maintain that there was a significant shift to the benefit of the priests in the proportional allocation of the *Minhah* between the altar and the priests. He writes (p. 189): “Ursprünglich ist die *Minhah* ein Opfer, von dem ein Anteil den Priestern zufällt; später wird sie zu einer Abgabe an die Priester, von der ein Anteil als Opfer verbrannt wird” (“Originally the *Minhah* was an offering of which a share was awarded to the priests; later it changed into a contribution to the priests, of which a share was burnt as an offering.”)

¹²¹ I shall revert to the issue of whether the baked breads were prepared in the Temple or in the offerer's home.

¹²² The Sages, in their deliberations concerning ritual matters, recognized the economic interests of the priesthood as a legitimate consideration. In *b. Zevah*. 104a, as part of a rhetorical discussion regarding whether the skin of an animal that became unfit for offering at a certain stage of the celebration still belongs to the priest, we read: “It is possible that Rabbi Joshua asserted his opinion with respect to the [linkage of the] meat [to the blood], because there is no loss for the priests.”

types of sacrifices. The priests would certainly have preferred to abolish the baked Minhah entirely, but it is plausible that they avoided such a drastic measure for tactical reasons, so as not to provoke the opposition of the masses¹²³ who were used to this type of offering.¹²⁴

It is also interesting to note the explicit and consistent rules regarding the mixing of the flour and the oil of the auxiliary Menahot: for the daily Minhah offering, in Exod 29:40 and Num 28:5; for the individual Voluntary offerings in Num 15:4, 6 and 9; and for all the offerings on the Sabbath, New Moon and appointed feasts, in Num 28:9–29:39. All these Menahot must be offered as flour, not as baked substances. Further, with respect to the regulation of the shares of the priests and the altar in Lev 6:6–11, there are no rules for such a procedure with respect to the baked Minhah. All these indications demonstrate the intent of the authors, the priests, to preclude as much as possible the offering of baked Menahot; quite possibly they succeeded in this, given the absence in Scripture of details regarding the description and function of the utensils for baking Menahot and the consequent ignorance about them in later periods.¹²⁵ The flour and the oil of the voluntary Menahot were awarded to the priests, who could thus consume them according to their own tastes.

¹²³ A rabbinic scenario in *Lev Rabbah* (Margoliot) *parshah* 3 points to such a perspective: “Someone [for example] who brought his Minhah offering from [distant] Gallia and from Spain and thereabouts, and saw the priest taking a handful [for the altar] and eating the remainder [the main quantity of the offering], would say: Woe to me, all the effort I made [to come so far to bring an offering to the Deity] was only for him [the priest] to eat it! And they would conciliate him by saying: [Just as] he [the priest], who made only a small effort in walking two steps from the Hall to the altar, deserved [the divine favour of] nourishment, all the more so will you, who made such a great effort [deserve divine favour].”

¹²⁴ The custom of baked Menahot may also have been preserved out of respect for the ancient and revered traditions of the Showbread and the Two Loaves on the Feast of Weeks, which were also baked.

¹²⁵ On this issue see n. 54. A dispute between Bet Shammai and Bet Hillel in a *baraita* in *b. Menah.* 63a on the description of the *מרחשת* *marheshet* offers us a glimpse of the lack of knowledge concerning this vessel. Bet Shammai say: “If someone makes a vow to offer a Minhah prepared in a *marheshet* he must not bring it until Elijah arrives [and indicates what type of utensil it was; until then, he cannot fulfill his vow by sacrificing a different offering than what was pledged].” Bet Hillel, on the other hand, give a description of a utensil in the Temple by that name. We do not know when this discussion took place, and how reliable it is. The disputes between the Houses of Shammai and Hillel were alleged to have occurred at the time of the Second Temple. In any event, the discussion indicates the obvious absence of such a utensil in the time of those Rabbis close to the Second Temple period.

According to rabbinic halakhah,¹²⁶ the priests did not receive any part of the auxiliary Menahot, which were entirely burnt; but as I have suggested, we cannot be sure that this was the procedure in the Temple in any given time or circumstance.¹²⁷ In fact, the provision in Lev 7:10 to grant the priest *וכל מנחה בלולה בשמן* “every grain offering mixed with oil” raises the question to which Minhah this refers. The rules regarding the voluntary Flour Minhah in Lev 2:2 and 6:8 do not require the

¹²⁶ See the citation of *m. Menah.* 6:2 in n. 107.

¹²⁷ The auxiliary Menahot are absent in the first chapters of Lev 1–7, where we would expect them to be mentioned together with the detailed decrees of the relevant offerings. Their rules are in an odd location, Num 15:2–16; they follow the narrative of the spies sent to explore Canaan and the futile aftermath of this venture, and precede a decree regarding the Sin sacrifice for a transgression carried out unintentionally by the entire community, the details of which contradict the rules for the identical Sin offering in Lev 4:13–21. It is evident that this command constitutes an interjection at a later stage in the development of the sacrificial rules. There is also *opinio communis* that the entire book of Leviticus is a priestly opus. One must therefore ask why the priests would institute a new offering that does not award them any benefit. We observe that even for the Olah, the offering of ancient origin that was entirely burnt, the priestly author found a way to reward the officiating priest, granting him the skin of the offered animal (Lev 7:8). Therefore, we might have assumed that the rabbinic provision was indeed not the custom at the Temple; Josephus’ narrative in *Ant.* III: 233–234, however, states that the auxiliary Minhah offered at the Temple was entirely burnt. It is unreasonable to ignore or doubt Josephus’ assertion in this case, since it is transmitted with such a wealth of details corresponding to the biblical decree, and with a clear distinction between the voluntary Minhah that is consumed by the priests, and the auxiliary Minhah (235) whose flour and oil are entirely burnt on the altar. Rendtorff (1967, pp. 190 and 239) ignored, intentionally or not, Josephus’ explicit record, and stated that the auxiliary Menahot were introduced by the priests to ensure a supply of bread and flour for themselves together with the meat of the relevant animal offerings. It is possible that Rendtorff founded his opinion on a narrative in the Scholion to *Megillat Ta’anit*: “On the twenty-seventh [of Marheshvan] fine flour was again put on the altar.” There follows an alleged debate between Rabban Yohanan b Zakkai and the Sadducees (in the same mocking style that one sees in other alleged debates between these disputants, as argued in chap. 4 pp. 291–2), and the supposed answer given by a chattering man, explaining the logic of the halakhah: since Moses loved Aaron, he thought that he should eat not only the meat of the offerings but also the flour (bread). Rendtorff’s explanation seems remarkably similar to this narrative. The authenticity of the debate and the interpretation of this narrative in the Scholion is a much discussed issue, and it is not within the scope of this study to elaborate upon it. In chap. 4 I explain my great doubt as to the authenticity of this narrative’s details and the identification of Rabban Yohanan b. Zakkai’s disputants. I give some credence there to the possible existence of debates with the Qumran community on halakhic matters. It would be satisfying to be able to state that indeed Qumran or the Sadducees, led by the priests, maintained that the auxiliary Minhah was awarded to the priests, similar to the rule of the voluntary Menahot, but there is no evidence of this. On the other hand, we cannot exclude such a logical possibility; it is possible that at the time of Josephus the Pharisaic/rabbinic rules were carried out in the Temple, whereas the opposite rule had previously been in force. See the succeeding text p. 185 on this issue.

mixing of the flour with oil, and in fact this would not be practicable;¹²⁸ nor does the second reference to this Minhah in Lev 6:6–11 mention a mixing of the flour and oil. No Minhah is decreed for the woman after childbirth (Lev 12:6–7), though she offers a burnt offering. The leper's regular Minhah is entirely burnt, like the burnt offering (Lev 14:20); and although this is not explicitly mentioned for the poor leper's Minhah (n. 27), there is a hint that this would follow the same procedure. Mishnah *Menah.* 9:6 declares that the leper's Minhah is an auxiliary Minhah, and consequently is burnt, according to rabbinic rule. Moreover, *m. Zevah.* 10:8 and *t. Zevah.* 6:16 declare that the remainder of the leper's oil belongs to the priest, but nothing is said about the Minhah. The Nazir's Minhah (Num 6:16) is a baked Minhah and thus cannot be included in the mixed Flour Minhah of Lev 7:10. The only other mixed Flour Minhah is the Omer Minhah in Lev 23:13. Although Scripture decrees that this is *אֲשֶׁה לַיהוָה*, “an offering made to the Lord by fire,” which usually means that the offering is to be burnt on the altar, the Rabbis declare in *m. Menah.* 6:1 that the remainder of this Minhah, after a handful is burnt, is consumed by the priests. According to the Rabbis this would be the only mixed Flour Minhah that belongs to the priests; however, I do not think it is reasonable to assume that Lev 7:10 had in mind this particular Minhah.

I suggest that this verse may refer to the regular voluntary Minhah; the author intended to specify that both the Menahot with oil and those without oil (as for example, those of the Jealousy offering of Num 5:15 and the Sin offering of Lev 5:11) are equally divided between the priests, but he was not overly careful in his literary style.

On the other hand, certain Sages seem to have interpreted it otherwise, and deduced that the priests eat the remainder of the auxiliary Menahot, as appears in the Scholion of *Megillat Ta'anit*.¹²⁹ It is alleged there that the Sadducees granted the remainder of the auxiliary Minhah to the priests, and the Pharisees/Rabbis overturned this custom and imposed their own halakhah when they regained the control of the Temple.

We may deduce from a lemma in 4QMMT^a I: 12–14 that that under Qumran rules the remainder of the auxiliary Minhah was eaten by the priests. I discuss the authenticity of this narrative at length in chap. 4, but will briefly discuss its interpretation here. The lemma reads:

¹²⁸ See subchapter 3.7.1 on this issue.

¹²⁹ N. 127.

ואף על מנחת זבח השלמים שמניחים אותה מיום ליום ואף [...] שהמנחה נאכלת על החלבים זהבשר ביום זבחם כי לבני¹³⁰ הכוהנים ראו להזהר בדבר הזה בשל שלא י[היו] מסיא[ים] את העם עוון

And also concerning the cereal offering of the sacrifice of the peace [Fellowship] offering, which they leave over from one day to another, and also that the cereal offering should be eaten with the fats [on the day when they are offered] and the meat on the day of their sacrifice for the priests should oversee in this matter in such a way that they do not lead the people into sin.

According to the simple meaning of this dictum, it relates to the Fellowship offering. Thus the question must be raised as to which Minhah it refers;¹³¹ according to rabbinic rules the Minhah offered together with this offering is an auxiliary Minhah and is entirely burnt. If, however, Qumran rule decreed that the priests consumed the auxiliary Menahot, then this part of the dictum would make sense.

On the other hand, such an interpretation would create another difficulty, in that it would go against the explicit scriptural rule that permits the consumption of the flesh of the sacrifice both on the day of offering and the next day. We might argue that the Qumran dictum extended the time limit for consumption of the Fellowship to two days, but not of its auxiliary offering that could be eaten only during the first day; the dictum, however, links the flesh of the sacrifice with the fats and the Minhah. Before postulating another solution, I must draw attention to the somewhat odd ending of this rule: the requirement that the priests warn (someone) together with a statement that they should not lead the people to sin. All the antecedent and succeeding accusations in this document refer exclusively to wrongdoings of the priests; who is it that they should warn in this case, and why would their behaviour lead the people to sin? We observe that the transcriber of this document indicated the “י” in the term להזהיר as a superscript—that is, a subsequent addition, possibly by a person other than the writer, to render the verb in *hifil* mode to mean “to warn others.” This interpretation would make sense if the accusation refers to the Israelites who eat the flesh and the

¹³⁰ This is the proposed reconstruction by E. Qimron and J. Strugnell, 1994, pp. 150f. See n. 131.

¹³¹ Qimron and Strugnell, *ibid.*, relate the lemma to a Minhah, and to the conflict with the Rabbis regarding whether the time limit was sunset or midnight, but do not ask to which specific Minhah it refers. Yadin also omits this question (1977, Vol. 1, p. 89).

Minhah on the day following the offering. As I have noted above, however, this would lead to other problems: they cannot eat the auxiliary Minhah, and they are permitted to eat the flesh for two days. If we ignore the addition of the “י,” the word becomes להזהר in *hitpa'el* mode, meaning “they must be careful.” This would make sense; they must not eat the auxiliary Minhah the next day, by an extension of the time limit imposed on all Menahot, as in 11QT^a XX: 10–13. Yet two other problems remain: why could the flesh not be consumed on the second day, and what is the connection between this particular transgression of the priests and the sin of the people?

E. Regev¹³² discusses the text of MMT and the issue as to which offering it refers. He offers two suggestions: a) that this declaration refers to the auxiliary Minhah to the Fellowship offering, which is also consumed by the priests according to Sadducean interpretation, in contrast to the rabbinic opinion that it is entirely burnt; and b) that the reconstruction by E. Qimron and J. Strugnell, which implies a reference to the Thanksgiving offering, should be altered. Regev deems the Scholion authentic, a presumption I demonstrate implausible;¹³³ even if it is reliable, it relates to the Sadducees, not to Qumran. He also does not raise or solve the two questions I posited above. On this issue, L. Schiffman¹³⁴ states: “The TS (11QT XX: 11–13) requires that *šelimim* sacrifices (gift offerings) be eaten by sunset on the very same day that they are offered. This law is paralleled by MMT^b 9–13 where it is stated that the meal offering of the *šelimim* is to be eaten on the very same day.” Schiffman does not consider that the relevant text in the TS, which is cited and discussed by Yadin,¹³⁵ does not mention the *šelimim* offering. 11QT XX: 11–13 relates to the time limit for eating the Menahot, and there is no association of this rule of the Menahot with any meat offering, and no connection to the MMT text, except that the same time limit of one day for consumption appears in both texts.¹³⁶

It seems that both scholars maintain that Qumran, in contrast to the Rabbis, held that the remainder of the auxiliary Minhah is eaten by the priests. I question how they overlooked explicit Qumran regulations that the remainder is to be burnt on the altar. We read in 11QT^a XX:

¹³² 1998.

¹³³ See ch. 4, nn. 119 and 120.

¹³⁴ 1996, p. 86.

¹³⁵ 1997, Vol. 1, pp. 88–90.

¹³⁶ See also n. 131 on this issue.

7–9, following the regulations as to which elements of the Fellowship offering must be burnt: “...and the priests shall burn everything upon the altar, with their offerings and libations [מנחתמה ונסכמה]. It is a fire sacrifice of fragrance appeasing before YHWH. And every offering with which a libation [נסך] is offered shall be offered according to the regulation [כמשפט].”¹³⁷ It is clear from these verses that the auxiliary Minhah is burnt, and is not consumed by the priests. Verse 10 starts another subject, continuing to XXI: 03: general rules with respect to the priestly remuneration from individual voluntary Menahot and animal offerings, what is consumed and when, the obligatory addition of salt. These offerings are eaten by the priests, but not the previous festival offerings or the offerings that require auxiliary Menahot, which are burnt. Further clear evidence that the auxiliary Minhah was to be burnt according to Qumran rules appears in 11QT^a XXXIV: 11–14: “...and they shall burn them on the fire which is on the altar; bullock by bullock and its piece with it and its cereal offering of finest flour upon it, and the wine of its libation with it and its oil upon it. And the priests, sons of Aaron shall burn everything upon the altar. It is a fire sacrifice of fragrance which appeases before YHWH.” Based on this and similar evidence, the MMT accusation could not refer to the Shelamim or Fellowship offering, as postulated by Regev and Schiffman.

I propose an interpretation of the MMT accusation that eliminates any suggestion that the priests consumed the auxiliary Minhah. It is based on the plausible notion that although the lemma states שלמים, “Fellowship offering,” it is really referring to the Thanksgiving offering.¹³⁸ This offering consists of an animal and baked cakes,¹³⁹ and both the flesh¹⁴⁰ and the cakes are consumed by the offerer and the priest (Lev

¹³⁷ The term ומנחתה ונסכיהם כמשפטם “and their Menahot and libations according to the regulations” appears six times in Num 29 in connection with the festival offerings and the auxiliary offerings, and in Num 15:24 in connection with a burnt offering. Yadin in his comments to 11QT^a XX: 9 (1977, Vol. 2, p. 88) relates it to Num 15:4, the basic decree for the auxiliary Minhah and the sole pericope with all the relevant details. The different quantities of oil to be mixed with every animal offered appear only in this pericope; there are no indications of the required quantity of oil in any other decree about the auxiliary Menahot.

¹³⁸ Scripture calls it השלמים “Fellowship offering,” in different grammatical forms in Lev 7:11, 13, 14 and 15. We read in *b Zevah*. 4a: “The Thanksgiving offering is called Shelamim, but the Shelamim offering is not called Thanksgiving.”

¹³⁹ Lev 7:12–15.

¹⁴⁰ Although Scripture does not mention that the priests receive meat from this offering, (only cakes are mentioned) it is more than reasonable to assume that Qumran, like the Rabbis, understood it this way, since Scripture classifies it as a category of Shelamim.

7:14). Although Scripture decrees only that the flesh must be eaten the same day, the Rabbis extended the same time limit to all Menahot.¹⁴¹ It is thus plausible that the Qumran Sages did the same.¹⁴² According to this postulate, the warning to both the priests and the Israelites against eating the Thanksgiving flesh and cakes after the prescribed time limit would conform to scriptural rules. The oddity with respect to the warning might be explained as follows. Likely the priests would not consume their meat portion of the Thanksgiving offering on the second day against the explicit scriptural prohibition. But one can postulate that the rabbinic rule that extended the time limit for the meat to the Minhah element was not yet practised by the Pharisees in the period when the MMT was written, and the cakes could be consumed without any time limitation, according to the simple understanding of the biblical rule. Therefore, the accusation against the priests and Israelites for their transgression of the scriptural rule, as the Qumran Sages understood it, was justified. If the priests ate the cakes on the second day or later, the offerers would have done the same, and therefore the priestly wrongdoing caused the people to sin. This may have been the understanding of the writer or redactor who corrected the term *להזהיר*, to mean that the priests had an obligation to teach the people the correct halakhah and warn them not to transgress, and are accused of not fulfilling their duty. This proposition seems to me the most reasonable conjecture regarding the intention of this apparently vague dictum. In this case the dictum cannot serve as evidence about the procedure regarding the auxiliary Minhah—that is, whether according to Qumran halakhah it was entirely burnt or eaten by the priests after the taking of the handful. This conclusion obviously does not exclude the possibility that the Scholion of *Megillat Ta'anit* refers to the Sadducean halakhah, but, as noted, I greatly doubt its authenticity. However this issue is explained, it serves to demonstrate the complexity of the sacrificial cult rules, and

We read in *Sifra Zav, parshah 5*: “[It is written in Lev 7:11] ‘these are the regulations for the Fellowship offering,’ [and then follows] ‘if he offers it as an expression of thankfulness.’ [This comes to teach us the following comparison:] just as the Fellowship offering requires laying the hands on the offering, an auxiliary Minhah, waving and [giving the priest] the breast and thigh, the same applies to the Thanksgiving offering.”

¹⁴¹ See pp. 45ff. on this issue.

¹⁴² Though 11QT XX: 10–13 (see translation p. 248) extended the same time limit to all Menahot from which a handful was taken for the altar, such a handful is not taken from the cakes of the Thanksgiving offering; the priest receives one of each cake type. I am therefore cautious about this statement, although I cannot see any reason to doubt it.

the difficulties involved in understanding the post-biblical writings and their real intentions.

3.5.3 *Rules Regarding the Minhah's Distribution Among the Priests*

There is a further corroboration of my postulate to be deduced from the various biblical passages that set out the priestly remuneration from the sacrifices. The biblical directives with respect to priestly remuneration are somewhat confusing; there is, in particular, a threefold repetition of the priestly compensation from the Menahot that is not only unusual¹⁴³ but also reveals various inconsistencies.¹⁴⁴ The later Sages were compelled to interpret these rules in a way that may have, in their opinion, smoothed out some of the difficulties of the text, but also increased the complexity of the system.¹⁴⁵

I would like to postulate at this stage my explanation of the apparent discrepancy regarding the two systems of distributing Menahot among the priests. The Rabbis interpreted the two rules in Lev 7:9 and 10,

¹⁴³ There may in fact be four instances: two in Lev 2:3 and 10, not in its appropriate context; one in Lev 6:9, this time in the appropriate context; and repeated unexpectedly at Lev 7:9 and 10.

¹⁴⁴ In Lev 2:3 and 10, the identical system of distribution among the priests is commanded for both the flour and the baked Minhah. The simple meaning of the text "to Aaron and his sons" seems to imply that the priestly portion of both types was to be distributed equally among all the priests. *Sifra Dibura deNedawah, parshah 9*, however, interprets the text of 2:3 and 2:10 as granting a preferential share to the High Priest: "First to Aaron, and then to his sons." The High Priest takes his portion first, as much as he desires, and the remainder is then distributed among all the regular priests, for both the flour and the baked Menahot. But Lev 7:9–10 decrees different systems of distribution for the flour Menahot and the baked Menahot: "And every Minhah offering baked in an oven or cooked in a pan or on a griddle belongs to the priest who offers it. And every Minhah offering whether mixed with oil or dry belongs equally to all the sons of Aaron."

¹⁴⁵ The Sages could not envisage that the economic gratification from the offerings should be awarded exclusively to the single priest who performed the sacrificial celebration; this would have been highly discriminatory and unfair, since it is obvious that many priests were involved in the collateral procedures of the sacrificial system. In *Sifra Zav, parshah 4, perek 10*, the Sages therefore extended the meaning of the rule: "[Every grain offering baked in an oven . . .] belongs to him [the priest who offered it]" to include in this expression the clan who were in service at the Temple on that day or week. A baraita cited in *b. Pesah. 57a*, whose critical character suggests the accuracy of the facts it records, confirms such a distribution system among the priests, with respect to the skins of the Holocaust offerings; these were divided, once weekly, among all the priests involved in the weekly shift.

contrary to the simple meaning of the text,¹⁴⁶ as a single regulation,¹⁴⁷ and declared that the identical manner of distribution applied to both flour and baked Menahot.¹⁴⁸ Both were equally distributed among all the priests of the day's shift. However, they also asserted that the total Menahot of the day were not to be accumulated and then divided among the priests of the shift; rather, each Minhah had to be divided separately among them.¹⁴⁹ As I have stated elsewhere, this is a theoretical, impractical solution. I suggest, therefore, that each verse should be interpreted separately, according to its plain meaning; this interpretation would be true to the text, and would also corroborate my postulate of the influence of financial considerations on cult ordinances, as promulgated by the priesthood. There is practical logic in having different procedures for the distribution of the two distinct types of Minhah. It would have been extremely cumbersome and impractical to divide different types of breads and cakes, of a variety of sizes and qualities, among a great number of priests. Thus the baked Menahot, brought by those conservative people who preferred this older type of offering,¹⁵⁰ were allotted to the one priest who performed this particular offering. The flour offerings, which were all of the same standard quality and mixed with oil, could be accumulated together and divided in the evening among

¹⁴⁶ The modern orthodox scholar D. Hoffmann, 1953, pp. 244ff., cites traditional commentators and a host of contemporary scholarly opinions in his effort to reconcile the inconsistencies and the repetitions in Scripture and defend the rabbinic opinions.

¹⁴⁷ We read in *b. Menah.* 73a, at the start of deliberations on the topic of distribution among the priests: "and every grain offering baked in an oven [the start of v. 9] belongs equally to all the sons of Aaron [the end of v. 10, relating to the flour Menahot]," ignoring the text in between that differentiates the mode of distribution between the two types.

¹⁴⁸ The Rabbis similarly interpreted Lev 7:6–8 regarding the other offerings that were to be awarded to the priest who celebrated them according to the explicit scriptural regulations. We read in *m. Zevah.* 12:1 that a priest who was not fit to serve during the day (because of impurity, or similar incapability) did not partake in the evening distribution of the offerings and skins, among the priests of the shift, though he was fit in the evening. The singular of the phrase "it belongs to him" in Lev 7:7–9 is interpreted in *b. Zevah.* 103b to mean every priest who was fit to serve.

¹⁴⁹ We read there: "We might consider that it is not permitted to distribute birds [pigeons for Guilt or Sin offerings] celebrated by one priest as against Menahot [that is, one priest would take the flour of the Minhah he celebrated, and the other would receive the pigeon instead]. But is it allowed to make such an exchange between two Menahot? [No, this is also prohibited] since Scripture says: 'And every Minhah offering, whether mixed with oil or dry, belongs equally to all the sons of Aaron.'" Consequently, each Minhah, even of the smallest quantity, had to be divided among all the priests of the clan who were on duty on that day.

¹⁵⁰ See p. 183.

all the priests on duty on that day.¹⁵¹ The Sages felt themselves constrained to interpret these verses as they did, based on their ideological and theoretical motives, but our inquiry need not adhere to their particular hermeneutics. We must consider the probability that indeed this difference in the distribution system was practised at the Temple. There is no intelligible motive, nor any evidence in the text, from which we may infer that Scripture prohibited the priests from accumulating all the individual voluntary *Menahot* together¹⁵² and dividing up the total. In fact, the phrase “[the *Minhah*] belongs equally to all the sons of Aaron” (Lev 7:10) suggests this, rather than the impractical solution of dividing each *Minhah*. My proposition adheres to the text, offers a logical motive for this particular difference in the distribution system for the *Minhah* offerings, and demonstrates in this occurrence, as in others, the potential for conflicts.

3.5.4 *The Preparation Site*

A further support for my thesis of the antiquity of the baked *Minhah*, as well as its complete burning, may be deduced from analysis of the instructions regarding the site at which the baked offerings were prepared. We read in Lev 2:8, the concluding verse that affects all four types of baked *Minhah*, the mandate: “he should bring it near to the altar,”¹⁵³

¹⁵¹ Ramban, in his comments to Lev 7:9 on this issue, rejects the rabbinic interpretation and accepts the simple meaning of the text, offering another justification for the different distribution system. He suggests that since the priest bakes the *Minhah* before bringing it to the altar, his effort is greater than the effortless act of burning a handful of flour on the altar, and therefore he deserves a greater reward. He thus maintains that the baked *Minhah* was baked by the priests, in contrast to my postulate that this *Minhah* was brought already baked by the offerer. Even D. Hoffmann, the orthodox commentator, refutes Ramban’s theory, stressing the fact that it is nowhere mentioned in Scripture that the priest must bake the *Minhah* (1953, p. 246).

¹⁵² There are no precise rules regarding how to distribute the Jealousy *Minhah* in Num 5:12–31. The remuneration rules for the Nazir’s *Minhah* decree it is “holy and belongs to the priest” (Num 6:13–20); “the priest” may be perceived as a generic noun, equivalent to “the priesthood.” Similarly, Lev 5:13 regarding the poor man’s Sin offering of grain contains the indefinite phrase: “it belongs to the priest as is the case of the grain offering.” In contrast, for the Thanksgiving offering (Lev 7:12–14) it is specified “it belongs to him [the officiating priest],” in singular, but this refers only to the cakes. For the Fellowship offering, the indefinite phrase “give it to the priest as a contribution” (Lev 7:32) is complemented with the definite rule “it belongs to him,” but in v. 31 we read: “the breast belongs to Aaron and his sons,” in plural. These verses, like many others, demonstrate the lack of precision in Scripture regarding the cult system in all its aspects, and we can again imagine the possible disputes as to what was really intended.

¹⁵³ The Sages, who would not consider interjections in Scripture, assumed that the

followed by the taking of the memorial portion. The order of performance of the flour Minhah is different: the offerer brings the ingredients to the priest, who takes off the handful and burns it upon the altar. The taking of the handful is completed before the material is brought near the altar; in v. 8, in contrast, the entire baked Minhah is brought to the altar, and only then does the priest proceed with the act of taking a portion for the altar.¹⁵⁴ Other oddities in the literary and grammatical structures of the pericope hint to a tampering by interjections.¹⁵⁵ Further, just as we assume that v. 10 concerning the remuneration to the sons of Aaron is a later-interjected duplicate of v. 3,¹⁵⁶ referring to the more recent flour Minhah, so we can consider the first part of v. 9, “The priest shall take out the memorial portion [from the baked Minhah],” as an interjection. Initially, the decree simply indicated to the

act of “bringing the Minhah near to the altar” was a distinct and particular step in the performance of certain offerings, but not others. We read in *m. Menah.* 5:5: “Some [offerings] must be brought near the altar, but do not require the [procedure of] waving; [some require] waving but not bringing near; [some require] both bringing near and waving [and some] no waving and no bringing near.” Then the mishnah lists the various offerings and their particular requirements in this respect.

¹⁵⁴ The instruction in Lev 6:7 regarding the flour Minhah, “Aaron’s sons are to bring it before the Lord, in front of the altar,” is not a parallel of the text regarding this Minhah in Lev 2:2, so as to make the proceedings uniform with those of the baked Menahot in our verse Lev 2:8b. The terms קרב and נגש are not identical. NIV translates the first “present it,” and the second “he shall take it.” The term קרב indicates primarily the act of sacrificing. Verse 6:7 (v. 14 in KJV) serves as an introduction to the process of setting up the priestly remuneration for the flour Minhah, and emphasizes again that the sons of Aaron, rather than the offerer himself, must perform the celebration of the Minhah, a non-animal offering; the technical procedures of the Minhah are indicated in Lev 2:1–2.

¹⁵⁵ The first lemma of the flour Minhah in Lev 2:1–2 is expressed in third person singular, whereas the next lemma regarding the baked Menahot in Lev 2:4–8a is in second person singular; then in 8b, which begins the process of bringing the Minhah to the priest, there is a reversion to third person. Further, the style of 8b is vague, and it is not clear who brings the Minhah near the altar. The text reads: “and he [the offerer] should bring it near to the priest and should bring it in contact with the altar. The priest shall remove. . . .” This is the literal translation, and indicates that the offerer brings the offering in contact with the altar; this instruction demonstrates the ancient origin of this element, when laypeople approached the altar. The LXX and the NIV were aware that the literal translation contradicts the biblical prohibition against laypeople approaching the altar, and each in its own way attempted to interpret the passage so as to avoid explicit contradiction.

¹⁵⁶ For detailed literary analysis, see Elliger, 1966, pp. 41ff., regarding the parallelism of vv. 3 and 10, as well as the shift from second person to third person in Lev 2:8. Elliger also considers the term “sons of Aaron” to be a late expression. See also R. Peter-Contesse and J. Ellington, 1990, pp. 31ff., who draw attention to the different structures in Lev 2:2 and 2:9 regarding the taking of the handful and the distinct terms expressing the priest’s active involvement.

offerer to bring the baked Menahot to the altar to burn them; the phrase “he should bring it near to the priest” is also a later interjection,¹⁵⁷ to adapt the offering to the new circumstances.

We may logically assume from the above discussion that initially the offerer brought his baked Menahot right to the altar. The text also hints at this. Whereas with the flour Minhah the offerer brings the ingredients of his offering specifically to the sons of Aaron (Lev. 2:2), who take over the next steps of the performance, there is a different sequence for the baked Menahot; there, the offerer brings the Minhah “to the Lord,” as we read in Lev 2:8: “Bring the grain offering made of these things to the Lord.” I speculate that this first part of the verse is the most ancient dictum, wherein the offerer himself brought the offering to the altar and burnt it himself (as we have seen in the previously cited quotations from Judges), or was at least allowed to come near the altar, at a later date.¹⁵⁸ Not only are the sons of Aaron absent in the main part of this pericope, but even the reference to the priest comes only at the end of v. 8, after the bringing of the Minhah to the Lord by the offerer.¹⁵⁹

We may turn now to the issue of the preparation site of the Minhah. From the biblical text it seems clear that ready-baked bread was brought to the altar; there is no hint in the text that the Menahot were baked after the raw ingredients were brought to the altar. I reiterate my postulate that although the text of Scripture permitted the offering of voluntary Menahot of baked bread, this type of Minhah was not celebrated in practice in the Second Temple period, or was celebrated only to a minor extent.¹⁶⁰ Josephus’ record of the Minhah offerings in *Ant.*

¹⁵⁷ The style of 8b is vague and convoluted. It reads: “and he should bring it near to the priest and should bring it in contact with the altar. The priest shall remove....” At any rate, if we assume that the phrase “and [he] should bring it in contact with the altar” refers to the priest, then the mention of the priest with the act of taking the memorial would be redundant. The interjected phrase had a double purpose: to introduce the priest into the procedure, and to adjust the text to the then-current circumstances that did not permit laypeople to approach the altar. Rendtorff, 1967, p. 184 also considers this phrase a later gloss. There is a similar type of adaptation in 2 Chr 24:8–10 to the parallel text in 2 Kgs 12:10. In Kgs, the collection box for donations is placed by King Joash “besides the altar on the right side,” while in the 2 Chr narrative we find it “outside of the gate of the Temple.” (See Heger, 1999, p. 265 n. 88, p. 314 n. 102, and p. 318 on this issue.)

¹⁵⁸ See antecedent notes 153–157 on this issue.

¹⁵⁹ V.10 is evidently a later interjection. See Elliger, 1966, p. 39.

¹⁶⁰ R. Rendtorff, 1967, p. 181, states: “Aber offenbar galt das Darbringen von Gebacknem nicht als die geläufige Form der Minhah.” (“But it is obvious that the offering of baked goods was not the habitual type of Minhah.”) He deduces this from the fact that for most of the various Menahot, flour and oil are indicated, not baked cakes. E. S.

III: 233–235 mentions only the voluntary flour Minhah.¹⁶¹ He states explicitly that while the handful of flour was thrown upon the altar, the remainder was consumed by the priests, boiled, mixed with oil or baked. I shall attempt to substantiate this proposition by a critical investigation of rabbinic decrees, reading between the lines and pointing to inconsistencies that emerge.

The Rabbis of course assumed the same origin for the entire pericope Lev 2:1–16, and therefore presumed that the same procedure applies for the flour and the baked Menahot. I have found no explicit dictum in the Talmud as to where and by whom the voluntary baked Minhah should be mixed, kneaded and baked. Nor are there many other discussions with respect to the baked Minhah; the only step-by-step portrayal of the entire procedure for any voluntary Minhah, from the offerer's bringing it to the Temple up to the time at which the priests may bake and consume it, appears in *b. Sotah* 14b, and refers exclusively to the flour Minhah.¹⁶² There is no mention of the requisite procedure for

Gerstenberger, 1996, p. 40, declares that the three different types of cakes indicated in vv. 4–7 were connected to different lifestyles among the offerers, and hence a later version of the Menahot. The evidence I have cited in this study regarding the antiquity of the baked Menahot allows me to refrain from debating this unsupported assumption. I wish only to add that Gerstenberger himself admits, indirectly, that at least one of the baked Menahot was of ancient origin; speculating on why only the cake baked “on a griddle” was crumbled and had oil poured on it, he writes: “Presumably some older custom is at work here.”

¹⁶¹ We read in 235: εἰ δέ τις θυσίαν οὐκ ἐπιτελῶν ἐπήνεγκε κατ'εὐχὴν σεμίδαλιν, ταύτης ἀπαρχὴν μίαν ἐπιβάλλει τῷ βωμῷ δράκα, τὴν δὲ λουπὴν οἱ ἱερεῖς πρὸς τροφὴν λαμβάνουσιν ἢ ἐψηθεῖσαν, ἐλαίῳ γὰρ συμπεφύραται καὶ ἡ γενομένων ἄρτων “But if anyone, without performing sacrifice [to which an auxiliary Minhah had to be added, which was entirely burnt, according to Josephus as cited above], offered fine flour in fulfillment of a vow, he took a handful of this and flung it as first-fruits upon the altar; the rest was appropriated by the priests for consumption, whether boiled (for it had been soaked in oil) or in the form of bread.” The priests boiled or baked the flour; but there is no mention of bringing baked goods as a Minhah.

¹⁶² We read there: “What is the sequential order of the Menahot? A man brings the Minhah [the flour and the other ingredients] from his home in containers of silver and gold, and places it into a service [ceremonial] vessel/receptacle and dedicates it in the ceremonial vessel [according to rabbinic regulation every offering had to be dedicated by the owner for its purpose; this is the act by which the animal or the flour changed its legal status; the dedication/consecration validated the change of ownership from the offerer to the Temple, and the change in its status from secular to sacred]; he puts on it its [prescribed] oil and frankincense and brings it to the priest, and the priest carries it to the altar and brings it in contact with the altar at its south west corner, at its horn, and that is sufficient. He shifts the frankincense to one side, takes the handful [of the flour] from the site where the oil is concentrated, puts it into a ceremonial vessel and dedicates it [to the altar] in the ceremonial vessel. He collects the frankincense and puts it on top of it [the handful of flour and oil] and raises it [to the altar] in the ceremonial

the baked Minhah. The only talmudic citation connected with the voluntary baked Minhah refers to the impracticability of taking an exact handful, as I have discussed earlier (pp. 171ff. and nn. 69 and 70).¹⁶³

Lacking explicit rabbinic deliberations on the procedures for the baked Menahot, we must attempt to find implicit indications in their literature. We read in *m. Menah.* 5:8: “If one vows to bring a Minhah baked in a griddle,¹⁶⁴ he must not bring one baked in a pan; if he vows to bring it in a pan, he must not bring it [baked] in a griddle.”¹⁶⁵ The use of the term “he must not bring,” indicates that the offerer brings the already-baked Minhah to the Temple. Moreover, if the Minhah were baked within the Temple precinct, it would certainly be under the supervision of the authorities, and they would not allow a change in the type of Minhah contributed. A similar restriction is encountered in mishnah 5:9: “If he pledges to bring a Minhah baked in an oven he must not bring half [of it as] cakes and half [as] wafers.” An even stronger indication of the Sages’ assumption that the baked Menahot were brought ready-made to the Temple is found in the first dictum of the above mishnah: “One who pledges [to bring a Minhah baked] in an oven should not bring it baked on a brazier, baked on tiles, or baked in an Arab kettle.” It is not reason-

vessel in order to be burnt and puts salt on it and places it on the fire. After the offering of the handful [upon the altar] the remainder of the Minhah may be eaten; the priests may mix the flour with wine, oil and honey, but are only prohibited from allowing it to leaven.” In the course of the substantiation of these rules in the *Gen.*, further questions arise. The host of minutiae and uncertainties demonstrates the acute potential for controversy at every minor step of the cult celebration.

¹⁶³ In addition to the citation in *b. Menah.* 11a (note 69) *m. Menah.* 6:4 details the intricate chore of dividing the baked wafers into four pieces and then crumbling them. The folding of rigidly baked bread and the crumbling of one-fourth part of it would still constitute a sizable chunk to be squeezed into a man’s closed fist; this result strongly suggests that these rabbinic rules concerning the baked Menahot were theoretical. In fact, as I have noted, Scripture does not utilize the term קָמַח “take a handful” with respect to the baked Menahot; it simply says “the priest shall take out the memorial portion,” with no indication of how this should be done or the specific quantity. For the various other offerings that include baked cakes, as for example the Thanksgiving offering, an entire cake is offered (Lev 7:14). It seems that the decree to “crumble it” in Lev 2:6 indicates that the rigid, dry wafers should be split or broken into segments, and one of the segments would be burnt upon the altar. The LXX correctly translates this action with διαθρύψεις αὐτὰ κλάσματα “you should break it in pieces/fragments” (Liddell and Scott), to refer to the pieces.

¹⁶⁴ Regarding the translation of the terms, see comments in n. 54.

¹⁶⁵ According to *m. Menah.* 12:2, if one changed the type of Minhah he pledged, he did not fulfill his vow, and must bring the type of Minhah he pledged: “If he pledged to bring [a Minhah baked in] a griddle and brought [one baked in] a pan, and vice-versa, what he brought, he brought [i.e. it is considered a voluntary offering], but he did not fulfill his vow [and must bring a new Minhah exactly as pledged].”

able to assume that such non-standard baking facilities would exist in the Temple Court. The mishnah must thus refer to cakes baked outside the Temple, at the offerer's location. A further relevant dictum appears in *m. Menah.* 5:8, consisting of a dispute between early Tannaim on the identification and description of the utensils mentioned in our pericope in which the different types of Menahot were baked.¹⁶⁶ This reliable, unbiased record demonstrates that the Sages involved, who were active about forty to fifty years after the destruction of the Temple,¹⁶⁷ could not precisely identify these utensils. It is therefore certain that these utensils, which were used by the people in the period of our pericope's redaction, were no longer in use in the last period of the Second Temple,¹⁶⁸ and such Menahot were not offered. Thus there was no elaboration on the preparation procedures for the baked Menahot. The Sages attempted, through their creative imaginations,¹⁶⁹ to explain scriptural references to matters no longer practised.¹⁷⁰

The numerous dicta in the Mishnah that record the various steps in preparing the Menahot in the Temple Court refer to the priests baking bread for their use, out of their portions of flour from the individual voluntary Menahot, after the burning of the memorial handful upon the altar. The Minhah was a "most holy offering" (Lev 2:3), and as such had

¹⁶⁶ See n. 54.

¹⁶⁷ Rabbi Yose Haglili often disputed with Rabbi Akiva (*b. Zevah.* 82a); he was active before the Bar Kokhva rebellion, which took place sixty years after the Temple's destruction. He was also an opponent of Rabbi Tarfon, (*t. Git.* 7:1), who still received and consumed the Terumah in his capacity as a priest (*ibid.* 3:33); hence he was active in a period when priestly privileges and consequently Temple practice were still a living memory. The son of Rabbi Yose Haglili was already active in Yavneh (*b. Ber.* 63b), which ceased its functions in 132, during the Bar-Kokhva rebellion; he must therefore have been born close to the time of the Temple's destruction.

¹⁶⁸ See n. 54 and next n. 169.

¹⁶⁹ As an example, we may note the explanation given by Rabbi Hananiah son of Gamaliel (or by someone who attributed it to him) on how he reached his understanding of the scriptural terms. We read in *b. Menah.* 63a: "The pan called מרהשת [must be] a deep one, because it is written 'what is prepared in it [Lev 7:9]'; the pan called מחבת [must be] a shallow one, since it is written 'on it [ibid.]'." Hermeneutics served as the basis for the explanation; the actual structures of the utensils were totally unfamiliar to them.

¹⁷⁰ It seems that the Sages were not concerned with the practical consequences of their deliberations on cult matters that were no longer performed in their period. We read in *b. Zevah.* 91b: "Samuel said that according to Rabbi Tarfon [who declares in the Mishnah that one may donate only oil], when one donates oil, a handful [is taken to be burnt upon the altar] and the remainder is consumed [by the priests]." It would seem to be humanly impossible to take a handful of liquid oil from a vessel and bring it up intact to the altar.

to be eaten inside the Temple's inner court.¹⁷¹ There would thus have been cooking and baking utensils in the Temple for use by the priests,¹⁷² who could not remove their remuneration from such most-holy offerings outside the Temple.¹⁷³ We have noted the specific rules for the preparation of the fine flour in *m. Menah.* 6:5: "All the Menahot require three hundred rubbings and five hundred beatings." We have also noted¹⁷⁴ that the offerer brought the voluntary flour Minhah from his home. We may thus question how it would have been possible to ensure that the flour provided by the many offerers met these stringent requirements. It must be assumed, therefore, that the special requirements for the preparation of the Menahot refer to the flour of the obligatory Menahot and of the public Menahot, but do not apply to the voluntary Menahot. Alternatively, we may assume that this rabbinic regulation regarding the sacrificial system, like many others, was purely theoretical, created after the Temple's destruction with no consideration of practical or historical circumstances.

There were, furthermore, certain distinctive requirements for specific types of Menahot.¹⁷⁵ The flour for the auxiliary and obligatory Menahot and, obviously, for the public Menahot was provided from the Temple's stores, as we learn from passages in *m. Sheqal.* 5:3 and 4.¹⁷⁶ We

¹⁷¹ We read in *m. Zevah.* 14:4: "The most holy offerings must be eaten inside the posts." Scripture decrees this specifically for the Minhah (Lev 6:9; v. 16 in KJV): "They are to eat it in the courtyard of the Tent of Meeting."

¹⁷² As we read in Ezek 46:20: "He said to me: This is the place where the priests will cook the Guilt offering and the Sin offering and bake the Grain offering, to avoid bringing them into the outer court."

¹⁷³ Together with this restrictive rule, the priests' wives and daughters were not allowed to eat the priests' shares of the Menahot, as we read in Lev 6:11 (v. 18 in KJV): "Every male descendant of Aaron may eat it."

¹⁷⁴ See n. 162.

¹⁷⁵ The term *כל המנחות* found at the start of certain mishnayot does not in fact refer to all types of Menahot. We read for example in *m. Menah.* 5:2: "All the Menahot are kneaded with lukewarm water [to prevent their fermentation, since leavened products may not be offered]." The all-inclusive "All the Menahot" obviously does not include the cakes of the Thanksgiving Fellowship offering, or the Two Loaves, which must be leavened and are specifically excluded from the prohibition against fermentation in the antecedent mishnah 5:1. The expression "all the Menahot" here thus refers to all the Menahot to which the particular decree relates—in this case, those that must not be leavened.

¹⁷⁶ We read in mishnah 3: "There were four stamps in the Temple, on which were written: calf, kid, male, sinner. Ben Azzai said that there were five [stamps, which the offerer bought to receive ingredients from the Temple stores] on which were written in Aramaic: calf, kid, male, poor sinner and rich sinner. The calf [stamp] was for the ingredients of the auxiliary Menahot for offerings of big and small animals [calves and

do not know the precise reason for this particular requirement that the flour as well as the oil and wine were to be provided from the Temple's stores, in contrast to the animals that were brought by the offerers; but we may certainly assume that one of the motives¹⁷⁷ was the desire to guarantee the high quality of the ingredients. We again observe that this particular system was applied only to the auxiliary and obligatory Menahot, but not to the voluntary Menahot that were brought by the offerers from their own stores. It seems that the priests did not consider it feasible to compel the people to change their entrenched custom of offering Menahot from their own harvest, and were in this case satisfied with fine grain of a lower quality.

We may now turn to the analysis of some of the talmudic decrees with respect to the site at which the Menahot were prepared. It is of note that there is no explicit decree as to where the baked Menahot were to be prepared, though there is a rule in *m. Menah.* 11:2 with respect to the preparation of the two loaves of the Feast of Weeks and the Showbread: "Both the Two Loaves and the Showbread are kneaded and prepared¹⁷⁸ outside [the Temple Court] and are baked inside."¹⁷⁹ Another decree in the following mishnah 11:3 refers to the particular Minhah of the High Priest: "The Habitin of the High Priest are kneaded, prepared and baked inside [the Temple Court]." No similarly explicit and

cattle], males and females; the kid [stamp] was for sheep, big and small [lambs and adult sheep], males and females except rams; the male [stamp] was for rams only; the sinner [stamp] was for the ingredients of the auxiliary Menahot to the three animal offerings for the leper's recovery." Mishnah 4 recounts the entire procedure involving the stamps, and complements the missing elements in mishnah 3: "Whoever needed ingredients for the auxiliary Minhah offering went to Yohanan, the superintendent of the stamps, gave him money and received from him a stamp; he [then] went to Ahia, the superintendent of [the ingredients of] the auxiliary offering, gave him the stamp and received them."

¹⁷⁷ I certainly would not exclude the possibility that the Temple administration also had some financial interest in mind when this ordinance was implemented. We know from other sources that the priests vigorously defended their economic interests. See the discussion above concerning the modification of the priestly share of the offerings, as well as Heger, 1996, pp. 242ff. on "The Incense Monopoly."

¹⁷⁸ It seems to me that rabbinic literature utilizes the term ערך in relation to the Showbread because it appears in Scripture (Exod 40:23; Lev 24:5-9). In Scripture, however, it relates to the arrangement of the twelve breads on the table, rather than their preparation. Since the Sages used the term for the preparation of the twelve units of the Showbread, they also applied it to the preparation of the other offerings listed in the succeeding mishnayot.

¹⁷⁹ This dictum raises the question of whether the kneading and preparation were to be done outside the Temple Court, or could be performed in the Court. Rabbenu Ovadiah of Bertinoro, the renowned mishnah commentator, was in fact perplexed by this instruction.

unequivocal rule appears with respect to the voluntary baked *Minhah*; there is only an ambiguous¹⁸⁰ dictum in the subsequent mishnah 11:4: “All the *Menahot* need a ceremonial receptacle [for the preparation stages performed] inside [the Temple Court], and do not need such a receptacle [for the tasks performed] outside.” This statement does not indicate where the voluntary *Menahot* must be baked; it simply provides that one may use secular utensils for carrying out cult procedures performed outside the Temple Court, while ceremonial receptacles had to be used for those performed in the Temple.

There is a controversy in *b. Menah.* 9a with respect to the site at which the flour *Minhah* must be mixed with the oil:

If one mixed [the flour and the oil of] the *Minhah* outside the Temple Court, Rabbi Yohanan said it is disqualified. Resh Laqish said it is fit. Resh Laqish said it is fit because it is written “He is to pour oil on it, put frankincense on it” and [only] then “take it to Aaron’s sons the priests and he [the priest] shall take a handful.” From the act of taking the handful and onwards, it is the priestly responsibility.¹⁸¹ [Scripture thus] teaches us [by the structure of the text] that pouring the oil and mixing it are acts that may be executed by a layperson; and since a priest is not required

¹⁸⁰ The exact purpose of the dictum is not clear; nor is it clear to which *Menahot* it refers. The sentence is squeezed in between the antecedent rule concerning the High Priest’s *Minhah* and the subsequent description of the form and structure of the Two Loaves and the Showbread. What is even more puzzling is that it begins with the phrase “all the *Menahot*,” as if it really referred to all the *Menahot*. Rashi is not particularly clear in his comment to this mishnah, and does not indicate its purpose. Maimonides in his comments to the mishnah (Kafih, 1967) offers a reasonable interpretation, stating that it refers to and complements the previous halakhot; it confirms that the acts performed outside the Temple Court do not require the use of a ceremonial receptacle, while those acts performed inside do require it. This would explain the expression “all the *Menahot*,” in the mishnah. I see no difficulty, however, if the dictum were to apply to all the *Menahot*; the baked *Minhah* would be brought in the offerer’s container, then consecrated only in the Temple Court in a ceremonial receptacle, and the handful taken by the priest.

¹⁸¹ Rendtorff, 1967, p. 185, interprets the term “he takes a handful” in Lev 2:2 as referring to the offerer; that is, he, and not the priest, performed this deed of separating the handful for the altar from the *Minhah*. In his comments to v. 2, Noth, 1966, p. 27, seems to agree with this interpretation. The text does seem to support this interpretation, since the subject “the priest” appears only in the third clause with respect to the burning of the handful upon the altar. The LXX follows the MT text, although it is confusing, as J. W. Wevers observes (1997). The commentators and translators who assigned this task to the priest deviated from the simple meaning of the text, because it seemed to them unreasonable to assume that the priestly editor would allow a layperson to perform this most revered act. Moreover, it would be irrational to allow the offerer to separate the portion from the flour *Minhah*, and prohibit it for the baked *Minhah*, where the priest is explicitly mandated “to take out the memorial portion” (2:10).

[for these tasks], their performance is not required to be effected inside the Temple Court. Rabbi Yohanan said it is disqualified, since the mixing must be done in a ceremonial vessel, and although [the mixing] does not have to be effected by a priest, it must be performed inside the Temple Court.

I maintain that Rabbi Yohanan's opinion, which apparently contradicts my thesis, actually supports it. An analysis of the amoraic controversy will assist us in understanding the core of the contention and its relation to our problem. The dispute between the two Amoraim is of a conceptual nature, and refers to the issue of when, or after what action, the shift occurs from the secular status of flour and oil to the consecrated status of a Minhah. One Amora maintains that the priestly act of "taking the handful" changes not only the status of the portion that is intended for the altar, but also that of the remainder of the flour and oil; this now becomes a "most holy offering." Hence the mixing, which is performed before the handful, may be effected outside the Temple Court. A different view is affirmed by the other Amora: "[Putting the ingredients into] the ceremonial vessel establishes [its sacred status]."¹⁸² Since this is done before the mixing, this action must be performed inside the Temple precinct. In light of this conceptual argument, we must agree that the halakhic controversy here does not affect my postulate that initially the baked voluntary Menahot, when these were the prevailing practice, were baked by the offerer outside the Temple; they were put into the ceremonial receptacles after being baked and, therefore, according to both disputants, changed their status from secular to sacral only at that moment. This conclusion is also supported by the biblical text.¹⁸³

I believe I have adequately substantiated my postulate with respect to the developmental stages of the Menahot, with specific emphasis on the shifts from the baked Menahot to the flour Menahot and from the total dedication to the Deity to the award of the greatest part to the priests. I have also demonstrated the great potential for disputes with respect to

¹⁸² As we have seen in the above-cited passage from *b. Sotah* 14b (n. 162), the offerer transferred the flour from his container to the ceremonial vessel, and dedicated it as an offering before putting on the oil and frankincense.

¹⁸³ After setting out all the types of baked Menahot, Lev 2:8 concludes as follows: "Bring the Minhah made of these things to the Lord; present it to the priest." The simple interpretation of this verse indicates that the Menahot are brought to the Lord, that is, to the Temple precinct, after their preparation. Maimonides, for the sake of the usual harmonization, and without indicating any reasoning, establishes that the baked voluntary Menahot were baked within the Temple precinct (*Hil. Ma'aseh HaQorbanot* 13:12).

the scores of details regarding the performance of offerings that are not clearly indicated in Scripture, and which can be differently established on the basis of the text.

3.5.5 *The Quantity of Frankincense for the Flour Minhah*

Scripture does not indicate either a minimum or maximum quantity of frankincense to be put on the flour.¹⁸⁴ If there were a standard minimum measure, like the tenth of an *efah* of flour required by rabbinic opinion, a further question would arise (as we have observed with respect to the quantity of oil) as to whether the quantity of frankincense should increase proportionally with the size of the flour Minhah. The Sages were obviously aware of this absence of a precise quantity, and, predictably, attempted to establish a standard by means of their hermeneutic system.¹⁸⁵ We read in *m. Menah.* 13:3: “One who vows [to bring an offering of] frankincense [without defining the quantity] must bring not less than a handful; one who donates a Minhah must bring with it a handful of frankincense.” The mishnah thus establishes the handful as the standard quantity of frankincense, both for the distinct frankincense offering and for the supplement to the Minhah offering. In *b. Menah.* 106b it is explained how the Sages of the mishnah reached this decision: “How do we know this? Since it is written ‘he shall take a handful of the flour and oil together with all the frankincense [Lev 6:8, v. 15 in KJV],’ [Scripture] compares the [quantity] of the frankincense to that taken from the Minhah,¹⁸⁶ just as the quantity to be taken from the Minhah is a handful, so the quantity of the frankincense is a handful.” However, this decision, apparently unambiguous on first sight, reveals further

¹⁸⁴ Neither Lev 2:1, which states “he should put frankincense on it,” nor Lev 2:15, which states “put frankincense on it,” gives precise details.

¹⁸⁵ I reiterate that the reference to a standard quantity in the Sages’ discussions does not automatically confirm that such a standard was actually used in the Temple. It does, on the contrary, suggest the possibility of conflicting opinions in this respect.

¹⁸⁶ This derivation seems to be based on *heqesh*, a comparison of two subjects cited close together in Scripture. This hermeneutical method is common in rabbinic deliberations, as we read, for example, in *b. Shabb.* 68b: “As it is written [in Num 15:29]: ‘one and the same law applies to everyone who sins unintentionally’ . . . and then [in the subsequent verse, we read] ‘the person who acts presumptuously [i.e. sins deliberately].’ [Scripture] compared the one who sinned unintentionally with the one who sinned intentionally [with respect to a particular rule].” Rashi, however, in his commentary to our mishnah, considers it a *gezerah shavah*, which compares similar expressions used in Scripture with respect to two different subjects. See David Instone-Brewer, 1992, pp. 226–227 on the various rabbinic exegetical methods.

complexity in other contexts. In *y. Sheqal.* 6:4, 50b, for instance, an issue is raised with respect to whose handful is standard: “Rabbi Yose said: The statement of Rabbi Ilai was: One who donates a Minhah brings [the frankincense measured] according to the handful of the High Priest. Rabbi Hezekiah in the name of Rabbi Jeremiah [said that he can even bring a quantity measured] according to his own handful.”

With respect to the issue of whether the frankincense must be proportional to the flour, there is no explicit indication, as there is with respect to the quantity of oil in *m. Menah.* 9:3 (cited above p. 159). There is only an indirect hint in *Sifra Dibura DeNedavah, parshah* 9 s.v. *parsheta* 9, where we read: “I compare the requirement of taking a handful [of flour] and the obligation of adding frankincense. Just as one handful of frankincense is necessary for both [a Minhah of] one-tenth an *efah* [of flour] and [a Minhah of] sixty-tenths of an *efah*, so only one handful [of flour] must be removed from both [a Minhah of] one-tenth an *efah* [of flour] and [a Minhah of] sixty-tenths of an *efah*.” We have seen (pp. 159–60) the frailty of the assertion that only one *log* of oil is required for up to sixty-tenths of an *efah* of flour. Here the same principle is applied to the frankincense, without even any hermeneutic support; yet it is nonetheless accepted as an established paradigm, from which the same principle is derived with respect to taking a handful from one-tenth of an *efah* and from sixty-tenths.

Further, there are conflicting assertions with respect to the obligatory standard quantity of the frankincense. We read in *m. Menah.* 1:3: “If one puts more oil or less oil [than decreed], [or puts] less frankincense [than decreed], the offering is unfit.”¹⁸⁷ We would naturally assume, from the above citation, that the required quantity of frankincense is one handful. In *b. Menah.* 11a, in the deliberation on this mishnah, this assumption is in fact affirmed; but the Talmud then goes on to cite a

¹⁸⁷ Since the mishnah does not indicate the correct quantities of the oil and frankincense, in order that we might understand what is meant by “more” or “less,” it is unclear whether this refers to the offerer who brought more or less than decreed, or to the priest who took off inaccurate quantities for the altar. This rule appears among regulations regarding how the priest should perform the taking of the handful, with a list of all the flaws and errors that make the Minhah unfit. This suggests that our mishnah too refers to the priest’s actions. Yet mishnah 1:3 could not refer to this, because neither Scripture nor the Sages indicate the exact relation between the flour and oil. *B. Menah.* 11a–b ignores the fact that this short decree is situated in the midst of rules referring to the priest’s taking of the handful, and understands that mishnah 1:3 refers to the offerer who brought more or less of the flour and oil; I have also interpreted the mishnah as referring to the offerer, despite this dilemma.

baraita with a contrasting assertion: “Rabbi Judah said: If there is only one grain of frankincense [instead of the required handful] the Minhah is unfit; if there are two grains, the Minhah is fit. Rabbi Simeon said: one grain makes the Minhah fit, but less than one grain makes it unfit.” These quantities completely conflict with the assertions in *m. Menah.* 13:3 that a handful is the standard quantity, and with the deliberations and supporting hermeneutic in *b. Menah.* 106b.

In order to harmonize this evident contradiction, two solutions were proffered in *b. Menah.* 11a and b. The first declares: “Here [in the baraita that requires one or two grains of frankincense] it refers to the frankincense brought with a Minhah; there [in the other baraita that requires a handful] it refers to a donation of frankincense by itself, and that must be not less than a handful.” The second solution introduces a new concept into the performance of the Minhah, distinguishing between the initial quantity of frankincense brought with the offering, and the quantity burnt on the altar. As the Amora Rabbi Isaac explains, there are three conflicting positions: “...Rabbi Meir¹⁸⁸ reasons that there must be a handful [of frankincense] both at the beginning [when the offerer brings the Minhah], and at the end [when the frankincense is burnt on the altar]; Rabbi Judah reasons that there must be one handful at the beginning, and two grains [are sufficient] at the end; and Rabbi Simeon reasons that there must be one handful at the beginning, and one grain at the end. And all three [Rabbis] deduce their [conflicting] opinions from [the interpretation] of the same phrase: ‘and all the frankincense on the Minhah [Lev 6:8; v. 15 in KJV].’”

Even if we consider that the baraita cited in *b. Menah.* 11a, requiring only one or two grains of frankincense, refers only to the minimum quantity that must be burnt, as explained by Rabbi Isaac, we are still left with three different decisions on a significant part of the Minhah procedure. It is even more remarkable that all three Tannaim of the baraita presumably deduce their divergent conclusions from the same biblical phrase; this supports my contention that there was a great potential for controversy, with respect to the interpretative attempts of the Sages to establish rules for all the relevant minutiae of the cult celebrations, due to the want of comprehensive and precise instructions in Scripture.

We must also consider the practical problems associated with the exact performance of each of the rules expressed above. I have already noted

¹⁸⁸ Rabbi Meir is the assumed Tanna of *m. Menah.* 1:3, cited above.

both my own comments and the rabbinic statement on the practical problems involved in the removing of the handful from the Minhah.¹⁸⁹ A similar problem arises in this case. According to Rabbi Meir, there must be a handful both at the beginning and at the end; this would seem to be almost impossible to accomplish exactly in practice,¹⁹⁰ especially if it is maintained that the quantity of frankincense must not surpass a handful,¹⁹¹ similar to the rule for the flour.¹⁹²

3.5.6 *The Development of Standard Quantities*

We may now summarize the jumble of rulings regarding the quantities of the Minhah ingredients, and comment on the problem of redundant and deficient texts and the rabbinic deliberations to interpret them. The quantity of flour, one-tenth of an *efah* (or multiples thereof), is unconditionally fixed, with no possible increase or decrease. The minimum quantity of oil, one *log*, is unalterable, but may be increased up to a double portion. With respect to the frankincense, although one handful

¹⁸⁹ See n. 69.

¹⁹⁰ I have cited above (n. 162) the passage from *b. Sotah* 14b: “He shifts the frankincense to one side, takes the handful [of the flour] from the site where the oil is concentrated,” suggesting that the priest shifts the frankincense to one side to avoid taking some of it together with the flour, which would decrease the amount of flour and thus make the Minhah unfit. If the offerer puts exactly one handful of frankincense powder on the flour, on which oil is also poured, it would be physically impossible to collect all the frankincense so as to take an entire handful, which Rabbi Meir requires both initially and at the burning stage. This would be possible only if one is allowed, or even compelled, to bring a quantity greater than one handful, in order to enable the priest to remove a full handful for the altar. The traditional commentator *Rashba* (1235–1310), in his *Responsum* 52/1, indirectly acknowledged this practical difficulty, and states that by a miracle the seemingly impossible did actually occur.

¹⁹¹ See the discussion in nn. 35 and 187 concerning the problem of using greater quantities of ingredients than decreed. The Sages deduced the requirement of one handful of frankincense by comparison to the handful of flour and oil to be taken by the priest.

¹⁹² See n. 35 concerning the similar problem with respect to the probable requirement of an exact quantity of oil. The wording of *m. Menah.* 3:5, referring to a small deficiency in the handful of flour, or the wine for libation, or the oil, or a deficiency in one ingredient, is somewhat ambiguous with respect to whether this applies to the bringing of the Minhah by the offerer, or to the priest’s performance of his duty. There is confusion here between a mistake committed by the offerer and one committed by the priest; some mistakes intrinsically refer to the priest and others to the offerer. The traditional commentators interpret the mishnah in this way, concluding that the unspecified “handful” refers to the handful taken by the priest for the altar, not the quantity of frankincense brought by the offerer. Thus, according to this mishnah and to a similar rule in *Sifra, Dibura DeNedavah parshah* 9, a deficiency of frankincense would not make the Minhah unfit; yet this would be in conflict with the above-cited *m. Menah.* 1:3 that declares the opposite. The complex issues cause confusion even in the mishnah.

seems to be the appropriate quantity, there are various discrepancies; there is a probable conflict as to the obligatory minimum the offerer is required to bring at the initial stage, and a definite controversy regarding the amount to be burnt upon the altar. This variety of rulings is puzzling, if we consider that the Sages deduced the required quantities by a hermeneutic comparison of one ingredient to the others.¹⁹³ One would have expected the same rigid application of the standard quantity to all three substances.

One must come to the conclusion that initially there was no rule that prescribed an exact quantity of frankincense, and that period is represented in the biblical text. It is, however, possible and also probable that the priestly class, which was keen to institute formal cult celebrations with precise rituals to enhance its prestige and encourage the devotion of the masses, conceived an elaborate *modus operandi* with many new and uniform regulations. It is reasonable to assume that such a tendency developed at a time when conditions were ripe for such a reform. As I have postulated in the first part of this study (Chap. 1 pp. 35ff.), the Hasmonean rebellion created such favourable circumstances. A priestly clan acquired great political power, and the people showed a great devotion to the sacrificial cult and rituals. In addition, previous customs and rules had been forgotten, generating opportune conditions for the introduction of new regulations, unencumbered by the memory of prior ways. One must also suppose that the expansion of Hellenistic cult sites in Judah prior to the rebellion,¹⁹⁴ whose main purpose was the expression of pomp and pageantry, inspired the Jews to seek a similar style.¹⁹⁵ The convergence of these circumstances created fertile ground for well-defined and precise cult celebrations, and a further distancing from the simple and spontaneous cult of earlier times. The priests and the Sages, contemporaneously or consecutively, attempted to find support from Scripture through their hermeneutic method to endow the innovations with divine authority. We possess no direct documentation

¹⁹³ The quantity of frankincense is actually deduced by a comparison to the handful to be burnt on the altar. As we have seen, the exact quantity is absolutely critical, and a deficiency even in the insignificant amount of a grain of salt makes the offering unfit, according to *m. Menah.* 1:3 and *b. Menah.* 106b. The same inflexibility is applied to a greater quantity; we read in *m. Menah.* 1:2: "If he took a heaping handful" the *Minhah* is unfit.

¹⁹⁴ See 1 Macc 1:43–55.

¹⁹⁵ King Ahaz, impressed by the altar he saw at Damascus, sent its design and detailed plans to Uriah the priest so as to have the same altar built in Jerusalem (2 Kgs 16:10–16). The King then disposed of the old altar.

from the priests, and therefore we must rely on the rabbinic literature in our investigation. I do not intend to elaborate on the issue of whether there was collaboration or contention between the two groups; we do know that a number of distinguished Sages (Pharisees or Rabbis) were themselves priests and we may assume that on many occasions collaboration existed between the two groups. Our main conclusion, however, must take note of the feebleness of rabbinic attempts to deduce biblical supports for the various Minhah rules. We must concede that such activity was more likely undertaken to legitimate actual practice and custom, than to derive such rules *ab initio*. Moreover, many of the rabbinic sacrificial rules were created after the Temple's destruction, were completely theoretical and could not have been employed in reality.

3.5.7 *The Components of the "Handful"*

We read in Lev 2:2: "He [the priest] should take a handful of the fine flour and oil together with all the frankincense." This is its plain and simple translation. The implication of this translation is that the priest should take within his grasp an entire handful; this should consist in part of all the frankincense brought by the offerer, while the rest should consist of flour and oil. Although the expression **על כל לבנתה** is somewhat peculiar,¹⁹⁶ and we would have expected **ואת כל הלבנה** "and all the frankincense," or **עם כל לבנתה**¹⁹⁷ "with all the frankincense," there is no other way to translate it. This meaning is confirmed by the clear and unequivocal parallel in Lev 6:8: "[The priest] is to take a handful of fine flour and oil together with all the frankincense on the Minhah."

¹⁹⁶ The preposition **על** has many uses, but usually the phrase **על כל** has a different interpretation than that in our verse. See, for example, Gen 41:43; Exod 18:9, 24:8; Lev 2:13, 11:37. The only other occurrence with this particular meaning is in the parallel phrase in Lev 2:16. This fact may corroborate the hypothesis, proposed earlier, that the rule concerning the frankincense was interjected into an existing text at a later stage. Onkelos and Jonathan follow the biblical expression word for word. The LXX translates the phrase in its plain meaning: *πλήρη τὴν δρόακα ἀπὸ τῆς σεμιδάλεως σὺν τῷ ἐλαίῳ καὶ πάντα τὸν λίβανον αὐτῆς* "the handful from the fine flour together with the oil and all its frankincense." Rashi, however, alludes in his commentary to the rabbinic hermeneutic (which I shall cite in the text), and accordingly interprets this phrase in a complicated fashion: "In addition to the frankincense, the handful should be full [with the flour and oil]."

¹⁹⁷ This expression appears infrequently in Scripture, in Deut 27:21: "Cursed is the man who has sexual relations with any animal"; in 1 Sam 15:6: "You showed kindness to all the Israelites [the grammatical structure of the English is different than that of Hebrew, in which the expression **עם כל** would indicate 'with']"; it also appears twice in Cant and twice in Chr with the meaning "with."

The only other occurrence of this peculiar expression appears with respect to the “Minhah of the first fruits,” decreed in Lev 2:14–16. Verse 16 contains the phrase: “of the crushed grain and the oil, together with all the frankincense.” The oddity of this phrase may be explained by the hypothesis proposed earlier, that rules concerning frankincense were interjected at a later stage into an existing text. The Minhah of the first fruits is called “Omer Minhah” in the rabbinic texts,¹⁹⁸ and is considered to be the parallel and complementary decree to Lev 23:11–14. In that pericope, however, in which all the ingredients of this offering along with the exact quantities of the flour and wine are itemized, there is no mention of frankincense.¹⁹⁹ The absence of frankincense is even more perplexing, considering that the quantity of flour required in this case is an exception to the standard required for other Menahot;²⁰⁰ since this Minhah has a particular requisite with respect to the flour, it would have been only natural to mention any extraordinary requirement of frankincense for this public offering.²⁰¹ Lev 2:14–16, as has been noted by scholars, is vague in many respects. It is not within the scope of this study to elaborate upon all its oddities;²⁰² for our purposes we may simply note the presence of the peculiar phrase “with all its frankin-

¹⁹⁸ We read in *b. Menah.* 84a: “If you bring a grain offering of first fruits’ [Lev 2:14]—this refers to the Omer Minhah brought at the waving of the sheaf [Lev 23:11–14].” See note 38 on the contingent expression “if” in this command.

¹⁹⁹ We read in Lev 23:13: “...and its Minhah of two-tenths of an *efah* of fine flour mixed with oil—an offering made to the Lord by fire, a pleasing aroma—and its drink offering of a quarter of a *hin* of wine.”

²⁰⁰ According to rabbinic interpretation, as discussed at the beginning of this chapter, the standard quantity of the individual Minhah is one-tenth of an *efah* of flour. The auxiliary Minhah to the daily perpetual Tamid offering of a sheep is one-tenth of an *efah* (Exod 29:40 and Num 28:5). The auxiliary Minhah to the individual Holocaust and Fellowship offerings of a sheep is similarly one-tenth of an *efah* (Num 15:4–5). The Minhah in our case also seems to be auxiliary to the Holocaust (Olah) offering, and its requirement of two-tenths of an *efah* of flour is strikingly in conflict with the general rule for the auxiliary Menahot in Num 15:4–5.

²⁰¹ Modern scholars, reflecting the disputes in antiquity, have been mainly concerned with the problem of the interpretation of the phrase “on the day after the Sabbath.” We read in Lev 23:11: “He is to wave the sheaf before the Lord, so it will be accepted on your behalf; the priest is to wave it on the day after the Sabbath” (NIV translation). The Sages (*Sifra Emor parashah* 10, chapter 12, and *b. Menah.* 66a) interpreted the term שבת in this occurrence as referring to the first day of the Passover holiday; they understood the term “Sabbath” in this occurrence as simply a period of rest, as in Lev 25:2, with respect to the seventh year in which the land is to remain at rest.

²⁰² I shall revert to the rabbinic attempt at harmonization between the two pericopes in the discussions on Lev 2:14–16, and indicate the difficulties with respect to the particulars of the cult ceremonials.

cense,” suggesting a particular interjection of this expression into the two verses, possibly with the purpose of harmonizing the extant text with contemporaneous circumstances. The obscurity of the two pericopes leads to the further issue of whether the two decrees are correlated or distinct, providing yet more fertile ground for dissension with respect to cult issues.

We may now turn to the rabbinic interpretation of the text with respect to the procedure of taking the handful of the Minhah. A relevant passage appears as part of the discussion of the entire Minhah procedure in the previously-cited *b. Sotah* 14b:²⁰³ “He shifts the frankincense to one side, takes the handful [of flour] from the site where the oil is concentrated, puts it into a ceremonial vessel and dedicates it [to the altar] in the ceremonial vessel. He collects the frankincense and puts it on top of it.” The *Gem.* then explains and substantiates this performance of the Minhah: “‘He shifts the frankincense to one side.’ [The question arises (as appears in Tosefta): What is the reason for this action?] In order to avoid including some of the frankincense together with [the flour and oil of] the Minhah, as we have learned [in *m. Menah.* 1:2]: ‘If he took a handful [from the Minhah] and found [mixed with it] a small pebble, or a grain of salt or of frankincense, it is unfit.’” We clearly observe that according to the Sages the priest took an entire handful of flour and oil, being careful not to include any frankincense with it, since the flour and oil together must not constitute less than a handful; he put it into a vessel, and then took all the frankincense and added it to the handful in the vessel. Hence, the priest performed two actions: he first took a handful of the flour and oil and then collected the frankincense.²⁰⁴ Yet it is absolutely impossible to impute the performance of two separate deeds into the relevant biblical verses; these unequivocally indicate only one action. We shall also see (pp. 216ff.) the rabbinic controversy connected to this interpretation with respect to the quantity of frankincense when brought by the offerer, and how much could or must be collected by the priest for burning on the altar.

We may now appreciate how one incorrect allegation by a body of

²⁰³ The entire text is quoted in n. 162. The main element that is relevant to our current issue also appears in *t. Menah.* 1:16. The text there is almost identical; it differs only in the use of certain prepositions. I am thus of the opinion that *b. Sotah* quotes the Tosefta and substantiates its many rules, and for this reason I have chosen to cite the narrative from *b. Sotah*.

²⁰⁴ Maimonides, in *Hil. Ma'aseh HaQorbanot* 12:13, confirms this interpretation of the talmudic dicta.

theorists, based upon an illusory interpretation of a biblical decree, subsequently entangles them or their followers in a web of unreasonable decisions. The rabbinic attempt to read into the Bible the requirement of an exact quantity of frankincense, despite its absence in Scripture, compelled them to improvise a practice that was completely inconsistent with the biblical text. Since the required quantity of frankincense was established by their hermeneutics to be a handful, it could obviously not be included in the handful of flour and oil; a second taking by the priest had to be instituted. If the quantity of frankincense was not fixed, as appears from the simple reading of the biblical text, this phrase could be understood as perfectly in harmony with the command to add the frankincense: the handful includes all three ingredients of the *Minhah*—flour, oil and frankincense. I must reiterate that we may doubt whether these rabbinic rules were actually practised in the Temple; some likely were, while others were the result of rhetorical discussions by the later Sages regarding how cult celebrations should have been performed in the Temple, and derived through their hermeneutic system. This issue, however, is of no significance for our study. We are focusing instead on the possible conflicts that arose with respect to the interpretation of biblical decrees on cult celebrations, particularly when this was undertaken to fill in the many significant details left out of Scripture.

I speculate that there was no minimum or fixed quantity for the frankincense to be added to the *Minhah*; any token quantity was sufficient to fulfill the biblical precept. Similarly, there likely was no standard quantity of flour and oil for the voluntary *Minhah*; as we have seen, the standard quantities of these two ingredients were a creation of rabbinic hermeneutics. It is quite possible that at a certain time the priests did indeed fix standard quantities for the ingredients as part of a continuous process of institutionalization; however, the relevant pericope in Scripture does not bear evidence of this, and may represent an early stage of the above process. A standardization of quantities was not in conflict with the scriptural command, and could therefore be instituted without any negative implications. This postulate is confirmed in *m. Menah.* 13:3, regarding the separate frankincense offering: “One who vows to offer frankincense must bring not less than the quantity of a handful.” The minimum quantity of one handful does not constitute a standard; one may bring, for example, one-and-a-half handfuls.²⁰⁵

²⁰⁵ This is in contrast to the rule in *m. Menah.* 12:3 (quoted on p. 156) that one must

The mishnah merely establishes a minimum quantity to be deemed an entity in itself.²⁰⁶ The frankincense of the Minhah, in contrast, does not represent an individual entity; it is an auxiliary ingredient, and any quantity suffices to discharge this obligation. It is plausible to assume that Josephus did not mention the frankincense in his description of the voluntary Minhah offering (*Ant.* III: 233–235) for precisely this reason, that it was a minor ingredient; both Josephus²⁰⁷ and Philo²⁰⁸ do, however, mention the frankincense on the Showbread. It is also interesting to note that there are no fixed quantities given in Exod 30:34–38 for the mixture of incense ingredients for the daily incense celebrations,²⁰⁹ or in Exod 30:7–8 for the quantity of the incense mixture to be burnt daily on the golden altar.

3.6 Further Issues Regarding Frankincense

3.6.1 Sectarian Versus Rabbinic Rules: The Addition of Frankincense

The use of frankincense as an addition to offerings is a complex issue, and we shall observe from the following deliberations the many controversies in this respect between the sects/groups of the Second Temple period. Although this topic is not directly linked with the voluntary Minhah, I do consider it to be relevant to our study. It reveals, in my opinion, the problems pertaining to the introduction of frankincense—a novel element—into the cult ceremonial.

Scripture does not explicitly require the addition of frankincense for

not bring one-and-a-half tenths of an *efah* of flour, but only multiples of the standard one-tenth of an *efah*.

²⁰⁶ The Sages established various minimum standards, both with respect to what is deemed sufficient to fulfill a precept, and with respect to quantities deemed to have transgressed a prohibition. We read for example in *m. Hal.* 1:2: “One who eats a quantity of *matzah* the size of an olive on Passover has fulfilled his duty [to eat *matzah* on Passover]; [if he ate] leavened bread in that quantity, he is liable to the punishment of excision.” If one eats less than the quantity of an olive, one is deemed not to have eaten, and therefore neither fulfils the positive precept nor transgresses the prohibition against consuming leavened bread. A similar concept is found in *m. Shabb.* 12:4 with respect to the minimum standard regarding what is considered a writing, and punishable for the transgression of performing work on Sabbath.

²⁰⁷ *Ant.* III: 256.

²⁰⁸ *Spec. Laws* 1:175.

²⁰⁹ In *b. Ker.* 6a the Sages record exact quantities of each ingredient; it is also reported that three hundred and sixty-eight portions were prepared once a year for each day (of the solar year!), with the three supplementary portions assigned for burning by the High Priest on the Day of Atonement, in the Holy of Holies.

the auxiliary Menahot, decreed in Num 15:2–11, or for the auxiliary Minhah of the daily public Tamid offering, decreed in Exod 29:38–40 and repeated in Num 28:2–7. In the TS, there is also no mention of frankincense in the numerous references to the auxiliary Menahot. In addition to such evidence *ex silentio*, there is positive substantiation from a text in 11Q19 XXXIV: 11–14:²¹⁰ “And one burns them on the fire upon the altar; each ox,²¹¹ its pieces at its side, and the fine flour of the Minhah upon it, and the wine of its libation near it, and its oil upon it;²¹² and the sons of Aaron shall burn all upon the altar.” This instruction lists the steps for the sacrifice of a bull offered as a burnt offering²¹³ and all its ingredients, including those of the auxiliary Minhah; frankincense is not among them.

There are, however, contrasting rules in the Aramaic²¹⁴ and Greek²¹⁵ versions of *The Testament of Levi*, with respect to an Olah offering and its auxiliary Minhah and libations. We read in the Aramaic version, line 14: “and burn upon it frankincense,” while the Greek version, lines

²¹⁰ Y. Yadin, 1977, Vol. 2, p. 102. These verses are in extremely good condition, requiring only minor reconstruction, and hence their text is reliable.

²¹¹ Yadin, *ibid.*, in his comments to these rules, and in his analysis in Vol. 1, p. 118, draws attention to these particular regulations that require the burning of each ox with its auxiliary Minhah, and prohibit the amalgamation of the auxiliary offerings of two sacrifices, even of the same type. This restriction conflicts with a rabbinic dictum in *m. Menah.* 9:4, which allows even the amalgamation of the auxiliary Minhah for oxen with that for rams.

²¹² Yadin does not comment on the odd point that, as it seems from the text, the oil was poured on the flour after its placement upon the altar, without mixing it. This custom is patently in conflict with the scriptural decree with respect to all the auxiliary Menahot, which explicitly requires mixing the flour with oil. Because this rule appears with such precision in Scripture, we do not encounter an explicit rabbinic dictum that the flour and oil of the auxiliary Menahot must be mixed before burning. The Aramaic text of the *Testament of Levi*, 1 Q21. 4Q213.214 +CT Levi, similarly requires mixing the flour and oil of the auxiliary Minhah, and conflicts with the above-cited text from the TS. The literary style of the text, in which the wine is mentioned between the flour and the oil, and which establishes the connection of the flour and oil with the meat offering rather than the wine and the offering, demonstrates that the oil was poured separately, not mixed with the flour. I have extended the discussion on this issue to reiterate the complexity of the sacrificial procedures and the unlimited potential for disputes on these matters.

²¹³ The antecedent text of XXXII: 14 explicitly uses the term עולה, and the entire procedure for preparing the offering in Col. XXXIV corresponds in essence and language to the celebration of the burnt offering.

²¹⁴ K. Beyer, 1984 in the MS from the Cairo Geniza, Bodleian Col. 4:14, reprinted in F. G. Martínez and E. J. C. Tigchelaar, 1997, Vol. 1, p. 52, and in 4Q214:9, possibly to adapt it to the text found in the Cairo Geniza.

²¹⁵ H. W. Hollander and M. De Jonge, 1985, Appendix III, pp. 464–5. Yet frankincense does not appear in *The Testaments of the Twelve Patriarchs* (de Jonge, 1978).

45–46, lists the required quantities: “Six sheqels of frankincense for the bull and half of that for the ram and a third of that for the kid and all of it mixed with fine flour. If you offer it up alone and not upon the fat, let two sheqels’ weight of frankincense be poured upon it.” Contrary to the rabbinic rule that no frankincense is added to the auxiliary Menahot,²¹⁶ the author of this work required the addition of frankincense to the auxiliary Menahot, and established specific quantities for each animal, proportional to the decreasing quantities of flour and oil. This would also conflict with the rabbinic decree that the quantity of frankincense for the individual voluntary Minhah remains constant at one handful, irrespective of the quantity of flour.²¹⁷

We should not, however, be surprised at this apparently odd rule to add frankincense, although it is not mentioned in the relevant biblical decrees. We have seen that the Sages deduced most of their rules with respect to the required quantities of the ingredients by their hermeneutic system of comparing one Minhah to the others. The author of the *Testament of Levi* may similarly have compared the auxiliary Menahot to the voluntary Menahot, and concluded that both types require frankincense; or, they did not apply the rabbinic hermeneutic that dispenses with this requirement for this Minhah.²¹⁸ We may also note that the ratios of flour, oil and frankincense required for the offerings of different animals are unusual in the *Testament of Levi* rules. The flour quantities consist of one *sa’ah* for the oxen, two-thirds for the ram and one-third for the sheep. The required oil is in the same relative proportions, that is, one-quarter, one-sixth and one-eighth, but the proportions of frankincense required are different: six sheqels, three sheqels and two sheqels.

This requirement of frankincense is not the only difference between the rabbinic rules and those of the *Testament of Levi*; but we do not know whether a certain group was behind this writing or, what is more likely, it reflects the imagination of the author, or a gloss on the addition

²¹⁶ We read in *m. Menah.* 5:3: “The auxiliary Minhah requires oil, and does not require frankincense.”

²¹⁷ We read in *Sifra Dibura DeNedavah parshah* 9: “One handful of frankincense for one-tenth of flour, one handful for sixty-tenths.” See also *b. Menah.* 8a on this issue.

²¹⁸ In *b. Menah.* 59a there is a quotation from *Sifra, Dibura DeNedavah parshah* 13, *pereq* 15, which shows the exegetical derivation for the rabbinic rule that the auxiliary Minhah does not require frankincense. We read there: “It is written ‘put frankincense upon it’ [the flour Minhah, in Lev 2:1], and ‘it’ [the term ‘it’ is taken as a restrictive expression, and this teaches us to put] frankincense on this [Minhah], but not on the auxiliary Minhah.”

of frankincense was inserted by a later copyist. The fact that this gloss appears in 4Q214 (4Q Levi^dar): 8–9²¹⁹ does not serve as evidence that this was the Qumran halakhah, since 11 QT XXXIV: 7–8 does not mention frankincense in its detailed description of the ingredients and method for the Holocaust offering.²²⁰ This in contrast constitutes convincing evidence that Qumran did not require frankincense for the auxiliary Minhah. Moreover, the text in the TS is the original, whereas the phrase on frankincense in 4Q214 is entirely reconstructed, probably to adapt it to the text of the Cairo Geniza. There are many differences between the rules in the Testaments and the rabbinic halakhah, but this is an issue beyond the scope of this study. I will, however, discuss one other explicit and significant conflict between the rabbinic and the TS rules, with respect to the burning of the frankincense of the Showbread.

3.6.2 *Sectarian Versus Rabbinic Rules: the Frankincense of the Showbread*

We read in *m. Tamid* 2:5: “And on Sabbath, an approximate quantity of eight *sa'in* of coals [were prepared] where the two dishes of frankincense from the Showbread were put [for burning upon the Holocaust altar].” The Showbread was replaced every Sabbath with freshly baked loaves; the frankincense from the Showbread was burnt (Lev 24:7–8) on the outer Holocaust altar, according to the rabbinic rule.²²¹ In the TS, VIII: 10–12, in contrast, we read: “This frankincense should be as a memorial of the bread, an offering made to the Lord by fire; and you should burn it every Sabbath upon the incense altar; when you remove the [old] bread from the table and arrange the [new] bread], you should put frankincense upon it.”²²²

²¹⁹ See F. G. Martínez and E. J. C. Tigchelaar, 1997, Vol. 1, p. 452.

²²⁰ We read there: “and they shall burn them on the fire which is on the altar; bullock by bullock and its piece with it and its cereal offering of finest flour upon it, and the wine of its libation with it and its oil upon it. And the priests, sons of Aaron shall burn everything upon the altar.”

²²¹ This rule is explicitly stated in *t. Menah.* 11:13: “These two priests who held in their hands the two dishes with the frankincense of the Showbread put them on the altar together with the parts of the Tamid offering.” This animal offering was certainly burnt upon the Holocaust altar.

²²² See Yadin’s reconstruction, 1977, Vol. 2, p. 26, and his explanation for this specific dictum on pp. 24–25. Yadin notes that the term “pure frankincense” appears only with respect to the Showbread in Lev 24:7, and among the list of ingredients of the daily incense mixture in Exod 30:34, and postulates that Qumran reached this conclusion by exegetical comparison of the two types of incense that contain the identical term “pure

There is thus a difference of opinion between the rabbinic rule and that of the sect adhering to the TS, as to where the frankincense of the Showbread must be burnt. According to Yadin, this difference is the result of dissimilar interpretations of a biblical text.²²³ In Lev 24:5–9, the only biblical pericope that commands the placing of frankincense upon the Showbread,²²⁴ there is no indication as to which altar it is to be burnt upon. There is, in fact, no explicit reference to an altar, though the phrase ‘אֵשׁהּ לָהּ’ implies that the frankincense is to be burnt. It is interesting to note that Josephus confirms that the frankincense of the Showbread was burnt on the same fire as the burnt offerings (*Ant.* III: 256),²²⁵ thus validating the rabbinic assertion in this respect.

frankincense”; since the daily incense mixture had to be burnt upon the incense altar, as explicitly decreed (Exod 30:7), the frankincense of the Showbread also had to be burnt there. See Heger, 1996, pp. 132–3, with respect to the linkage of Exod 30:1–10, on the construction of the incense altar and its use, and Exod 30:34–36, on the mixing of the incense ingredients.

²²³ I have quoted in the antecedent note Yadin’s assumption regarding Qumran’s interpretation. By the same line of reasoning, one could speculate that the rabbinic opinion, as implicitly expressed in the above citations, may have been founded upon the term *azkarah* that appears in Lev 24:7 for the Showbread and in Lev 2:2 and 2:16 with respect to the handful of the voluntary Minhah. Since the handful of the Minhah, containing the frankincense, is burnt on the Holocaust altar by explicit decree, the same would apply to the frankincense of the Showbread. In any event, it is odd that there is no categorical decree or hermeneutic explanation or justification of this rule in rabbinic literature. Contrary to Yadin, who perceives Qumran’s rule illogical, I believe the opposite. The frankincense dedicated to the Showbread was located in the inner Temple, which supports the idea that its burning should also be performed in the same holy location, and that it should not be moved from the holier interior of the Temple to the lower holiness of the Temple Court. Moreover, an incense substance should logically be burnt on the incense altar. But it is possible that rabbinic hermeneutics deduced from Exod 30:9 that the prohibition against burning on the incense altar “any other incense” than the blend decreed in Exod 30:34–35 would also include the pure frankincense of the Showbread.

²²⁴ The issue of the Showbread and its frankincense has further complexities. In Exod 28:30; 35:13; 39:36; 1 Sam 21:7; 1 Kgs 7:48; and 2 Chr 4:19 the term לֶחֶם פְּנִים (ה) appears, but there is no mention of frankincense. In Exod 40:4 and 23 the term עֶרֶךְ appear, as in our pericope in Lev 24:7, but frankincense is only mentioned in the latter verse. The precise technicalities of the preparation of the Showbread, the number of loaves and the addition of frankincense in Lev 24 unmistakably reflect a well-defined, sophisticated cult, representing a late stage in the development of this custom, in contrast to the other vague biblical commands. The enigmatic expression לֶחֶם הַפְּנִים in the earlier sources of the Pentateuch induced the Sages to devise an intricate pattern for this bread and for the table accoutrements to adapt these items to their overall theory. See Heger, 1996, pp. 116ff., “The Table and its Accoutrements.” We have no idea of Qumran’s attitude to these extremely significant ritual regulations, or of how the Showbread was really produced and exposed in the Temple.

²²⁵ We read there: καὶ τοῦ λιβανωτοῦ θυμιωμένου ἐπὶ τῷ ἱερῷ πυρί, ἐφ’ ᾧ καὶ ὀλοκαυτοῦσιν τὰ πάντα “while the incense is burnt on the same holy fire whereon they consume all the burnt-offerings.”

The TS does not set out the required quantity of frankincense for the Showbread, and it is possible that there was also a controversy regarding this issue. In *m. Menah.* 13:3 it is stated: “and the two dishes [of the Showbread] require two handfuls [of frankincense].” Since the Sages established the standard quantity of frankincense as one handful per unit, for all purposes,²²⁶ the two dishes, each put upon six loaves, required two handfuls. But as we have seen (p. 202), the standard quantity of frankincense was determined according to the intricate rabbinic rule that two handfuls were taken to the altar, one of flour and oil and another of frankincense. On this basis, the Rabbis set up the hermeneutic comparison between the handful of flour and oil, a quantity decreed in Scripture, and the quantity of frankincense, which is not decreed. Yet the validity of the rabbinic rule of taking two handfuls from the Minhah, founded upon circular evidence, is unconvincing, since there is no validation of it from other sources,²²⁷ and this puts in question the entire comparison. Finally, we may note that the *Testament of Levi* (cited above) expressed the standard quantities of frankincense in the weight of sheqels, a precise measure similar to those for the flour and oil, rather than the indeterminate handful.

3.6.3 *Frankincense as a Separate Offering*

I shall mention here one further contentious area with respect to frankincense, the question of whether one may donate an offering consisting only of frankincense. If so, the related issues arise: Is there a standard quantity, and if so, what is it? Is all the donated material burnt on the altar, or only a handful, with the remainder allotted to the priests?

Scripture lists the different types of offerings, each with its particular details, but there is no indication that one may offer substances other than those decreed, or only one ingredient from a mixed offering.²²⁸

²²⁶ We read in *m. Menah.* 13:3: “The standard of a handful [of frankincense] applies to five instances [including the frankincense of the Minhah].”

²²⁷ In *Ant.* III: 235, Josephus describes the procedure for the voluntary individual Minhah, and indicates only that one handful was thrown on the altar. He does not inform us of the exact contents of this handful, mentioning only fine flour. Though it is of course impossible to rely absolutely on Josephus’ records for exact details of the cult, it seems to me implausible that he would have erred to the extent of reporting the burning of one handful, if there were actually two handfuls burnt.

²²⁸ I have not found a rabbinic deliberation or decree permitting the donation and offering of flour by itself. Materials could be offered as a donation to the Temple, but not for an offering upon the altar in the donor’s name. The rule in *m. Menah.* 12:3,

The statement in *m. Menah.* 12:5, “one may offer wine” at the altar, thus has to be justified by a suitable interpretation; we read in a baraita in *b. Menah.* 107a: “[It is written in Num 15:13 ‘every] one”²²⁹—this comes to teach us that one may offer wine.” In *b. Zevah.* 91b it is indicated where the wine should be poured: “The wine [that is donated] according to Rabbi Akiva’s opinion is poured into the cups²³⁰ [of the altar, where the libations of wine were poured].”²³¹ Regarding the donation of oil for an offering, there is a dispute; we read in the continuation of *m. Menah.* 12:5: “One may offer wine, but not oil—these are the words of Rabbi Akiva; Rabbi Tarfon says: One may offer oil.”²³² We learn in *b. Zevah.* 91b where the oil is offered: “The oil, [which is donated] according to Rabbi Tarfon’s opinion, is burnt on the fire [of the altar].”

We thus observe that a special hermeneutic interpretation was considered necessary to allow a donation of substances not mentioned in Scripture as an individual offering for the altar. There is, however, no such deliberation or hermeneutic justification for the rabbinic allegation that one may offer frankincense alone. We read in *m. Menah.* 13:3: “One who vows to offer frankincense, must bring not less than a handful.” A deliberation in *b. Menah.* 106b attempts to reveal a biblical support

“[If someone vows to offer a Minhah] of half of a tenth [of an *efah* of flour], he must bring an entire tenth [of an *efah*]; of one-and-a-half tenths [of an *efah*], he must bring two-tenths [of an *efah*],” refers to an offering for the altar, not a gift to the Temple’s treasury.

²²⁹ The verse actually states **בְּלֵאֵלֵינוּ**, but it is cited here as **אֵינוּ**. Rashi explains that the entire verse is superfluous; therefore, it comes to teach us that one may offer wine.

²³⁰ There is a conflicting opinion in *b. Zevah.* 91b: “Samuel said: One who donates wine sprinkles it on the fire [upon the altar]”; Rashi explains that Samuel’s rule refers to a donation of wine alone.

²³¹ We read in *m. Sukkah* 4:9: “There were two silver cups there [at the side of the altar]; Rabbi Judah says: They were of plaster, but their surfaces were darkened from the wine.”

²³² Both Tannaim justify their opinion by logical analysis, not by different hermeneutics, which is the usual procedure. Rabbi Tarfon asserts that oil should be compared to wine, which can be offered separately, but Rabbi Akiva rejects the comparison; wine is an independent ingredient, offered individually as a libation, whereas oil is offered together with flour. In *m. Menah.* 12:4 there is an attempt to standardize the quantities of individual wine donations according to the fixed quantities of the libations—three *logim* for a sheep, four for a ram and six for an oxen (Num 15:5–10, using the corresponding measure of a *hin*) and their multiples; hence there cannot be five *logim* but there can be any quantity beyond six *logim* that is a multiple of the three established standard quantities. There is a similar attempt to standardize the quantity of an individual oil donation in *m. Menah.* 13:5 and *b. Menah.* 107a. We observe the urge of the Rabbis to establish a standardization of the rules; whether they succeeded is another question.

for this rule, but, as it seems from the answer, it does not refer to the authorization to offer frankincense as an independent offering—this seems to be self-evident—but concerns only the scriptural support for the mandatory quantity. The answer is the same as that deduced by comparative hermeneutics regarding the quantity of frankincense for the *Minhah*—that is, one handful.

In the absence of any deliberation or justification for this apparently odd offering, we have no indication whether this rabbinic rule was practised in the Temple, and, if so, on which altar and in what manner such independent offerings of frankincense were burnt.²³³ Given the mishnah's mention of the minimum quantity, we would assume that the handful would be burnt. This still leaves open the question of procedure when a larger quantity was offered: would the whole quantity be burnt, or only a handful with the remainder granted to the priests for their own use?²³⁴ It is also puzzling that the burning of frankincense is not mentioned in *m. Menah.* 6:1 and 2, in which we learn of the distribution of the *Menahot* between the altar and the priests—in which cases the altar “had the advantage over the priests,” and vice versa. In any event, if frankincense was donated and offered separately, the same conflict that we observed with respect to the standard quantity of obligatory frankincense—that is, a handful according to the rabbinic rule and two sheqels' weight according to the *Testament of Levi*²³⁵—would likely also

²³³ The regulation in *m. Sheqal.* 6:5 regarding the collection box for frankincense (among boxes for other substances), with no indication of a standard or minimum quantity, does not conflict with the above-cited *m. Menah.* 13:3 that requires a minimum of one handful. The donation of money in *m. Sheqal.* is at the discretion of the donor; there is no requirement of a minimum amount of money or of an amount to buy a standard quantity of frankincense; in contrast, a donation in *naturalis* or the fulfillment of a vow to offer frankincense, which are the circumstances in *m. Menah.* 13:3, require a minimum quantity of the ingredient or an amount of money to purchase the minimum of one handful.

²³⁴ I have cited above (n. 230) Samuel's assertion in *b. Zevah.* 91b: “According to Rabbi Tarfon, one who donates oil [by itself, which R. Tarfon permits]—he [the priest] takes a handful [to be burnt upon the altar] and the remainder is consumed [by the priests, similar to the flour and oil of the *Minhah*].” It is unlikely that Rabbi Tarfon actually declared this rule, since, as a priest, he would have been aware of its practical unfeasibility.

²³⁵ I have quoted above (p. 213) the translation of the Greek text; according to this translation, the last phrase refers to the offering of frankincense as an independent offering, with a requisite minimum of two sheqels' weight. But it seems that the Greek text is enigmatic. Beyer (1984, p. 201) has translated this passage quite differently: “Wenn Du aber ein Tier allein, ohne Fett, opferst, soll noch Weihrauch von zwei Sekel Gewicht hinzugefügt werden.” (“But when you offer an animal alone, without fat, there must be added frankincense in the weight of two sheqels.”) Such a translation makes no sense at

apply to the voluntary offerings.²³⁶ As to where such frankincense offering should be burnt there is again no precise rule in rabbinic literature, but we may assume that this was performed on the Holocaust altar, as with the frankincense of the Showbread. In support of this assumption, we may note that Exod 30:9 unquestionably prohibits the use of the golden incense altar for any incense other than the blend decreed in Exod 30:34–35, or for burnt sacrifices, grain offerings or libations. The term "strange incense" (Exod 30:9) gives no precise indication of whether the prohibition applies only to a blend other than that decreed in Exod 30:34,²³⁷ or would also include the burning of the plain frankincense of the Showbread, or separately donated frankincense. Finally, we may note that Num 7:12–88²³⁸ does not indicate the type of incense donated by the princes nor where it was burnt.

From the above, I think we may deduce not only the potential for disagreements between the rabbinic and sectarian rules in the performance of the sacrificial cult, but also the existence of actual conflicts between them.

3.7 *Preparatory Steps of the Minhah*

3.7.1 *Mixing the Flour and Oil of the Flour Minhah*

According to the straightforward interpretation of Lev 2:1 with respect to the flour Minhah, its two ingredients do not have to be mixed before the taking of the handful by the priest. It is obvious that the frankincense

all. There is no animal offering in which the fat is not offered; rather, it is the opposite: *only* the fat of the Fellowship offering, Sin offering and Guilt offering is offered. Two sheqels' weight of frankincense is the minimum quantity for the sheep, the smallest animal, and therefore it is only reasonable that it should also be the minimum quantity for an independent offering of frankincense, similar to the standard of a handful in rabbinic law. I therefore prefer the first translation.

²³⁶ As mentioned earlier, there is no indication in the TS of the quantity of frankincense required.

²³⁷ We read there: "Ye shall offer no strange incense thereon, nor burnt sacrifices, nor meat/Minhah offering neither shall ye pour drink offering thereon" (KJV translation). The unusual phrase "strange incense" may mean incense from an unauthorized source, similar to the "unauthorized fire" (NIV) brought by Aaron's sons (Lev 10:1; on the many speculations on the meaning of "strange fire" and its background, see Heger, 1996, pp. 57–71 and 80–88). Qumran may have interpreted the dictum in Exod 30:34 as not including the frankincense from the Showbread, as suggested above, and did not consider their halakhah as conflicting with the scriptural requirement.

²³⁸ On the rabbinic criticism of the donation and burning of incense, see Heger, 1996, p. 166, n. 58.

must not be mixed in, since in that case it would be impossible to collect all of it to be burnt upon the altar, as explicitly required (Lev 2:2). Nor are there indications of the proportions of flour and oil in the handful. The procedure for this *Minhah* described in *b. Sotah* 14b (n. 162) seems to confirm that the oil was not mixed with the flour. We read there: “And he [the priest] takes the handful [of the flour] from the site where the oil is concentrated;”²³⁹ it is obvious from this procedure that no mixing occurred, since in a mixed state the two ingredients are no longer separated, and the oil would not be concentrated in one location. There is, however, an apparently conflicting interpretation in *Sifra, Dibura DeNedavah, parshah 9*: “[It is written ‘a handful’] of its fine flour and oil’ [Lev 2:2]. [This means] the fine flour should be mixed with oil.”²⁴⁰ Nonetheless, this passage does not necessarily decree a definite rule that the flour must be mixed with the oil; what it really means is that the oil must be added before taking the handful,²⁴¹ to ensure that that the handful contains both ingredients. Similarly, Rabbi Simeon’s rationalization (cited earlier) for fixing the maximum quantity of flour for one *Minhah* on the basis of its ability to be mixed, does not confirm that mixing of the flour and oil was an obligatory step in the preparation of the *Minhah*. The scriptural support for Rabbi Simeon’s pronouncement is cited in *b. Menah.* 103b: “It is said [in Lev 7:10] ‘and every *Minhah* whether mixed with oil or dry.’ Scripture [thus] states: Bring a *Minhah* that can be mixed.” Rabbi Simeon refers to a *Minhah* that has the potential to be mixed, but he does not categorically declare that it *must* be mixed, and that this is one of the obligatory steps of the *Minhah*. Josephus in *Ant.* III: 235 records, though implicitly, that the flour of the individual voluntary *Minhah* was soaked with oil.²⁴² But this too does not confirm that

²³⁹ I reiterate that the above homily is founded upon a rabbinic interpretation that requires the priest to take two handfuls, one of the flour and oil and one of frankincense. I have postulated that the simple reading of the biblical text calls for a single handful comprising all three ingredients.

²⁴⁰ The rule to take the handful from the site where the oil is concentrated is deduced in *b. Sotah* 14b from the same phrase. We read there: “And he takes the handful from the site where the oil is concentrated. How do we know this? Because it is written [Lev 2:2] ‘from its flour and its oil’ . . . [and also in Lev 2:16] ‘from its crushed grain and its oil.’”

²⁴¹ Scripture has “from its fine flour and its oil”; the two ingredients are still separated, not mixed.

²⁴² We read there: ἐλαίω γὰρ συμπεφύραται “for it had been soaked in oil (translation by Loeb Classical Library). “Liddell and Scott” translates the term συμπεραίνω as “to join/assist in accomplishing.” The term “soaked” also indicates that it was not mixed; flour becomes soaked with oil when the oil is poured onto it.

it was obligatory to mix the flour with the oil; Josephus simply explains that the remaining flour could be baked, since oil was poured on the flour and could not be divided. This is how I understand the scriptural text, and it conforms precisely to the detailed instructions for this Minhah as itemized in *b. Sotah* 14b.²⁴³ I have attempted to interpret Rabbi Simeon's dictum and Josephus' narrative accordingly. At the same time, I cannot exclude the possibility that Rabbi Simeon, using the common rabbinic harmonization system,²⁴⁴ was of the opinion that the mixing of the flour and oil also applied to the flour Minhah, though the scriptural decree evidently and logically requires this only for the baked Menahot (Lev 2:4²⁴⁵ and 2:5). My understanding also accords etymologically with the name of this Minhah: "his offering is to be of fine flour"; its quality as well as its name is "fine flour."

Thus we may conclude that the issue of whether it was obligatory to mix the flour with the oil was another matter of potential cultic conflict.

3.7.2 *Mixing the Oil of the Oven-Baked Minhah*

Lev 2:4, concerning Menahot baked in an oven, describes two types that may be offered: round, thick cakes made of flour and mixed with oil, and thin wafers spread with oil. Although there would seem to be no doubt as to the practical implementation of these rules, they are still the subject of dispute in the Talmud; there are two interesting conflicts on matters of principle, and a third founded upon a practical issue, under the guise of an interpretation problem.

The first topic concerns the problem of the stage in the preparation process at which the cakes are to be mixed with oil. We read in *m. Menah.* 6:3: "One mixes the baked cakes—these are the words of Rabbi; the Sages say: the flour [is mixed before baking the cakes]." Here the dissension derives from different interpretations of the relevant biblical verses, and from the common method of harmonization. Rabbi follows the literal meaning of the text, since Scripture describes four

²⁴³ See translation in n. 162.

²⁴⁴ We shall see later, in the discussion of the baked Menahot, that Maimonides and Rashi did indeed maintain that the procedure of adding the oil in three stages, including mixing, also applied to the flour Minhah.

²⁴⁵ In 2:4 we read "cakes mixed with oil"; as we shall see later, a Tanna maintained that the cakes must be mixed with oil, not the flour (see previous note).

different types of *Menahot*,²⁴⁶ and each has at least some distinct manner of preparation. He declares:²⁴⁷ “He mixes the baked cakes, because it is written ‘cakes mixed [with oil (Lev 2:4)],’” specifying that the baked cakes must be mixed. The Sages, with their method of harmonization, or for another reason,²⁴⁸ infer that what is decreed for one type of *Minhah* also applies to the other types, and assert: “. . . [It is written:] ‘fine flour mixed [with oil (Lev 2:5)]’—this teaches us that the flour should be mixed with oil.” The Sages intentionally disregard the fact that this phrase in Scripture refers to the *Minhah* baked on a griddle, not to the cakes baked in the oven (v. 4) or baked in a pan (v. 7).

3.7.2.1 *Three Applications of Oil for Baked Menahot: The Interpretation of the Rabbinic Concept of “the Menahot Baked in a Form”*

Scripture uses different terms with respect to the method of bonding the two essential ingredients of the *Minhah*, the oil and the flour. For the flour *Minhah*, only the pouring of oil on the flour is indicated, as discussed earlier, by the term “pouring” (Lev 2:1). For the oven-baked *Minhah*, the procedure for bonding it with the oil is expressed with a variety of terms—for instance, “mixing” the oil for the cakes baked in an oven (Lev 2:4) (i.e. mixing it either with the flour or with the baked cakes, as discussed above),²⁴⁹ and “spreading” the oil on the wafers (Lev 2:4). For the *Minhah* baked on a “griddle,”²⁵⁰ Scripture indicates two steps: “mixing” of the flour (Lev 2:5), and “pouring” oil on the baked and broken segments (Lev 2:6). For the *Minhah* baked in a pan, Scripture decrees only that “it should be made of flour and oil,” or literally “of flour in oil,” without any particular specification as to how this is accomplished. The Sages deduced from the phrase “it is to be made of fine flour [literally] in oil,” and the fact that the MT punctuation

²⁴⁶ This is correct if we consider the phrase “baked in an oven” (Lev 2:4) to be one type of *Minhah* comprising two forms: “cakes” and “wafers”; otherwise, there would be five types. This issue is discussed further below.

²⁴⁷ *m. Menah.* 6:3.

²⁴⁸ It is possible that they did not consider the term *בלל* used in Scripture to be appropriate etymologically for a mixing of baked cakes. This particular term is usually utilized in Scripture for the mixing of flour with oil, or as an abstract term describing the confusion of languages at the Tower of Babel (Gen 11:7 and 9). The term *ערב* “mixing” is utilized in Ezra 9:2, and is also found often in rabbinic literature regarding the intermixing of different products, or animals. They may also have considered the common manner of preparing dough for cakes by mixing the flour with oil.

²⁴⁹ See pp. 221–2 on the details of this conflict.

²⁵⁰ Regarding the translation of the different types of baking utensils, see n. 54.

indicates a *nifal*, that the flour should be put into the oil. Thus the oil is poured first into the vessel, based on the use of the term “pouring” for the flour Minhah and the rabbinic harmonization process, and then the flour is put in. This step is called in rabbinic literature “placing oil in the utensil before their preparation [i.e. the Menahot baked in a baking utensil]” (*b. Menah.* 74b–75a).

The above scriptural rules for the preparation of the baked Menahot seem logical, each specifying a bonding of the flour and oil appropriate to the method of preparation, and should pose no problems. But the Sages, in their incessant quest for harmonization, decided that all the various methods portrayed in Scripture, though each relates distinctly to a particular type of Minhah, apply to any type of Minhah baked in a baking form or vessel. We read in *m. Menah.* 6:3: “All the Menahot baked in a vessel/baking form require three applications of oil: pouring, mixing and placing oil in the utensil before their preparation.”²⁵¹ From a dictum in *b. Menah.* 74b, we learn that the above rule does not include the Minhah baked in an oven, since it is not baked in a form.²⁵² A baraita is then quoted that explains the hermeneutic justification (cited in n. 251) for pouring the oil into the vessel first, with respect to the Minhah baked in a “pan.”

The succeeding discussion, however, in its hermeneutic approach and unswerving goal of harmonization, takes a big leap. The Sages deduced by a *gezerah shavah*, from the term “your offering” used for the pan type of Minhah (Lev 2:7)²⁵³ as well as for the griddle-baked Minhah (Lev 2:6), that all Menahot baked in a form require all three methods of

²⁵¹ We read in *b. Menah.* 74b: “We learned in a baraita: [It is written in Lev 2:5] ‘If your grain offering is prepared in a pan, it is to be made of fine flour made/baked in oil.’ This teaches us that the oil must be put into the vessel [before putting the flour into it].” Though the sequence here does not follow the order of the required steps, the mishnah did not intend the procedure to be performed in this particular order. The correct sequence of actions is cited in a baraita quoted in *b. Menah.* 74b–75ab. See note 253. I cannot explain the motive behind the inverted sequence in the mishnah.

²⁵² We read there: “What is excluded [from the term ‘baked in a form,’ cited in the mishnah]? Rav Pappa said: the Minhah baked in an oven is excluded [as it is not baked on a form like the other types of baked Menahot].”

²⁵³ We read in *b. Menah.* 74b and 75ab: “[It is written] ‘your offering’ [in v. 5 for the Minhah baked on a griddle] and ‘your offering’ [in v. 7 for the Minhah baked in a pan, and this teaches us to apply the exegetical method of comparison of two identical terms] *gezerah shavah*: just as [for the Minhah in a pan] one must pour the oil in the vessel [before the flour], similarly [for the Minhah baked on a griddle] one must do the same; and just as [for the Minhah baked in a griddle] one must pour [the oil] and mix it, here too [for the Minhah in a pan] one must do likewise.” The Sages created a complete harmonization of all types of Menahot baked in a form, requiring the identical three steps of adding the oil in the course of their preparation.

adding oil, and in the same order: placing oil in the utensil before preparation, putting the flour in it, pouring oil on it again, and mixing.²⁵⁴

One might accept the three additions of oil as logical for the Minhah baked in a pan decreed in v. 7, but not for the type baked on a griddle described in v. 5. The Minhah baked on the griddle was a type of *matzah*²⁵⁵ that was probably extremely stiff and dry, like the “wafers” in v. 4, and therefore both these types required another addition of oil after the baking. The Minhah baked in a pan was soaked in oil,²⁵⁶ as we read in the text: “it should be made in oil,” and it would be unnecessary and illogical to add oil to it. And, indeed, Scripture indicates the addition of oil only with respect to the former types of baked Menahot.

It seems, however, that the persistent rabbinic pursuit of harmonization sometimes blurred the original objective of the biblical verse and exceeded its reasonable boundaries. This appears to be the case regarding the additional application of oil to the soft Minhah in the pan that was already soaked in oil. We have seen (n. 54) that the Tannaim who lived shortly after the Temple’s destruction already did not recognize the type of baking forms indicated in Scripture. Even if baked Menahot were still offered in that period, it is plausible that they had no idea of the stiffness or softness of the baked goods produced by each of these items, and founded their decisions upon theoretical considerations and the quest for harmonization. They also did not grant importance to practical considerations regarding cult practices that were not relevant in their period.

There is another twist regarding this issue. We have noted above²⁵⁷ Rav Pappa’s undisputed declaration that explicitly excluded the oven-

²⁵⁴ As stated above, the mixing process is considered as a third step in the addition and bonding of the ingredients.

²⁵⁵ Lev 2:4 does not require an addition of oil for the “cakes,” but requires spreading of oil on the dry “wafers.” This indicates that there were two types of *matzah*: the dry type called *matzah* in v. 5 and the soft, oily one called *halot matzot* in v. 4. Where they were baked was not the crucial factor that triggered the requirement to add oil after the baking; the stiff and dry *matzah* baked on a griddle and the dry wafers baked in the oven required an addition of oil, while the soft, oily cakes baked in an oven did not.

²⁵⁶ It seems that Rabbi Hananiah son of Gamaliel, who explains in *m. Menah.* 5:8 that the “pan” is a deep vessel and its product is soft and jelly-like, being soaked in oil, whereas the product of the griddle is stiff, was correct in his assessment. Therefore it is only the Minhah baked on the griddle for which Scripture requires another pouring of oil, just as the “wafers” of v. 2:4 require a spreading of oil. Although Rabbi Hananiah allegedly founded his explanation upon a philological argument, I suspect that he actually relied on the logic implied by the biblical verse: spreading oil would be required only for a stiff, dry Minhah (i.e. that baked in a griddle).

²⁵⁷ N. 252.

baked Minhah from the rule of the three applications of oil. It seems, however, that the unconstrained use of the harmonization system led to some confusion, and we encounter a baraita with conflicting rules. In contrast to the theoretical decisions cited above, *b. Menah.* 75a contains detailed instructions as to how to proceed with the preparation of the “cakes,” of the “oven-baked Minhah” type; the discussion relates in particular to the conflict between the Sages and Rabbi, cited above, with respect to whether the oil must be mixed with the flour or with the baked cakes. We read there:

How is it done? He pours oil into a vessel before starting the process [the first application of oil], [then] puts in [the flour] and pours oil on top of it [the second application] and mixes it [the flour with the two quantities of oil, one below the flour and one on top of it]; he kneads it, bakes it and breaks it up into pieces,²⁵⁸ and puts oil on it [the third application]²⁵⁹ and [the priest] takes a handful. Rabbi says: He mixes the baked cakes with the oil, since it is said “cakes mixed with oil” [Lev 2:4]. How is it done? He pours oil into a vessel before starting the process, [then] puts in [the flour] and kneads it, bakes it and breaks it up into pieces, and puts oil on it [the second application] and mixes [the pieces with the oil] and puts oil on it [the third application] and [the priest] takes a handful.

There is no doubt that this description of the preparatory stages of the Minhah and the conflict between the Sages and Rabbi with regard to the sequence of the oil applications (there is perfect agreement with respect to the nature of the three stages and the breaking up into pieces) refers to the oven-baked Minhah, the only one denominated as *halot*—“cakes” in Scripture and in the above-cited dissension in the mishnah. Hence this baraita, requiring three, or four, applications of oil for the oven-baked Minhah, is in stark conflict with Rav Pappa’s interpretation that excludes this particular Minhah from this obligation.²⁶⁰ Rashi was aware of this problem, and stated that the preparatory stages listed in

²⁵⁸ The complex issue of breaking the baked Menahot according to rabbinic halakhah will be discussed below.

²⁵⁹ In practice, there would be a total of four applications of oil instead of three: three applications of oil before the baking (including the mixing, perceived as an application of oil in *m. Menah.* 6:3, cited above), and one after the baking.

²⁶⁰ It is unreasonable to assume that Rav Pappa would have made a declaration against an explicitly conflicting baraita, and this creates yet more complexity. Albeck, p. 365, interprets Rav Pappa’s exception as referring to the flour Minhah; but this solution does not solve the problem, since Rav Pappa explicitly excludes the “oven-baked Minhah” from his declaration.

this baraita refer to the Menahot baked in a “griddle” and a “pan,”²⁶¹ which are included in the rule, but the cakes baked in the oven are excluded. This is contrary, however, to any correct reading of the text. The term *halot* appears clearly in the short text of the mishnah quoted in the Talmud, and in the above-cited baraita, and these are oven-baked; Rabbi is quoted in the baraita as supporting his opinion by the scriptural phrase “cakes [*halot*] mixed in oil”²⁶² that refers to the oven-baked Minhah (Lev 2:4). Maimonides in *Hil. Ma’aseh HaQorbanot* 13:8 seems to ignore the scope of this baraita, or interprets it differently. Using the scriptural phrase: “cakes mixed in oil” that is quoted by Rabbi in his debate with the Sages,²⁶³ Maimonides declares that the oven-baked Minhah does not require the three applications of oil, according to Rav Pappa’s declaration.²⁶⁴

Further, neither Rav Pappa nor the other Sages indicate which addition or additions of oil for the oven-baked Menahot are excluded from the rule of three obligatory additions for the other Menahot—that is, whether one or two additions are required. Moreover, this dilemma is complicated by the fact that there are two distinct types of oven-baked Menahot that may require different procedures. As one may logically understand from the preceding discussions, the third application of oil is effected after the baking, and this would not be required for the oven-baked Menahot. But while an addition of oil after baking is not mentioned in Scripture for the “cakes,” it is explicitly required for the “wafers” by the expression “spread with oil,” and this must be done

²⁶¹ Rashi states: “For the Minhah baked in a griddle and in a pan, one pours oil in the vessel and [then] puts the flour into the oil”; this corresponds to the rabbinic declaration: “placing oil in the utensil before their preparation.” But Rashi cannot use this option, since, as we shall see later, he also includes the flour Minhah in the requirement of three applications of oil.

²⁶² This is not the exact biblical expression, which reads: “*halot matzot* mixed in oil,” but there is no doubt that he refers to Lev 2:4.

²⁶³ He writes there: “And there is no pouring of oil in it [the oven-baked Minhah] since it is said: ‘cakes without yeast mixed with oil’ [Lev 2:4].” It seems that he ignored the fact that both disputants in the mishnah require three applications of oil, and the conflict among them is restricted to the sequences of the oil additions.

²⁶⁴ There is unmistakably a contradiction between his opinion and the baraita quoted in the Talmud. Rav Pappa explicitly excludes the oven-baked Minhah from the requirement of three applications of oil, while the baraita describes three applications of oil for the oven-baked *halot*. Because of certain irregularities in the transmission of the different texts, it is plausible that two unconnected dicta have been linked, and this is the reason for the apparent conflict. This is not an uncommon procedure in rabbinic literature; a declaration with reference to one topic is appended to a declaration regarding another topic.

after baking. Hence Rav Pappa's dictum would be in conflict with an explicit biblical decree. He may have reasoned that there was no need to add oil for mixing, similar to Rabbi's opinion on the cakes (cited above), since oil is poured into the vessel before the addition of the flour and there would be enough to mix with the flour. It is nevertheless odd that though the exact details of the process are described for the Menahot that require three additions of oil, and repeated in the supposed discussion between Rabbi and the Sages, there is no indication of the exact procedure for the other oven-baked Menahot; this omission is especially odd given that this category includes two different types with dissimilar biblical rules, which thus might require a different number of additions of oil, or additions at different stages of the process. Vague and unclear instructions, we may note again, are a possible source of dissension.

To the apparent talmudic dilemmas concerning the scriptural rules of oven-baked Menahot, we may add the further perplexities introduced by the later traditional commentators, provoked by the vague and indefinite rabbinic language. I have taken the straightforward understanding of the rabbinic expression "Menahot made in a vessel" in *m. Menah.* 6:3 as "Menahot baked in a form"—that is, prepared and baked in forms such as the griddle and the pan. The Menahot baked in an oven are not baked in forms, but rather on the heated surface of the oven; they are therefore excluded in this mishnah from the rule of three applications of oil. As we have seen, the stage of putting the oil into the vessel before the flour is deduced from the biblical expression: "it should be made in oil"; although this phrase appears only for the "Minhah baked in a pan (Lev 2:7)," *b. Menah.* 74b deduces from the repetition of the term "your offering" in v. 6 that this step applies both to this Minhah and the "Minhah baked on a griddle" of Lev 2:5.²⁶⁵

There is no scriptural pronouncement or rabbinic deliberation in support of such an obligatory step for the flour Minhah. Yet it seems that some of the traditional commentators, following the path of the Sages, went a step farther and also included the flour Minhah in this specific rule. I suspect that in addition to their general belief in the rabbinic harmonization system, or as a result of it, they interpreted the term "the Menahot made in a vessel" in a different manner than I do. Rashi, in his comments to *m. Menah.* 6:3, writes: "All the Menahot prepared in a 'consecration vessel,' such as the pan and griddle Menahot, require a triple application of oil." As we observe, Rashi interjects the term "consecration"

²⁶⁵ See n. 253.

into the text of the mishnah, thus changing the general term “vessel” to mean a ceremonial vessel; the flour *Minhah* is also put in such a vessel, as I shall discuss below. Rashi gives no explanation for the addition of this term. He then explains that the mishnah requiring three applications of oil refers to the *Menahot* baked in the griddle and the pan; but here he does not assert that the mishnah intended the same rule to apply to the flour *Minhah*. However, in his comments to the baraita in *b. Menah. 74b* that explains this mishnah, he is more explicit: “The Sages taught: [It is written] ‘the *Minhah* should be made in oil.’ This means that the flour should be put into the oil, and teaches us that it requires the putting of oil into the vessel before anything else, and then one puts the flour upon it.” Though the quoted biblical verse (Lev 2:7) relates to the *Minhah* baked in a pan, he declares that the “same procedure applies to the *Minhah* baked on a griddle and to the other *Menahot*.” Rashi gives no indication as to how he reaches the conclusion that the other *Menahot* require the same method of preparation, since there is no talmudic deliberation in this respect. We must assume that Rashi extended this specific requirement to the flour *Minhah*, but not for the oven-baked *Minhah* that was explicitly excluded by Rav Pappa.

I suggest that Rashi came to this conclusion by a particular interpretation of the rabbinic expression “the *Menahot* made in a vessel.” His interjection of the term “consecration” gives the clue to his theory. As we have seen in our deliberation concerning the issue of the consecration of the *Minhah* (pp. 200ff. and n. 182), the shift from the profane status of flour and oil to the consecrated status of a *Minhah* is effected in a ceremonial vessel. By adding the term “consecration”, Rashi reveals his interpretation that the mishnah is to apply to all *Menahot* consecrated in a ceremonial vessel, including the flour *Minhah* (which is put into a ceremonial vessel for consecration, as we have seen in *b. Sotah 14b*, cited above n. 162). But he ignores the fact that this discussion mentions no requirement of mixing,²⁶⁶ and in fact denies it, as we have seen above (n. 162). Moreover, all the *Menahot* are put into a ceremonial vessel. Hence we must ask: which *Minhah* is excluded from this rule, according to Rav Pappa?

²⁶⁶ For the convenience of the reader, I repeat the relevant passage: “. . . and he discharges it into a service [ceremonial] vessel and dedicates it in the service vessel; he puts on it its [prescribed] oil and frankincense and brings it to the priest, and the priest carries it to the altar.”

Maimonides also includes the flour Minhah in the mishnaic expression “the Menahot made in a vessel,” and therefore prescribes the three applications of oil for this Minhah in *Hil. Ma’aseh HaQorbanot* 13:5.²⁶⁷ What is even more surprising is the commentators’ apparent unawareness of or inattention to the text of *m. Menah.* 6:4, on the basis of which we must definitely exclude the flour Minhah from the mishnaic expression “the Menahot made in a vessel.” We read there: “All the Menahot made in a vessel must be broken up.” We obviously cannot include the flour Minhah in this rule, since the breaking up is relevant only for the baked Menahot, to allow the taking of a small portion to the altar (according to rabbinic opinion).²⁶⁸ We must therefore interpret the term “the Menahot made in a vessel” as I have suggested: baked in a form.²⁶⁹ Again, the complexity of the rabbinic rules made it extremely difficult to sort out all the intricate and divergent details, and reconcile them with conflicting biblical rules. We must therefore not be surprised that we encounter inconsistencies both in the *Gem.* and in the writings of the commentators. If indeed such rules were applied in the Temple, we can only imagine the myriad sources of potential conflicts between the Pharisees and the Qumran priests.

²⁶⁷ We read there: “How was [the offering of] the flour Minhah performed? One brings a tenth, or a number of tenths, of an *efah* of fine flour, or as many as he vowed, and the appropriate [quantity] of oil, and measures it with the Temple’s measure, and pours oil into the vessel and then puts the flour upon it, and then pours another part of the oil upon the flour, and mixes the flour with the oil, and then puts [the mixed flour] into a ceremonial vessel and pours oil in it; and the oil poured in first, and the oil mixed [with the flour] and the oil poured [last] should equal one *log* for each tenth of an *efah* [of flour], and then he puts frankincense upon it.” The Maimonides commentator *Lehem Mishneh* questioned this, as there is no rabbinic support for such a declaration from a suitable interpretation of a biblical verse. Moreover, as I have commented, *m. Menah.* 6:3 understands mixing as one application; thus according to Maimonides’ rule there would be four applications: three times pouring and once mixing. We observe the complexity of the issues that caused even the illustrious commentators to lose track of the exact regulations.

²⁶⁸ This is the reason that Rav Pappa did not exclude the flour Minhah from the two obligatory rules of “three applications of oil” and “breaking up” in mishnayot 6:3 and 4; since he understood that it was not included in the expression “made in a vessel,” there was no need to expressly exclude it.

²⁶⁹ To avoid any misunderstanding, I note here that although I refer at times to the three applications of oil and at times to pouring the oil in the vessel first, these are not separate rules; the latter is an essential and integral element of the complex rule of “the three applications of oil.” I am following here the talmudic deliberations that use the same terms.

3.7.3 *Types of Oven*

The third dissent with respect to the baked *Menahot* relates to the type of oven allowed for their baking. We read in *m. Menah.* 5:9: “One who pledges [to bring a *Minhah* baked] in an oven should not bring it baked on a brazier, on tiles or in an Arab kettle. Rabbi Judah says: If he wishes he may bring it baked on a brazier.” Although it is evident that the conflict consists of a rather trivial semantic issue, the question of whether a specific type of baking apparatus is considered to be an “oven” in popular idiom, the disputants still make use of a hermeneutic approach in their quest for biblical support. We read in *b. Menah.* 63a: “[It is written] ‘baked in an oven [Lev 2:4]’ [and that excludes] baked on a brazier. Rabbi Judah says: [It is written] ‘in an oven’ twice [in Lev 2:4 and 7:9, and the double mention of the term teaches us] to allow [cakes] baked on a brazier [i.e. these are deemed to be baked in an oven].” We again observe that each minor detail of the process of preparation of the *Minhah* is capable of provoking dissension on matters of principle and of hermeneutics.

3.7.4 *Oven-Baked Menahot—One or Two Types?*

The second dissent with respect to the oven-baked *Minhah* (Lev 2:4) relates to the two distinct types. We read in *m. Menah.* 5:9: “If one vows to offer a *Minhah* baked in an oven, he must not bring half of it as cakes and half as wafers. Rabbi Simeon authorizes [this] since it is one offering.” In *b. Menah.* 63a–b, a baraita quotes a debate assumed to have taken place between Rabbi Simeon and Rabbi Judah on the correct interpretation of the relevant biblical verse.²⁷⁰ I suggest, however, that the dispute is more likely based on Rabbi Simeon’s different approach. Rabbi Simeon tended generally to adopt a more lenient philosophy,²⁷¹ and his halakhic decisions were also founded on prac-

²⁷⁰ We read there: “Rabbi Judah [who prohibited an offering consisting of half oven-baked cakes and half wafers] says: It is written [in Lev 2:4]: ‘offering’ [in singular]. I [i.e. the Deity] am telling you to bring one offering, not two or three. Rabbi Simeon [who allowed such half-and-half offering] retorted: Is the term ‘offering’ written twice [once for the cakes and once for the wafers?] Since it is written only once [in singular], and it refers to both cakes and wafers [i.e. both are considered to be of the identical type; therefore if one vows to offer a baked *Minhah*] he may bring either cakes or wafers, or half of each; he mixes them and [the priest] takes a handful from both.”

²⁷¹ M. Margalio, 1962, vol. 2, p. 840.

tical considerations,²⁷² rather than on farfetched hermeneutics.²⁷³ He used textual interpretation simply as additional support for a logical decision.²⁷⁴

3.7.5 *How Many Cakes or Wafers Must be Baked?*

Scripture does not indicate any quantities for the individual voluntary Menahot—neither the quantities of flour and oil for the Minhah offered in its crude state, nor the number of cakes or wafers for offerings of baked goods. It seems to me that Scripture’s requirements for the baked goods logically fit their form and manner of baking. There is no mention of numbers for the flour Minhah, because after the burning of the handful the status of the remainder is transmuted from divine ownership to priestly ownership. It is thus left to the priests to decide on the manner of its preparation; the sole restrictions were that it had to be eaten by the (male) priests, unleavened and in the Temple precinct (Lev 6:9–11). With respect to the baked Menahot, it was apparently customary to bake a number of cakes or wafers at the same time, and therefore Scripture describes these products in plural. If a baking utensil or form were used, however, only one item was baked, and thus the final product is described in Scripture in singular (Lev 2:5–8).

But the Sages could not envisage cult celebrations without fixed rules at every step of the process, and created precise regulations. Moreover,

²⁷² Many of Rabbi Simeon’s assertions in *m. Menah.* are of a practical nature. We have noted, for example, his pragmatic explanation with respect to the maximum quantity of sixty-tenths of an *efah* of flour for one Minhah offering; he argued that it would be impossible to effect a proper mixture of a greater quantity (n. 30), rather than relying on a far-fetched comparison to the greatest number of different sacrifices offered on a single day. I have cited his similar practical consideration regarding the quantity of frankincense at the beginning and end of the procedure (p. 204). A further example of his practical attitude appears in *m. Menah.* 9:2, regarding the sizes of the containers for measuring liquid in the Temple.

²⁷³ See n. 30.

²⁷⁴ We read in *m. Menah.* 6:7: “The flour for the Omer Minhah was sifted with thirteen sieves [each with a finer mesh than the preceding], the Two Loaves [of the Feast of Weeks] with twelve, and the Showbread with eleven. Rabbi Simeon says: There was no determined [number of siftings]. One simply had to bring flour sifted as much as necessary to make it fine, as it is written ‘Take fine flour and bake it [Lev 24:5]’; [this means] sifted as much as is necessary.” It is evident that textual support does not serve as the significant element of Rabbi Simeon’s declaration. This exegetical method is of the type characterized by an often-used rabbinic maxim, “[the decree is really] a rabbinic rule, and the biblical verse was just used as an [additional] support,” declared when the proposed biblical support reveals itself to be unconvincing. See e.g., *b. Ber.* 41b, *b. Yoma* 74a, *b. Sukkah* 28b, *b. Yevam.* 24a.

in their striving for harmonization they attempted to apply the same rules to as many offerings as possible, without considering their dissimilarities. Just as they established the standard quantities of oil and flour for the flour *Minhah* by comparison with other *Menahot*, so they proceeded with respect to the baked *Menahot*. We read in *m. Menah.* 6:5: “All the *Menahot* are baked [in units of] ten, except the Showbread and the *Habitin* of the High Priest that come in twelves. These are the words of Rabbi Judah. Rabbi Meir says: All *Menahot* are baked [in units of] twelve, except the cakes of the Thanksgiving offering and of the *Nazir* [at the end of his vow period (Num 6:15)], that are baked in tens.” There is no explanation provided for the conflicting statements of the two *Tannaim*, but we may assume, as appears in the deliberations in *b. Menah.* 76a, that Rabbi Judah compared the voluntary *Menahot* to the cakes of the Thanksgiving offering,²⁷⁵ whereas Rabbi Meir compared them to the Showbread (Lev 24:6),²⁷⁶ which consisted of twelve loaves.

The potential disagreements are not yet exhausted with the above passage. Since a *Minhah* could be offered in any quantity of flour and oil, from a minimum of one-tenth an *efah* of flour and one *log* of oil up to sixty-tenths, it is legitimate to ask whether the number of tens or twelves relates to each tenth of an *efah* flour, or to the entire quantity of flour and oil, whatever its size. In the first case, a large *Minhah* of sixty-tenths of an *efah* would mandate the baking of six hundred or seven hundred twenty cakes respectively,²⁷⁷ while in the second case there would be ten or twelve huge cakes. Maimonides, who decided according to the first probability, was apparently not perturbed by this absurd result of the

²⁷⁵ We read there: “How do we know that all the *Menahot* require ten of each kind? He [Rabbi Judah] deduces it [by comparison] to the Thanksgiving offering; [and] just as there ten [cakes of each kind are required], here too ten [cakes of each kind are required].” The *Gem.* takes it for granted that the Thanksgiving offering requires ten cakes of each kind; in fact, their number is not mentioned in Scripture, and the number is deduced by a complex hermeneutic in *m. Menah.* 7:2 and in a baraita cited in *b. Menah.* 77b.

²⁷⁶ We read in *b. Menah.* 76a: “He [Rabbi Meir] deduces it [from a comparison to] the Showbread [which consisted of twelve units]. He prefers a comparison to the Showbread, and not to the Thanksgiving offering, like Rabbi Judah, because the Showbread and the *Menahot* are both ‘most holy’ offerings [whereas the Thanksgiving offering is merely a ‘holy’ offering].”

²⁷⁷ Considering the rabbinic rule that the baked *Menahot* must be broken into pieces, as I will discuss below, we can imagine the absurdity of breaking each of six hundred cakes into four pieces, for a total of two thousand and four hundred small pieces. We must also question what enjoyment the priest would derive from such a jumble of pieces of cake. See also n. 290.

harmonization system. He declares in *Hil. Ma'aseh HaQorbanot* 13:10, without indicating the source of his decision: "All these baked Menahot are baked in the number of ten cakes from each tenth of an *efah* [of flour]; if one baked more or less than ten, it is [still fit]. And how does he break them up? He folds the cake in two and then in four and divides [the folded parts]."²⁷⁸

3.7.6 *Preparing the Baked Menahot for the Taking of the Memorial Portion*

An attentive reading of Lev 2:4–10, concerning the baked Menahot, reveals a reasonably well-edited pericope, with appropriate regulations for the manner of preparation of these Menahot—the amalgamation of flour and oil—and the separation of the portions for the altar and the priests. We do not know precisely the nature of the utensils used for each of the scriptural types of baked Menahot, or the ultimate texture of the baked items. There is, however, a system to the rules, revealed by a literary and structural analysis of the text. All the oil required for the soft cakes (v. 4a) and those baked in a pan (v. 7)²⁷⁹ was added during the process of their preparation; the stiff wafers (v. 4b) were baked without oil during the process of preparation, and were only spread with oil after the baking; the Minhah baked on a griddle (vv. 5–6) was probably prepared with a little oil in order to be stiff, and required an additional application of oil after the baking (v. 6). The methods of amalgamation are also correctly and appropriately described, each according to the type of Minhah and its mode of preparation. The first instruction with respect to the flour Minhah states: "he should pour oil on it" (Lev 2:1),

²⁷⁸ Maimonides, in his rule that ten items are to be baked from each *issaron* of flour, stresses the term "baked" and the number four, which comprises two types baked in the oven and two types baked in forms. But his commentator *Lehem Mishneh* understood Maimonides to also include in the number four the flour Minhah, when it is baked by the priests. This assumption would agree with Maimonides' harmonization, quoted above (n. 244), stating that the rule regarding applications of oil also applies to the flour Minhah; but it would contradict Maimonides' explicit indication that this rule applies only to the four baked Menahot. It is not within the scope of my study to elaborate on the conflicting opinions of other commentators; I mention this point merely to demonstrate the entanglements that arise as a result of attempts at harmonization. We may further note that Maimonides' commentators do not question the source of his decision to require ten baked units for each tenth of an *efah* of flour, and do not consider the practical consequences of such a rule.

²⁷⁹ The Minhah baked in a pan was of a specific structure that probably required a particular manner of baking in a cauldron of oil, like a sponge cake; therefore the oil was not added and mixed, and the common expression "mixed with oil" is replaced by the expression "made/prepared in oil." See *m. Menah. 5:8*, cited in n. 256.

because the oil was not mixed with the flour; it was poured onto the flour to enable the priest to take the decreed handful. There are two types of oven-baked *Menahot*, each with its distinct manner of amalgamating the two ingredients. For the round thick “cakes,” the oil is added at the first stage and mixed with the flour, correctly described as “mixed with oil”; for the thin, dry “wafers,”²⁸⁰ the oil was not mixed with the flour, but was spread on after the baking, described accordingly as “spread with oil” (Lev 2:4). The *Minhah* baked on the “griddle” required two additions of oil: one small quantity at the first stage, mixed with flour (“fine flour mixed with oil,” in Lev 2:5), to render it stiff, though probably less stiff than the wafer, and the remainder poured on after it was baked and broken up into pieces (“pour oil on it” Lev 2:6). The last type, the *Minhah* baked in the “pan,” is prepared in a cauldron with oil (“to be made in oil” in Lev 2:7), and thus soaks up the required oil during the baking process.

Similarly, the necessary steps to prepare the various *Menahot* for the taking of a portion for the altar are set out for each offering according to its nature. For the baked *Menahot*, it seems to me that the biblical editor did not perceive any particular problem with respect to implementation, since he did not mandate any fixed quantity or size to be taken from these offerings for the altar; in contrast, a “handful” must be taken from the flour *Minhah*.²⁸¹ Scripture describes a practical method for taking the memorial part of the baked *Menahot*. As discussed above, a number of cakes were baked together in the oven, and therefore one piece of cake or wafer was taken for the altar, just as one piece of cake and one of wafer (identical to those in our pericope) were taken from the Thanksgiving offering (Lev 7:12–14). One of each type was offered as a contribution to the Lord, and given to the officiating priest; here too Scripture does not decree the number of cakes and wafers to be brought to the Temple, but orders one entire item of each as a contribution. Lev 2:4 referring to the oven-baked types is correctly written in plural, and it is understood that one piece is taken as a memorial to be burnt on the altar. For the two types of *Minhah* baked in a form in one piece, the piece had to be broken up in order to take the memorial portion. Therefore v. 6 details how to divide the *Minhah* baked on a griddle.

²⁸⁰ The term *רקיקין* originates from the root *רקע-רקע* “to flatten” or “to beat,” as in Num 17:2 and 4 (17:38 and 39 in KJV): “hammered sheets.”

²⁸¹ This indicates, as argued earlier, that the rules of the baked *Menahot* are of an earlier period, when there was no standardization.

The same process applies logically for the one piece baked in a pan, and I can only speculate on the motive for omitting it. The editor may have thought that it was obvious, on the basis of its comparison with the Minhah baked in a griddle, and did not need to be repeated. Or, since we do not know the exact form of these products, it is plausible that for practical reasons the editor had to indicate how to divide the Minhah baked on a griddle, and could omit describing the well-known manner in which a piece was taken of the Minhah baked in a pan. Accordingly, in contrast to the reference in plural to the many units baked in an oven, the verse referring to the Menahot baked as a single unit in a form is expressed in singular.²⁸²

This seems to me the simple and correct interpretation of the pericope with respect to the issues of adding the oil to the baked products and breaking them into pieces, each type with its appropriate method. There was no taking of a handful for the altar; one piece was simply taken off in an appropriate manner, to be burnt upon the altar. As emphasized above, the term “taking a handful” does not appear with respect to the baked Menahot. Since this pericope originates from an earlier period, there is also no mention of frankincense.

We have seen, however, how the Sages, through their harmonization system, imposed a specific detail relevant to one type of Minhah on all the other types; they also did this with respect to the breaking up of the baked Menahot. We read in *m. Menah.* 6:4: “All the Menahot baked in a vessel/form²⁸³ require breaking up.”²⁸⁴ Though this procedure is decreed in Scripture only for the Minhah baked on a griddle, and for good reason as argued above, the Rabbis extended this regulation to all Menahot²⁸⁵ prepared or baked in a form. As in other occurrences, however, the Rabbis practised selective interpretation, and used different criteria in their exegesis of similar scriptural decrees. In the dictum of Rav Pappa (quoted above) he ruled that the three additions of oil in *m. Menah.* 6:3 do not apply to the Menahot baked in an oven, because they are not baked in a form; yet, referring to the identical phrasing in

²⁸² The text here uses the singular: “it should be [baked as] a *matzah*”; “break it up”; and “and pour [oil] upon it.”

²⁸³ See my discussion in subchapter 3.7.2.1 regarding the interpretation of the term “baked in a form.”

²⁸⁴ The procedure of breaking up into pieces is called *פתיתה* in the rabbinic literature, from the root *פתת* as used in Scripture in Lev 2:6.

²⁸⁵ See nn. 163 and 268. I will also discuss below which offerings are excluded from this rule.

mishnah 6:4, he included these same Menahot in the decree requiring the breaking into pieces. He excluded the two loaves offered at the Feast of Weeks (Lev 23:17) and the Showbread from this decree. The same exegetical method is used in one instance to exclude certain offerings from the presumed general obligation, and in the next instance to exclude other offerings.²⁸⁶ The harmonization of the decree to take a handful so that it applied to the flour and baked Menahot alike also compelled the Sages to interpret the decree requiring the breaking up of the Minhah to apply to all Menahot, without consideration of the resulting practical problems,²⁸⁷ and contrary to the simple reading of the scriptural text. There is no logical reason for such a sweeping inclusion of all Menahot under a rule clearly unnecessary for the oven-baked Menahot; there is no reasonable homiletic justification to include the oven-baked Minhah in one comprehensive rule, and exclude it from another.

The Rabbis also devised precise regulations regarding the procedure of breaking up the Minhah. The above mishnah continues:

He folds the Minhah of an Israelite in two and [then the] two into four and divides [them]. The Minhah of the priests he folds in two and two into four, but does not divide them [because the entire quantity is burnt upon the altar]; the Minhah of the anointed [High] Priest was not folded. Rabbi Simeon says: the Minhah of the priests and that of the anointed Priest are not broken up, since they do not require the taking of a handful [for the altar, since they are entirely burnt], and each [Minhah] to which this rule [of a handful] does not apply does not require breaking up.²⁸⁸ And he breaks up all [Menahot] into [pieces the size of] olives.

²⁸⁶ In *b. Menah. 75a* there is a justification for the inclusion or exclusion of particular Menahot regarding the rules for breaking up and pouring oil. The apparently superfluous term “Minhah” in Lev 2:6 is used to include all the Menahot in the rule to break them up, while the limiting term “it” is used to exclude the Two Loaves and the Showbread from the rule. Similarly, the superfluous term “Minhah” written after the term “pour oil” is used to include all Menahot in the rule regarding three additions of oil, while the limiting terms “on it” and “it” in singular in the same verse are used to exclude the two types of oven-baked Menahot. We observe the selective approach of rabbinic exegesis; the Rabbis used exegesis to differentiate those items they considered *a priori* to be included or excluded.

²⁸⁷ See n. 277 and n. 290 on the great number of crumbs from each Minhah that would be of no use for the priests.

²⁸⁸ We may assume, though it is not clear, that Rabbi Simeon also did not require the folding of those Menahot that are entirely burnt. We again observe the practical approach of Rabbi Simeon; see n. 272.

Although it is not indicated explicitly, one must assume that according to the rabbinic decree all the baked cakes or wafers were broken up before the taking of the handful for the altar,²⁸⁹ just as the handful was to be removed from the flour while it still retained its character of flour. The Sages avoided addressing the practical problems in fulfilling this regulation. In addition to the problems (discussed above) that are raised by this type of sweeping regulation,²⁹⁰ they did not consider how thick, soft and spongy cakes baked in a pan were to be folded in four pieces. As is common, the introduction of one odd rule drags after it further bizarre regulations. Our mishnah ends with the ambiguous dictum “and he breaks up all [Menahot] into olives.” We cannot detect from the text of the mishnah whether this pronouncement was made by Rabbi Simeon in conflict with the Sages, or whether it was the commonly accepted procedure. Moreover, the regulation itself is enigmatic and raises the possibility of two interpretations.²⁹¹ It may mean that the cakes should be broken up further in the same manner, that is, four folded into eight, eight into sixteen, and so on, until each segment was no larger than an olive; or it may mean that each piece must not be smaller than an olive, but may be larger. The extent of these differences is limited only by the boundaries of human imagination.²⁹²

²⁸⁹ In *b. Menah.* 75b, following our mishnah 6:4, a baraita is cited: “If a priest offered a Minhah in Jerusalem [for the first time], he says: ‘Blessed be [the Lord] who kept us alive and supported us and brought us to this time.’ When he took them [the remainder of the Minhah, after the offering of the handful, or piece] to eat, he says: ‘Blessed be [the Lord] who procured for us bread from the soil.’ And we have learned [in our mishnah] that he broke up the Menahot into olive-sized segments [a piece of bread must be at least equal in size to an olive to require the blessing pronounced at the eating of bread].” Since this baraita refers to the priest who eats an olive-sized piece from the Minhah, it is obvious that this piece is from the remainder of the Minhah, after the portion for the altar was taken off. This is further evidence of the rabbinic opinion that all the cakes of the Minhah were to be broken up, one piece taken for the altar, and the remaining pieces eaten by the priest.

²⁹⁰ As we have seen, the standard minimum of flour for a Minhah is one-tenth of an *efah*. We do not know exactly how much this was, but one may assume that it was not a large quantity; it was the quantity that the impoverished sinner, who could not afford to offer two doves, had to bring. From this small quantity one had to bake ten loaves, and each of them had to be broken into four pieces—forty pieces in total. The largest Minhah of sixty-tenths had to be broken up into two thousand four hundred pieces (see n. 277). Each priest would thus receive small crumbs. It is unreasonable to assume that this was the intent of the editor of this rule, or that the priests, the composers of the Pentateuch, would have created a rule that would so radically devalue their remuneration.

²⁹¹ Rashi cites a third interpretation, but he does not consider it logical.

²⁹² We have no hard evidence to establish the real intention of the mishnah. Rashi

3.8 *The Offering Stage*3.8.1 *Bringing the Minhah Near the Altar*

According to Scripture, only the baked Menahot must be brought near the altar; we read in Lev 2:8, the concluding verse of the baked Menahot pericope: “Bring the Minhah made of these things to the Lord; present it to the priest, who shall take it to the altar.” There are, as I have argued above, two complete and independent pericopes in vv. 1–10.²⁹³ Verses 1–3 relate to the flour Minhah and set out the entire procedure for this offering, including the bringing of the ingredients by the offerer, the performance of the priest, and the priest’s remuneration. Verses 4–10 also present an independent and comprehensive pericope with respect to the baked Menahot.²⁹⁴ We must therefore assume that this specific decree to take the Minhah to the altar refers exclusively to the baked Menahot, and attempt to investigate the motive for this particular rule.

It is plausible, according to my postulate that the pericope concerning the baked Menahot originates from an early period, that the phrase “present it to the priest” (Lev 2:8) was interjected at some point in time, to emphasize the priestly privilege of putting the offering upon the altar, in contrast to the previous custom where the offerer did this. The term **קרב** is generally applied to the act of offering to the Lord,²⁹⁵ this is the one exception in which the term is utilized to describe bringing an offering to the priest.²⁹⁶ In the later pericope concerning the flour Minhah,

does not take a position, but Maimonides’ comments to this mishnah and his rule in *Hil. Ma’aseh HaQorbanot* 13:10–11 may give us a clue as to his opinion on the source of the dictum to break up the Minhah into olive-sized pieces. In his Mishnah commentary (Kafih), Maimonides states that the halakhah is not according to Rabbi Simeon, and in his *Mishneh Torah* he states: “...and all [the broken pieces] should be of the size of olives.” Thus he considers this rule to be a pronouncement of the Sages, or a commonly accepted procedure. With respect to the second issue, Maimonides does not say clearly whether the olive is a minimum or maximum size.

²⁹³ Vv. 9 and 10 also seem to be a later addition, referring to a provision for the remuneration of the priests. Verse 10 is the parallel of v. 3 relating to the flour Minhah, and its purpose was to equate all Menahot with respect to the priestly remuneration. The sudden shift from the neutral “the priest” in the previous verses describing the priestly tasks to the expression “to Aaron and his sons” with respect to the remuneration is odd, and hints at this being of a later source, interjected here from the rules on the flour Minhah.

²⁹⁴ Vv. 11–13 relate to both types, and therefore must have been edited after the redaction of the rules for the two distinct types of Menahot.

²⁹⁵ Three examples from our pericope are Lev 2:1, 11 and 12. There are countless similar expressions in Scripture. The root **קרב** is the source of the term **קרבת**.

²⁹⁶ Lev 2:8.

the term **בוא** “to bring” is used for the act of bringing the offering to the priest,²⁹⁷ whereas this verb is utilized in the baked Menahot pericope to describe the act of bringing the offering to the Lord.²⁹⁸ In Lev 6:7 regarding the flour Minhah, the term **קרב** is used to describe the sons of Aaron bringing the offering to the Lord.²⁹⁹ Moreover, the phrase “present it to the priest” in Lev 2:8 appears out of its logical order; we would expect the bringing of the Minhah first to the priest and then to the Lord, but the order is reversed, and we read first: “bring the grain offering made of these things to the Lord” and then: “present it to the priest.”

These oddities support my postulate regarding the interjection of this latter phrase for a distinct purpose, to introduce the priest into the process, and the plausibility that in antiquity the offerer prepared and offered the baked Menahot. The deletion of this phrase would generate a rational order, appropriately stated as, first, “bring the Minhah made of these things to the Lord and take it to the altar,”³⁰⁰ and then “the priest shall take the memorial portion.” The term **נגש**, the root of **והגישה**, when used in Scripture in association with the altar, often describes the priestly privilege of performing the offerings on the altar;³⁰¹ it seems it was initially used here, according to the simple meaning of the text, to describe the performance of the offerer. But the Rabbis, who could not imagine interjections in Scripture, found another way to resolve the oddity of this term in this verse, and decided that the act of bringing the Minhah near to the altar was a distinct and obligatory ritual step in the performance of the Minhah offerings. And, following their goal of harmonization, they applied this rule to all Menahot. We read in *m. Menah.* 5:5:

These [Menahot] must be brought near [the altar] and do not require waving: the flour Minhah, [the Menahot baked] in a pan or on a griddle, the cakes and wafers, the Minhah of the priests, the Minhah of the

²⁹⁷ Lev 2:2.

²⁹⁸ Lev 2:8.

²⁹⁹ Lev 6:7.

³⁰⁰ The change from second person to third person is in any case problematic, even with the interjection of the phrase “and he will present to the priest”; the latter refers to the offerer and is expressed in third person, in contrast to the first term in the verse, “bring it,” in the second person.

³⁰¹ This term is used, for example, in Lev 21:21 and 23 prohibiting priests with bodily defects from serving at the altar, and in Num 8:19 prohibiting laypeople from approaching the holy sites for the performance of duties reserved for the Levites.

anointed Priest, the Minhah of gentiles, the Minhah of women,³⁰² the Minhah of the sinner. Rabbi Simeon says: the Minhah of the priests [and] the Minhah of the anointed Priest do not need to be brought near [the altar] because they do not require the taking of a handful [they are entirely burnt], and every [Minhah] that does not require the taking of a handful does not need to be brought near [the altar].

It is interesting that neither the Mishnah nor the *Gem.* inform us why the flour Menahot are included in this precept.³⁰³

We note that Rabbi Simeon justified his dissenting opinion based on the apparently irrelevant characteristic of the taking of the handful, which has no logical link with the rule of bringing the offering to the altar. It is probable, therefore, that he actually disagreed with the type of sweeping harmonization practised by the Sages. In his opinion, the expression “made of these things” (2:8) indeed comprises all the Menahot enumerated in Lev 2:1–13 that have a common denominator, the taking of the handful, but the restricting expression “of these”—that is, not of others—excludes those Menahot that do not share the common denominator and therefore do not require the act of taking the handful. But there is a logical and practical motive for his exclusion of some Menahot from the rule requiring the breaking up of the Menahot, as he declares in *m. Menah.* 6:4: “...all [Menahot] for which the taking of a handful does not apply do not require breaking up.” Since the breaking up procedure was originally instituted by the Rabbis for the specific purpose of enabling the priest to take a portion for the altar, it was not necessary to break up those Menahot that do not require taking the handful.³⁰⁴ Further, it seems that the Rabbis, having extended this act of bringing the offering near to the altar to all Menahot, were not

³⁰² It was necessary for the mishnah to emphasize the requirement of bringing the offerings of gentiles to the altar, since there is a dispute in *b. Menah.* 73b as to whether it is permitted to accept sacrifices other than Holocaust offerings from gentiles. The mishnah, which seems to maintain the prerogative of a gentile to offer a Minhah, thus had to specify the procedure regarding the bringing of the Minhah to the altar. It was likewise necessary to emphasize that a Minhah offered by women also requires this particular procedure, since a baraita cited in *b. Menah.* 61b states in a general manner: “The sons of Israelites wave [the offerings] but not the women [the daughters of Israelites].”

³⁰³ It is not surprising that Maimonides, in his comments to this mishnah, reveals some puzzlement: “... some offerings require both bringing near and waving and others require only one of these acts, some of the regulations appear explicitly in the Torah and some are founded upon tradition that has been supported by scriptural verses.” Maimonides expresses, although discreetly, his hesitancy regarding the validity of the assumption that these decrees are of scriptural origin.

³⁰⁴ On Rabbi Simeon’s practical approach in other occurrences, see n. 272.

sure whether the entire Minhah or only the handful must be brought near the altar; this is deduced in *b. Menah.* 60a through exegesis of the relevant scriptural text.³⁰⁵ We observe the want of precision and consequently the potentially different interpretations on even the smallest details.

We must also consider several additional problems in connection with the rule of bringing the Minhah near to the altar, cited in *b. Sotah* 14b. There, in an extensive homily that uses both hermeneutics and information regarding the location of the altar in the Second Temple, it is deduced that the Minhah must be brought near to the southwest corner of the altar. We read there: “And he brings [the Minhah] near the southwest corner of the altar, opposite the point of the corner, and that is sufficient.” From further discussion we learn that the Sages did not consider this decree to mean simply bringing the Minhah near the altar; in fact it had to touch it physically. The expression וְדַי “and that is sufficient” in the baraita was interpreted to mean that the Minhah may be brought near the altar in its vessel, and it is not absolutely necessary that the flour itself should touch the altar.³⁰⁶

Another oddity of a practical nature arises with regard to this rule. We read in *m. Zevah.* 6:1: “The act of taking the handful could be performed any place in the Temple Court.” We have seen in the above-cited *b. Sotah* 14b that one must bring the entire Minhah near the altar and touch its southwest corner before taking the handful. The priest thus stands near the altar; why would he leave his place near the altar, take the handful somewhere else and return to the altar to burn it? The rule that the taking of the handful of the Minhah may be performed at any place in the Temple Court is in itself peculiar. This act, performed by the priest, would correspond to the preparation of an animal offering for the altar, and could not have been less significant in its ritual character than the slaughter of the animal before sprinkling its blood on the altar. Animal offerings of the “most holy” type had to be slaughtered on the north

³⁰⁵ We read there, in response to the question “How do we know this”: “If it were written [in v. 8] ‘and you should bring what was prepared of these [ingredients] and he should bring it to the priest and bring it near [to the altar],’ I would understand that only the handful must be brought to the altar; [but the addition of the term] Minhah [in the above text] teaches us [that the entire Minhah must be brought near the altar].”

³⁰⁶ The translator of Maimonides’ comments to our mishnah 5:5 utilizes the term צְמוּד, “to join, to press together, to couple,” for the interpretation of the term הַנְּשָׂה. He states: “The term ‘the bringing near’ indicates joining the item [the vessel] to the corner of the altar.”

side of the altar, and only the regular offerings could be slaughtered at any place in the Temple Court.³⁰⁷ The Minhah is also a “most holy” offering, and we would therefore have expected its ritual preparation for the altar, consisting of the taking of the handful by the priest, to be done at the north side of the altar; for unknown reasons, however, the Sages decreed that it might be done anywhere in the Temple Court.³⁰⁸ This paradox is even more accentuated when we consider that the “holy” offerings could be slaughtered at any place in the Temple Court and could be eaten by every Israelite anywhere in the city of Jerusalem.³⁰⁹ In contrast, the handful of the Minhah could be taken everywhere in the Temple Court, and could not be eaten by anyone, as it was dedicated to be burnt for the Lord on the altar; only the remainder could be consumed by the male priests inside the Court.³¹⁰ Its holiness was thus of a much higher degree. The permission to perform the act of taking the handful everywhere in the Court thus seems unreasonable, and indicates another oddity of the הגשה rule.

3.8.2 *Placing the Portion on the Altar*

I now wish to draw attention to another step in the performance of the Menahot, the manner of putting the handful of flour or the piece of baked cake upon the altar for the purpose of burning it. Scripture does not indicate how offerings should reach the altar. We find only an instruction concerning the arrangement of the pieces of an animal on the wood upon the altar, in Lev 1:8: “And Aaron’s sons the priests shall arrange the pieces . . . on the burning wood that is on the altar.” In the TS, Col XXXIV: 11, after the comprehensive description of the preparation of the sacrificial animal, from the first step of tying it to the appropriate ring³¹¹ for the slaughter, to the washing and salting of

³⁰⁷ We read in *m. Zevah*. 5:6: “The Thanksgiving offering and the ram offering of the Nazir are ‘holy’ offerings and may be slaughtered anywhere in the Temple’s courtyard.”

³⁰⁸ We read in *b. Menah*. 6b: “We learned: [It is written in Lev 2:2] ‘and he shall take a handful from there’; [the apparently superfluous expression ‘from there’] comes to teach us that it may be performed at a site where the laypeople stand.”

³⁰⁹ The continuation of the above-cited *m. Zevah*. 5:6 states: “. . . and may be eaten by any person within the entire City.”

³¹⁰ We read in *m. Zevah*. 6:1: “[The Menahot] are eaten inside the posts by the male priests.”

³¹¹ In the text the term “rings” is utilized. It is interesting that these “rings” also appear in *m. Tamid* 4:1 as an accessory for the preparation of the animal for slaughter.

its pieces, there is no word on how to lift the pieces onto the altar. The text simply states: “and one burns them on the fire upon the altar.” In the *Testament of Levi*, in a similarly detailed description of the Holocaust offering, we read only “to lift the limbs [of the animal],” with no indication of any specifics.

Rabbinic literature, in contrast, does provide such details. We read in *t. Zevah*. 4:2, and in *b. Zevah*. 62b: “Why are the meat and the blood [in Deut 12:27]³¹² linked together? This equates the meat and the blood; just as the blood must be [sprinkled] by tossing³¹³ [it on the altar], so must the meat be tossed [upon the altar].” In *m. Tamid* 6:6 (7:3), describing how the Tamid offering is performed by the High Priest, we read: “And he laid his hands on them [the parts of the Holocaust offering] and tossed them.” It is also confirmed by an external source, the *Letter of Aristaeus* 92–93,³¹⁴ that this was the manner used in the Temple for the lifting of the Holocaust parts onto the altar. It seems that this particular manner of tossing the meat onto the altar applied only to the meat of the Holocaust offering, but not to the fat of the other offerings whose meat was not burnt.³¹⁵

The usual extension by harmonization that we have observed with respect to many of the rules of the Menahot was not applied to this precept. It seems, therefore, that all the other offerings, including the Menahot, did not have to be tossed onto the altar. At any rate, there is no explicit rabbinic rule on this issue; talmudic deliberations³¹⁶ and post-rabbinic halakhic literature³¹⁷ simply use the term **על**, “to bring up, to lift,” in *hifil* mode. Yet Josephus, in contrast, declares in *Ant.* III:235 that the handful of the Minhah was tossed upon the altar. I do not intend to

³¹² We read there: “Present the burnt offerings on the altar of the Lord, your God, both the meat and the blood.”

³¹³ We read in Lev 1:5: “they shall toss the blood.”

³¹⁴ We read there: Διαλαβόντες γὰρ ἀμφοτέραις τῶν μόσχων τὰ σκέλη, πλείον ὄντα ταλάντων δύο σχεδὸν ἐκάστου, ἀναρρίπτουσιν ἑκατέραις θαυμασίως ὕψος ἱκανὸν καὶ οὐχ ἀμαρτάνουσι τῆς ἐπιθέσεως “For with both hands they grasp the legs of the calves, almost all of which weigh more than two talents each, and then with marvelous deftness they fling them to a considerable height with their two hands, and they never fail of placing the victim correctly.” (Translation by M. Hadas, 1974).

³¹⁵ For the Sin offering of the High Priest and the entire community, the meat was not burnt on the altar, and the blood was not sprinkled by tossing but was smeared on the four horns of the altar (Lev 4:2–21).

³¹⁶ We read, for example, in *t. Menah.* 1:16 regarding the handful of the Minhah: “and he brings it up onto the altar.”

³¹⁷ We read in *Hil. Ma'aseh HaQorbanot* 13:12: “And he brings it [the handful] onto the altar and puts salt on it.”

deliberate here about the validity of Josephus' statements with respect to the minutiae of ritual celebrations,³¹⁸ although he was a priest of aristocratic genealogy, and boasts about his extensive knowledge of the ritual law.³¹⁹ His statement, however, definitely indicates potential dissonance concerning this particular rule, as with the many others discussed in this study.

3.8.3 *Time Limit for Eating the Minhah*

Scripture does not indicate whether there is a time limit within which the independent voluntary Minhah must be consumed by the priests. Such a time limit does appear with respect to the Thanksgiving Fellowship offering in Lev 7:15: "The meat of his Fellowship offering of Thanksgiving must be eaten on the day it is offered; he must leave none of it until the morning." The following v. 16 indicates a more lenient rule for the regular Fellowship offerings: "If, however, his offering is the result of a vow, or is as a Freewill offering, the sacrifice shall be eaten on the day he offers it, but anything left over may be eaten on the next day." The simple interpretation of these verses is that the meat of the offerings must not be eaten after a certain period, creating a difference between the Thanksgiving offering, which must not be eaten the next day, and the regular Fellowship offerings, which may be eaten for two days. Scripture emphasizes the meat element in both verses. The Thanksgiving offering consists of both meat and bread; verse 15 uses the term "the meat of the offering," a phrase that would usually be limited to the meat. Verse 16 also refers to the meat, utilizing the term *חֲבֵרָתוֹ* "his slaughter[ed offering]," the common expression for the Fellowship offering. The rule not to leave the meat for a longer period is sensible, since in the warm climate it would deteriorate quickly³²⁰ and in such a

³¹⁸ See p. 154 and nn. 10–11.

³¹⁹ We read in Josephus, *Life*, 9: συνιόντων ἀεὶ τῶν ἀρχιερέων καὶ τῶν τῆς πόλεως πρώτων ὑπὲρ τοῦ παρ' ἐμοῦ περὶ τῶν νομίμων ἀκριβέστερόν τι γνῶναι "insomuch that the chief priests and the leading men of the city used constantly to come to me for precise information on some particular in our ordinances." (Translation of H. St. J. Thackeray.)

³²⁰ E. S. Gerstenberger, 1996, p. 92 states that the roots of this dietary prescription "are probably already ancient . . . and their origins lost for us in obscurity." Because of the different consumption periods, he maintains that the risk of the meat being tainted is not the motive for the time limit on consumption. Elliger, 1966, pp. 88 and 246, referring to the two apparently conflicting rules in Lev 7:15–18, assumes a different origin for the two decrees. Ancient custom allowed a two-day period; Lev 7:16–18 and 19:6–8 originate from that period, whereas the rule in Lev 7:15 is of a later priestly origin.

condition would present a manifest sacrilege. There is no such risk with respect to the baked bread of the Thanksgiving offering, or the baked voluntary Minhah offerings, and certainly not for the flour Minhah. We also observe that the Showbread was kept on the table for eight days (Lev 24:8); the Rabbis further prolonged this period for up to eleven days.³²¹

It seems, however, that the Sages, with the constant striving for harmonization, decided that the bread of the Thanksgiving offering, as well as the individual voluntary Menahot, must be eaten by the priests on the same day, just like the meat of the Thanksgiving offering. We read in *m. Zevah*. 6:1: “The handfuls of the Menahot can be taken off everywhere in the Temple Court, and [the remainder] is eaten inside the posts by the male priests, in any combination, for a period of one day until midnight.” They extended the application of the one-day time limit to a great number of offerings by means of a complex hermeneutic, cited in *Sifra*³²² and in a slightly altered text in *b. Zevah*. 36a.³²³ The application

One may assume that the priests considered it imprudent to impose a further deprivation on the public with respect to the Fellowship offering, on top of the new additional remuneration consisting of the thigh and breast of this offering. Noth, 1966, pp. 61ff., in contrast, speculates that the rules of the Thanksgiving offering are of earlier origin. These authors do not comment on the absence of any biblical indication regarding the period of consumption for the Guilt and Sin offerings. The Rabbis included all offerings in the rule of one-day consumption, except the Vow and Freewill offerings that have specific decrees in Lev 7:16.

³²¹ The Rabbis (*b. Menah*. 96b) reversed the simple meaning of the narrative in 1 Sam 21:7 referring to the condition of the freshly placed Showbread, and interpreted the verse to mean that by a miracle the bread removed was as hot and fresh on the eighth day as it was on the first day when it was placed on the table. Since they were not concerned with the problem of the bread becoming stale, they thus prohibited its baking on Sabbath. Hence the Showbread regularly lasted a minimum of nine days. When the two days of the New Year were on Thursday and Friday, the bread was baked on Wednesday, and in that case lasted eleven days, before its consumption on the next Sabbath.

³²² We read in *Sifra Zav parshah 7, pereq 12*: “[It is written (Lev 7:15)] ‘The meat of his Fellowship offering of Thanksgiving must be eaten on the day it is offered’ and this comes to teach us that... [the offerings] may be eaten during one day. But this refers to the meat of the Thanksgiving offering, and how do we know that the bread is to be added [to this restriction]? [Answer: The expression] ‘his offering’ [meaning the entire offering that includes the meat and the bread] teaches us. How do we know [the same restriction applies] for the offspring [calved after the dedication of the animal] or an exchange [of the animal dedicated for a Thanksgiving offering]? [Answer: From the expression] ‘and the meat.’ How do we know [the restriction applies] with respect to the Sin and Guilt offerings? [Answer: From the expression] *zevah*. How do we know it with respect to the Fellowship offerings of the Nazir and of Passover? [Answer: From the expression] ‘his Fellowship offerings.’”

³²³ In this passage the restriction is explicitly applied to the bread of the Thanksgiving offering, in contrast to the above-cited dictum in *Sifra*, in which the non-specific

of this limit to the bread and cakes of the Thanksgiving offering and most of the other offerings is explicitly stated in this hermeneutic; this is not the case, however, with respect to the individual *Minhah* offerings.³²⁴ Nevertheless, as we have seen, *m. Zevah*. 6:1 seems to prohibit the consumption on the second day after the offering of all *Menahot* that require the taking of the handful; hence this prohibition includes all voluntary offerings.

Josephus mentions time restrictions in his discussions of the offerings, but this information does not serve as absolute evidence of the exact procedure in the Temple. The text in *Ant.* III: 228–229 is not entirely clear: Josephus refers to a “thank offering,”³²⁵ but mentions a two-day period of consumption; he could be referring to a voluntary Fellowship offering, given, in his opinion, as an expression of thanks. A two-day period of consumption for the particular Thanksgiving offering evidently conflicts with Scripture. In III: 231–232, he indicates that the priests ate the Sin and Guilt offerings only on the day of their sacrifice,³²⁶ as in the rabbinic opinion. In III: 236, he refers to an offering of an animal together with sweetmeats (baked bread), appropriate for the Thanksgiving offering, and from the structure of his text³²⁷ one may

term “the bread” is used: “How do we know [that the restriction also applies to] the bread and cakes of the Thanksgiving offering and of the Nazir? [Answer:] It is written [apparently superfluously] ‘his offering’ and this comes to teach us that all its elements are included in the prohibition [in the continuation of that verse] ‘he must not leave.’” Neither homily, however, includes the voluntary *Menahot* in the rules regarding the time limit. The questions in the homily relate specifically to the cakes of the Thanksgiving offering, and thus we must consider the answers as referring to these particular cakes; the inclusive term “all” in *b. Zevah*. 36a similarly must be understood as referring exclusively to the listed elements, not to other types of offerings.

³²⁴ See the previous two notes. In neither citation is there even an implicit indication that the regular voluntary *Menahot* are included within the exegesis supporting the time limits. In addition to the time limit for the consumption of offerings discussed in our study, Scripture indicates another such one-day limit, for the bread and meat of the Ordination offerings in Exod 29:31–34. From this particular Ordination offering, however, it is impossible to make general deductions; both these offerings are *sui generis*, with particular rules that are in blatant conflict with the regular rules for similar offerings.

³²⁵ Josephus does not indicate the official name of the offering, only the reason for the offering. He mentions: *Τὰς δὲ χαριστηρίους θυσίας* “sacrifices of thanks offering (v. 228),” but does not mention the bread and cakes of the Thanksgiving offering; he indicates a period of two days in which one may eat it: *ἐπὶ δὺ ἡμέρας εὐωχούνται* “for two days they feast.”

³²⁶ We read at the end of 231, referring to the Sin offering: *καὶ τὰ κρέα. ἐπ’ ἐκείνης δαπανήσοντες τῆς ἡμέρας ἐν τῷ ἱερῷ* “and the flesh which they will consume that same day in the Temple.”

³²⁷ We read in the second part of the verse: *ὧν εἰς τὴν ὑστέρα οὐδὲν ὑπολιπεῖν ἐστὶ νόμιμον* “of which nothing may be left over for the morrow.”

deduce that neither the meat nor the bread could be eaten the next day. This would follow the rabbinic interpretation equating the meat and the bread of the Thanksgiving offering; on the other hand, there is nothing here suggesting the same limit of one day for the consumption of the voluntary *Menahot*. *Ant* III: 235, discussing the voluntary *Minhah*, does not indicate any time restriction on its consumption, but this would only serve as evidence *ex silentio*.

The equation of the meat and bread elements of the Thanksgiving offering is a plausible extension, both being elements of one offering; the restriction imposed on one element is equally valid for the other. The restriction to the Sin and Guilt offerings could be justified because they are of the “most holy” type, and it is plausible that the Sages extended the restriction to the *Menahot*, which are in the same category. The different restrictions for the Thanksgiving and the Fellowship offering, both of the lower “holy” category, are not reasonable,³²⁸ but this is explicitly written in Scripture, and is not within the scope of our study.

Another problem that affects our subject is the definition of the exact period within which the *Minhah* could be consumed.³²⁹ Lev 7:15, the source for the hermeneutic extension of the time restriction to the voluntary *Minhah*, contains an apparent contradiction in terms. First it is written: “it must be eaten on the day of its offering,” an expression that would imply that the end of the day is the ultimate cut-off point; but then the verse declares “he must leave none of it until the morning,” which seems to indicate the extension of the time limit until the next morning. The Sages emphasized the second part of the verse. We read in *Sifra Zav parshah 7 pereq 12*: “[It is written] ‘he must leave none of it until the morning’ [and that means that] he may eat it all night. So why did the Sages restrict its consumption until midnight? [As a preventive measure] to distance [the people] from a possible transgression [of exceeding the legal time limit].”

While Qumran halakhah agreed with the Rabbis regarding the extension of the time limit regarding the meat of the Thanksgiving offering to all the *Menahot*, it did not agree with the exact limits of the permitted consumption time. On this issue there is evidence of dissension between

³²⁸ See scholarly opinions with respect to this apparent anomaly in note 320.

³²⁹ This issue is discussed at length in Chap. 2 subchapter 2.2. with emphasis on the similarities and contrasts between rabbinic and Qumranic exegetical methods. To ensure a comprehensive investigation of the sacrificial rules in all their aspects, I repeat here some arguments on this issue.

the rabbinic and the sectarian rules. In the TS 11QT XX: 10–13 we read: “And every Minhah offered with libation according to the rule, and each Minhah offered with incense or dry [without incense], they [the priests] shall remove the handful for its memorial, and shall burn it on the altar; its remains they shall eat in the inner courtyard. The priests shall eat them³³⁰ as *matzot* [unleavened]; it should not be eaten leavened; it should be eaten on that day, and the sun shall not set upon it.” It seems that the scholars of this sect emphasized the first part of the relevant verse, “must be eaten on the day it is offered,” and decided that it must not be eaten after sundown. A similar opinion appears in another (mainly reconstructed) Scroll,³³¹ 4Q394 (4QMMT^a) Frags. 3–7 I: 12–13: “...since the Min[hah must be eaten] together with the fat and the meat on the day of [their of]fering.”³³²

We may thus add another topic to the list of cult issues that incited dissension between the various groups in the late period of the Second Temple, a time at which great significance was bestowed on all the minutiae of the sacrificial method.

3.9 *The Relationship between Rabbinic Rules and Actual Second Temple Practice*

I wish to reiterate here that we do not know whether the bulk or even part of the ritual celebrations found in rabbinic literature, whether disputed by others or not, were actually performed in the Temple in accordance with the rabbinic decrees. Is it possible that their deliberations and decisions, at least in part, were theoretical inspirations derived after the Temple’s destruction through exegesis of the vague and deficient biblical texts? I have cited the fact that the Rabbis who were still alive after the Temple’s destruction did not know the structure and nature of the Temple utensils. This fact, and the many disputes between the Rabbis with respect to the rules of the sacrificial celebrations, as well as the use of some buildings,³³³ demonstrate that at least some of their

³³⁰ I have usually cited the translation of Martínez and Tigchelaar, but in this occurrence I have made some corrections, and have therefore also translated the remainder. In the second part of v. 11, most of the verbs are in *nifal*, and their translation was accordingly adapted. See also Yadin, 1977, Vol. 1, p. 89.

³³¹ See the extensive discussion in chapter 2 subchapter 2.2.

³³² See also subchapter 3.3.4.2.

³³³ In *m. Mid.* 2:5 and 5:4, Rabbi Eliezer ben Jacob, who lived in the last period of the

declarations were not founded upon memorized traditions of Pharisaic rules and/or the actual details of the cult ceremonies.

We have encountered similar evidence with respect to the Minhah offering. The fact that some of the early Tannaim could not identify certain of the vessels indicated in Scripture and used in the Temple for the baking of the Minhah hints at theoretical rather than real arguments. We gain the same impression from the confusion regarding the correct interpretation of the term “all the Menahot made in a vessel,” discussed above. Such theoretical deliberations and deductions of the Sages, without consideration of the actual circumstances, created an array of independent and often contradictory declarations and rules, each based on a particular interpretation or comparison.

I wish to quote in this connection one such extreme example. We read in *m. Menah.* 3:2: “If he did not pour [oil], did not mix, did not break into pieces [the baked item], did not salt, did not wave, did not approach [the altar] or broke them into larger pieces [than the rule in 6:4 provides]³³⁴ and did not spread oil [on the Menahot], they are [nevertheless] fit.” This sweeping, all-encompassing mishnah is already odd with respect to its literary structure. It does not begin with any reference to Menahot, and we can only deduce its relevance to that topic from the context.³³⁵ Many types of Menahot, each having its own particular requirements, are included without distinction. Certain of the listed

Second Temple, admitted that he did not remember the use of two important special chambers in the Temple Court. In *y. Yoma* 1:1, 38f, the name of an important chamber in the Temple, whose use was known, is a matter of debate.

³³⁴ The term מרובות used in the mishnah usually means “many” in rabbinic literature; see, e.g., *m. Sukkah* 3:2, *m. Hag.* 1:5 and *t. Erw.* 8:23. Therefore, it should have been understood here as meaning that the Minhah was broken up into many small pieces. In fact, *b. Menah.* 18a asks whether the term in the mishnah means “more numerous” or “bigger in size” (the term רב can also mean “big”). All the traditional commentators preferred the option “big” and translated accordingly; I follow them in my translation and analysis.

³³⁵ The antecedent mishnah relates to some particular acts of the Minhah celebration performed by the priest in an irregular manner, which do not make the offering unfit. The succeeding mishnah relates to certain errors in the performance of the Minhah that do not make it unfit, and others that do.

faults could apply to all Menahot,³³⁶ others relate to two types³³⁷ and another to one particular type.³³⁸

The statement that the Menahot are apparently valid despite some essential deficiency is even more bizarre. In its deliberation on this mishnah, *b. Menah.* 18a immediately expresses amazement at the first deficiency listed, and asks: “What does it mean ‘he did not pour [oil]’? If we say that it means that he did not pour [any oil] at all, [this is impossible] since this is an indispensable condition.³³⁹ [And the answer is: The mishnah means] that if a layman poured [the oil] instead of the priests [whose prerogative it was, the Minhah is valid, but if no oil was poured, it is unfit].” The *Gem.* assumes that this answer is also valid for the other faults. There is then a retort that this equivalence is not correct, since if the mixing of the oil with the flour is omitted, the Minhah is valid even if the added oil was not mixed at all. The answer is that regarding the mixing, the mishnah relates to a *total* omission of mixing the oil, and nevertheless declares the Minhah valid.³⁴⁰ There then arises the question of the omission of salt, which is obviously indispensable.³⁴¹ The answer in this case is that the mishnah does not relate to the handful taken for the altar, which would evidently make the Minhah unfit if it were burnt without salt, but refers to the remainder of the Minhah, which also requires the addition of salt, but is valid if one failed to add it.³⁴²

We observe the Sisyphean attempt to harmonize the mishnah with so many conflicting rules by alleging that each rule refers to a different contingency. It is interesting that the *Gem.* does not raise the topic of the

³³⁶ We read in Lev 2:13: “season all your grain offerings with salt,” and this decree is repeated in the same verse: “add salt to all your offerings,” as a must for all offerings. As a consequence of this scriptural decree, we read in *b. Menah.* 20a: “Just as the performance of offerings is impossible without priests, so is the addition of salt equally imperative at the performance of the offerings.” The *Gem.*, in the deliberations on the mishnah, attempts to resolve this odd dictum, as we shall see later.

³³⁷ Only the Jealousy and the vegetal Sin Menahot required waving.

³³⁸ Only the wafers require oil to be spread upon them (Lev 2:4). The Sages also confirmed this simple interpretation, and we read in *m. Menah.* 6:3: “The cakes require mixing and the wafers [require] spreading [of the oil upon them].”

³³⁹ This statement is taken for granted, and Rashi in his comments cites the supporting evidence, quoting well-known halakhic principles.

³⁴⁰ We read in *b. Menah.* 18b: “This one [refers] to a specific case, and the other one to another [specific] case.”

³⁴¹ See n. 336.

³⁴² It is interesting that Maimonides in *Hil. Ma'aseh HaQorbanot* 13:11, which refers to the rules of our mishnah, entirely omits the contingency of not adding salt.

failure to spread oil on the wafers. According to the simple reading of Lev 2:4,³⁴³ these thin and dry wafers were baked without oil; therefore the oil, a principal element of the Minhah, had to be spread on them after the baking. It is thus impossible to see how wafers missing this oil³⁴⁴ could be considered a valid and a fit offering. We do not encounter any rabbinic statement or hermeneutic declaring a Minhah without oil to be fit; according to *m. Menah.* 1:3 (cited on p. 203), even a small deficiency from the prescribed *log* of oil invalidates the Minhah.³⁴⁵ One must conclude that the endless hermeneutics resulted in an array of diversified rules and ramifications that could not always be grasped in their totality, and systematically organized; in certain cases, inconsistencies were overlooked. These circumstances also demonstrate that such rules were the product of theoretical deliberations, without reflection on the practical consequences; hence one must deduce that at least some of these cult rules were not the custom in the Temple.

Having exposed the problems and difficulties of the harmonization approach that was the basis of rabbinic interpretation, I would in turn like to defend their approach and attempt to explain and justify their method as a reflection of their creed and its unavoidable consequences. I consider the harmonization method to have been a response to two distinct problems. Its first aim was to resolve contradictory statements

³⁴³ See subchapter 3. 7. 2. for the analysis of this verse and its consequences.

³⁴⁴ Lev 2:4, as we have seen, requires the oil to be spread on the wafers, since they were baked without oil. In *m. Menah.* 6:3, cited on p. 223, the manner of adding oil to the Menahot baked in a form is described, and there it is declared that this process is to be performed for the wafers by spreading oil on them. Moreover, the mishnah states that it is spread in the form of an X, and the remainder of the oil is eaten by the priests. This validates my assumption that no oil was added to and mixed with the wafers before the baking. Bavli *Menah.* 75a is even more explicit on this issue, stating: "One brings a *log* of oil [the entire required quantity] and spreads it repeatedly [on the wafers] until the whole *log* of oil is entirely used up."

³⁴⁵ It is possible that they considered that the oven-baked Menahot do not require three additions of oil, but only two: the pouring and the mixing for the cakes, and the pouring and spreading for the wafers. But as we have seen in the antecedent note, the wafers had no oil added before the baking. It seems that the diversity and complexity of the rabbinic hermeneutics and halakhot made it extremely difficult, if not impossible, for the commentators to arrange them in a reasonable, contradiction-free classification. As we have seen, this also occurred in rabbinic literature.

in Scripture, both in narrative³⁴⁶ and in ‘legal’³⁴⁷ pericopes; its second aim was to remedy the lack of precise rules and procedures, some real, and others resulting from the Sages’ conception of “what ought to be.” As I have noted (p. 17), early cult celebrations in Israel were performed spontaneously by the offerers themselves, without much attention to or concern about exact rules. Formal rules slowly developed, thanks to the activities of an experienced clerical group, the Levites.³⁴⁸

The increasing sophistication of the cult ritual started with its centralization in Jerusalem, and reached its climax with the final editing of the P stratum of the Pentateuch, during a period of total domination by the Aaronite priestly clan. As we know, the editors did not destroy many prior *Vorlagen*, and various pericopes created in earlier times amid different circumstances and customs were incorporated into the edition in our possession. Modern scholars attempt to explain contradictions between different biblical statements and rules diachronically, by attributing them to different sources, or as reflecting changed circumstances in different periods. Through various methods, they attempt to identify the earlier or later origin of entire pericopes, verses, or even smaller constituent elements.³⁴⁹ The Sages, who believed that the Bible

³⁴⁶ We read for example in Gen 46:26: “Jacob’s children were sixty-six persons”; but the next verse, after adding Joseph and his two sons, states: “The members of Jacob’s family, who went to Egypt, were seventy in all.” There is evidently a discrepancy in the number seventy, since sixty-six and three (Joseph’s wife was not counted as the wives of his brothers were in Gen 46:26) are sixty-nine, not seventy. The Rabbis attempted to reconcile this inconsistency and came up with the idea that Yokheved, Moses’ mother (Exod 6:20), was born between the walls of Egypt, as is recorded in Num 26:49, though she was conceived outside Egypt. Thus Gen 46:26 records the number of souls who *went* to Egypt, and v. 27 refers to those *in* Egypt, which includes Joseph, his two sons and Yokheved. The Rabbis were well aware of the many inconsistencies in Scripture, and attempted to justify them within the framework of their belief that since these are God’s words, they cannot be wrong, and an explanation must be found.

³⁴⁷ An evident contradiction exists between the type of Sin offerings decreed in Lev 4:14 and Num 15:24 for an unintentional sin of the entire Israelite community. A homily in *b. Hor.* 8a declares that the offering in Num 15 relates to the sin of idolatry, for which a special offering is required, whereas Lev. 4:14 refers to other sins excluding idolatry. I. Knohl, 1990, asserts that the two decrees originate from different periods. A similar conflict is evident between Exod 21:2 that commands freedom for an Israelite slave after six years of work, and the rule in Lev 25:28 decreeing his freedom at the Jubilee year. Bavli *Qidd.* 16a reconciles the inconsistency by explaining that he is to be freed at whichever date occurs earlier.

³⁴⁸ We read in the Micah narrative in Judg 17:13: “...since this Levite has become my priest.” See Heger, 1996, pp. 262ff.

³⁴⁹ For a study of the stages in the development of the altars, in practice and with respect to their impact in the text, see Heger, 1999, pp. 14–17.

is God's word, permanent and immutable, could naturally not acknowledge a diachronic approach, or the amalgamation of different sources and modifications, and had to harmonize the contradictions, devising resourceful and often ingenious solutions. For the second aim, a similar hermeneutic approach was undertaken to remedy the absence of exact rules. As hinted above, many real lacunae and vague commands compelled them to devise the necessary details of the precepts and prohibitions, to be able to fulfill them. Other rules resulted, as I have suggested, from the Sages' perception that every command must be accomplished in a strictly fixed manner in every minute detail; nothing could be left to ad hoc performances, which would lead to totally inconsistent rituals, in different places and times. They devised complex rules of exegesis,³⁵⁰ founded upon logical considerations that enabled them to proceed to their goal in a fairly³⁵¹ systematic fashion. This is illustrated in the following example.

As we have observed, the Sages could not envisage that an exact measure of flour and oil could be required for one Minhah, but not for another. The desire to avoid having any words or even letters in the Torah considered superfluous constituted a basic and guiding principle. Therefore, where there was a lack of details in some commands, these details were assumed unnecessary, since they could be deduced from similar commands in which the details appeared. The first step in such a deduction was to compare the decree that lacked a detail to a similar decree that contained it. We have noted, for instance, the discussion in *Sifra*³⁵² regarding the required quantity of oil to be added to the High Priest's Minhah. The deliberation in *Sifra* begins: "And I do not know how much [oil is required], so I consider: this [Minhah] requires oil and the auxiliary Minhah requires oil [and there Scripture tells us the exact quantity]." We are thus to compare the two decrees and decide accordingly that the same quantity applies to the High Priest's Minhah. But a further question arises: "[Why would you compare it to this Minhah]? Compare it rather to another type that also requires oil [in a different quantity]." The apparent solution follows: "Let us see to which Minhah

³⁵⁰ A sophisticated and well-balanced system was developed: seven rules of Hillel the Elder and thirteen rules of Rabbi Ishmael (*Sifra Baraita de Rabbi Yishmael parshah I*); thirty-two rules of Rabbi Eliezer son of Rabbi Jose Haglili (baraita of the thirty-two *midot* and *Yalqut Shimoni*, Gen, *remez* 20).

³⁵¹ But as we have seen, they often used it selectively according to their predetermined opinions.

³⁵² N. 18.

it should be compared”—that is, which Minhah has a greater number of similarities to our Minhah, the correct criterion for choosing the most appropriate comparison. These deliberations assessing the number of common characteristics between the decrees that are potentially to be compared are sometimes quite extended and elaborate; they include both positive comparisons—“their equal character”—and negative ones³⁵³—“the one does not look like the other [they are not similar].” In some instances, negative factors are raised to oppose an apparently appropriate comparison, or vice versa.³⁵⁴

The above examples offer insight into the reflections of the Sages in their attempts to deduce missing rules and regulations through comparisons of one ritual celebration to another.³⁵⁵ We must agree that the Sages’ deliberations are based on sound logic that is as valid today as it was in their period. The problems I have mentioned in this chapter ensued because their considerations were mainly theoretical, and often did not consider the practical consequences. They thus arrived at some extremely odd conclusions, which, I would not hesitate to state, were never actually in practice in the Temple.³⁵⁶ We may note again one of the examples I have cited (nn. 277 and 290) regarding the “taking of a handful” of baked Menahot, which required the breaking of a large Minhah into thousands of small pieces, to be offered in this form to the priests. Scripture does not require the “taking of a handful” of the baked Menahot; it provides only that an undetermined portion be burnt upon the altar. But the Sages could not envisage that the removal

³⁵³ In *b. Menah.* 60b, in a comparison deliberating which Menahot require waving and bringing near the altar.

³⁵⁴ For example, in *b. Menah.* 19b there is an attempt to compare a procedure decreed for the consecration Minhah in Lev 9:17 to a regular Minhah, and this is rebutted by the statement: “We cannot deduce a rule for a perpetual celebration from a similar rule for a particular, one-time celebration.” The reverse idea is expressed in *b. Menah.* 59a, rebutting the suggestion to add frankincense to the consecration Minhah by comparing it to regular Minhah: “We cannot deduce a rule for a particular, one-time celebration from a similar rule for a perpetual celebration.”

³⁵⁵ See J. Neusner, 1999, p. 111, who writes: “The distinctive mode of thought...in the halakha is of the analogical-contrastive kind... Things are alike and fall into the same classification... or they are unlike and fall into contrasting, opposite classifications.” I think that this general statement is equally appropriate for my thesis, though Neusner has another purpose underlying his classification. For a comprehensive study of analogical arguments in halakhic development see B. S. Jackson, 1994.

³⁵⁶ S. Safrai, 1985, p. 14, alleges that already in the late tannaitic period many rules and customs of the Temple celebrations had been forgotten and were unknown. He also questions whether rabbinic deliberations regarding the expansion of the halakhah reflect the real rituals in the Temple.

of the portion to be dedicated to the altar could be left unregulated, in contrast to other instances in which Scripture did provide such a rule. The harmonization system, with its aim of complementing vague or absent rules and regulations, had a logical basis, but theory by itself does not provide suitable practical solutions.

3.10 *Conclusion*

I have exposed in this chapter a great number of questions concerning the correct performance of the voluntary Minhah offering. With respect to certain topics there is explicit evidence of dissension and its causes; with respect to others I have alluded to issues that might have been the source of conflict. Many of the problems derive from lacunae in Scripture, while others are the result of different interpretations of vague decrees. Certain conflicts arose between the Sages themselves, while others (opposing halakhot recorded in the TS, *Testament of Levi*, Damascus Document, and the MMT) reflect differences between the halakhot of the dissident groups and those in rabbinic writings with respect to the rules and regulations of the Minhah offering (and other topics). In our considerations, we must keep in mind that the above sources contain no definite information on the identity of their writers/composers, or of the opposing party or parties in the occurrences in which they engage in debates. Similarly, there is no documentation at all from the Sadducees, likely an important group in many respects,³⁵⁷ and we must rely exclusively on questionable rabbinic narratives regarding their debates with the Sadducees, with respect to both their substance and the identity of their opponents or interlocutors. The MMT, written in a style extremely similar to that of rabbinic literature³⁵⁸ offers in its polemics hard evidence of real disputes, probably with the Pharisees, the assumed antecedents of the Rabbis. Parallel disagreements in both sets of sources are extremely scarce, but given the numerous conflicting halakhot that we do see in our analysis of their respective writings with

³⁵⁷ The fact that we do not encounter in the Talmud any debate or conflict with the Essenes, or any group other than the Sadducees (and in two instances the Boethusians, which are ignored by all other relevant sources), indicates that the Sages concentrated their criticism on this particular group, for reasons about which we can only speculate. See chap. 4, subchapter 4. 2. 4. and especially p. 309 on this issue.

³⁵⁸ See Y Sussmann, 1990, p. 70, and the translation of this text in chap. 2 note 162.

respect to cultic rules and procedures, we may assume that the extent of disputes about these rules and procedures, and even about the *Minhah*, apparently the most simple of offerings, was broader than what is revealed by the documentation at hand.³⁵⁹ The historical evidence of real disputes in Judean society about some of these rules, from Josephus and Qumran writings,³⁶⁰ substantiates this assumption. In this extensive analysis of rabbinic considerations and deliberations, I hope to have demonstrated the potential for myriad disputes about the precise rules of the cult ceremonies and the possible reasons for such disputes. The next chapter will investigate the practical consequences of these disagreements, and their impact on Israelite society in the late period of the Second Commonwealth.

³⁵⁹ Chapter 4 discusses a number of the documented disputes.

³⁶⁰ We read in *Ant.* XVIII: 17: "They [the Sadducees] accomplish practically nothing, however. For whenever they assume some office, though they submit unwillingly and perforce, yet submit they do to the formulas of the Pharisees, since otherwise the masses would not tolerate them." Josephus does not elaborate on the nature of the disputed issues, but a narrative in *b. Yoma* 19b corroborates this situation and reveals one of the issues: "There was a Sadducee who had arranged [the incense] outside [the Holy of Holies on the Day of Atonement]...his father met him and said to him: 'My son, although we are Sadducees, we are afraid of the Pharisees.'"

CHAPTER FOUR

CULT AS A CATALYST FOR DIVISION

4.1 *Introduction*

I have discussed in chapter 1 the historical disagreements on cult issues in ancient Israel prior to the late Second Commonwealth period, and the internal struggles that resulted. I then examined the character of and principles underlying the literature found at Qumran, and compared it with the rabbinic literature assumed to represent the halakhah and opinions of the Pharisees, the predecessors of the Rabbis and the contemporaries of Qumran. The focus was specifically on the similarities and dissimilarities of the exegetical methods used by the two groups. Subsequently, I demonstrated the plausibility of there being copious misunderstandings and disputes regarding the exegesis of biblical cult ordinances, due to the lacunae and imprecise rules in the relevant biblical texts. I now approach the core of my inquiry, on the motive/s that triggered the division of Israelite society into groups or sects in the late Second Temple period.

Since we possess no written records of the dissident groups and their ideologies with the exception of the Qumran/Essenes group, and our records of rabbinic attitudes towards the dissidents and their halakhic rules are stated to involve either Sadducees or Boethusians, we must first scrutinize the rabbinic references to these groups; we will focus specifically on the authenticity of these records with respect to their identification of these groups, and the faithfulness with which the rabbinic debates with them were set out. The examination of the relevant rabbinic literature is also essential to our attempt to solve the question of why the disputes of the Pharisees with the dissident groups provoked division and in some cases separation in Israelite society, whereas the renowned disputes between the “Houses of Bet Hillel and Bet Shammai” that occupy a leading position in the mishnaic literature did not have the same effect. Talmudic records indicate both severe tensions and friendly attitudes between the Houses, yet it seems there was never a threat of these disputes causing societal divisions. A comparison of these two sets of similar circumstances should enable us to discern the particular issues that instigated division in one case, but not in the other.

4.2 *Rabbinic References to ‘Dissidents’*

Although a detailed examination of the identities of the different sects is not within the scope of this study, I will set out my general hypothesis regarding the identity of the disputants in the rabbinic narratives. I propose that the total indifference of the Sages to maintaining accurate historical records resulted in an indistinct muddle¹ of Sadducees and Boethusians as the only dissident groups in rabbinic literature. The Sadducees are acknowledged in other sources, whereas the Boethusians seem to be unheard of in sources other than the rabbinic writings. On the other hand, the talmudic literature totally ignores the Essenes, who are acknowledged in other sources and were unquestionably a significant sect in their heyday, intellectually² if not numerically, who definitely opposed the rabbinic halakhot.³ These inconsistencies indicate a rabbinic disregard of historical facts and/or of the accuracy of their details.⁴

¹ See the citation from *Avot R. Nat.* on this issue in n. 24.

² H. Stegemann, 1992, p. 165, writes that the Essenes were the “leading group of Palestinian Judaism in their time.”

³ This statement is based on the almost unanimous opinion that the writings found in Qumran were in the possession of the Essenes and reflect their outlook, regardless of whether the Essenes composed them themselves or adopted works of other writers.

⁴ I will quote two examples that show the lack of concern for historical accuracy in rabbinic literature. The first is from *m. Sukkah* 4:9, where it is stated that a priest once poured the water of the Sukkot libation on his feet and was then pelted by the people with their *etrogim*. In *b. Sukkah* 48b it is added that this person was a Sadducee priest, and the commentators correctly explain that since the Sadducees did not believe that the water libation was a Torah precept, this priest poured the libation away from the altar to show his disdain for this Pharisaic/rabbinic custom, which had been deduced by far-fetched hermeneutics. In *t. Sukkah* 4:9 it is a Boethusian who poured the water on his feet. Josephus, *Ant.* XIII: 372, records this pelting, but names the target as the king and High Priest Alexander Yannai; he states that this event was the result of the people’s rebellion against this king because of his cruelty and because, as a descendant of a captive woman, he was not fit to be a priest. One must grant more credibility to the particulars of Josephus’ narrative than to the rabbinic account, as the Sages’ likely bias was to accuse the Sadducees of this misdemeanour and show the people’s opposition to it. (See Heger, 1999b, for a detailed study of this event.) Another example of inconsistency between the Talmud and Josephus concerns the record of a census of pilgrims who came to Jerusalem for the Passover feast. In *J.W.* VI: 422–425 Josephus records that Cestius, governor of Syria, instructed the chief priests to take a census of the population of Judah. This was done at the Passover festival by counting the offerings; at least ten persons, and often as many as twenty, participated in each offering. The number of slain lambs counted was two hundred fifty-five thousand six hundred. A baraita in *b. Pesah.* 64b records that king Agrippas wanted to know the number of the Israelites and asked the High Priest to count the Passover offerings. The latter counted one kidney of each offering, and the result was a sum of six hundred thousand pairs—that is, double

This indifference was exacerbated by the fact that the talmudic reports of the various disputes were recorded in a period much later than their presumed occurrence, when these sects had already disintegrated.⁵ One can thus understand that the relevance of these records must be questioned. The Sages certainly did not envisage the possibility of a recurrence of these problems should Israel's independence be renewed or the Temple cult restored; from historical evidence, it seems that the Pharisaic victory over these 'dissidents' was overwhelming after the Temple's destruction.⁶

In such circumstances, I suggest that the Rabbis bundled all the factions together under the designation "Sadducees."⁷ We may note at various points in history the similar use of the term 'dissidents' to include all opposition and splinter groups regardless of their ideologies, and the

the number of the Israelites who came out from Egypt (Exod 12:37). Both passages record the same event, but the particulars are totally different. I am not referring to the numbers, since both records seem exaggerated, but to the authority who had requested the census. I think we must give credence to Josephus rather than to the rabbinic story. It is reasonable to assume that Cestius was interested for political and tax reasons to have a census; further, a census was considered a sinful act (2 Sam 24 and especially v. 17). Moreover, the enormous number of participants seems completely incongruous with other rabbinic narratives regarding the number of participants in the Passover sacrifice. We read in *m. Pesah.* 5:5 that the slaughter and the skinning of the Passover offering was performed in three groups; but it is said in mishnah 5:7 that this never in fact happened—according to Rabbi Judah there were very few people in the third group. One should assume that the slaughter and skinning took place in the Azarah of the Israelite men in the Temple like all the other offerings. But this site was only eleven cubits wide and one hundred thirty-five cubits long (*m. Mid.* 2:6), from which one must deduce the space taken up by six chambers (*m. Mid.* 5:3–4); it is therefore difficult to see how so many people could stand in this space, let alone slaughter and skin their animals. Even if we assume that the celebration took place in the Women's precinct, which was one hundred and thirty-five cubits square, and contained four chambers of forty square cubits each, it is still practicably impossible for such a space to hold even half the number of men mentioned. We again observe the rabbinic indifference to precision in their historical narratives.

⁵ A. I. Baumgarten, 1995, p. 16, states that most people in antiquity knew "remarkably little" about the past, particularly that prior to their own lifetime.

⁶ J. Le Moyne, 1972, p. 121, notes that while there are references to the Sadducees in the Synoptic Gospels, they no longer appear in the parallel narratives in the later Gospel of John. John uses the terms "Jews," "High Priests" and "Pharisees" instead. Le Moyne, 1972, p. 130, suggests that the term "Sadducees" in Acts 4:1 was probably interjected by the redactor.

⁷ It is plausible that they used the term Sadducees, and not Essenes, because the former took part in the life of the community, and at times were the dominating political power. See I. L. Levin, 1981, who describes the political struggle between the Pharisees and Sadducees in the Hasmonean period. J. Baumgarten, 1992, p. 513, also questions "whom they [the Rabbis] included under the latter designation [Sadducees]."

use of the term “Protestants” for a variety of Christian denominations⁸ with different ideas and customs, whose sole common trait was their conflict with the contemporary ‘general’ consensus of Western society.⁹ Though lumped together in the ‘public’s’ view, these groups did not profess the same ideologies or act according to the same customs. The crucial (and difficult) determination in such cases is the splitting off of a defined group from the ‘general’ society; thereafter, the creation of further sub-groups is a normal development.¹⁰ The multitude of such splinter groups in the late Second Temple period¹¹ was also a factor in the Sages’ resolution not to name each one separately.

We observe, in fact, from the various Qumran writings, that there were different nuances of legal interpretation¹² and different

⁸ P. R. Davies, 1990, p. 508, uses this analogy for the term “Essenes.”

⁹ See Y. Sussmann, 1994, p. 199 on this issue, and also his “Postscript” of August 1993, on p. 200. He writes: “Only from the perspective of the Pharisees were all the opponents . . . included in the same category . . . they generally speak only of ‘Sadducees,’ an inclusive term, apparently referring both to Sadducees and Boethusians. The Essenes waged a dual battle. . . .” I wonder that Sussmann did not perceive his statement as conflicting with his opinion identifying the Essenes as Sadducees and classifying the halakhot of QMMT and the other rules of the Dead Sea Scrolls as “Sadducean Halakhah” (see Sussmann, 1990, and n. 38). As we cannot rely on the identification of the various groups in rabbinic literature, which Sussmann concedes, we have no basis whatsoever on which to make comparisons between “Sadducean” halakhot (for which the only source is rabbinic allegations against them), and the halakhot of the Dead Sea Scrolls. It is possible, for instance, that the debate with the “Sadducees” recorded in the Talmud constituted in fact a discussion with the Essenes.

¹⁰ See the example of the divisions assumed in the “Groningen Hypothesis,” F. García Martínez and A. S. van der Woude, 1990.

¹¹ We read in *y. Sanh.* 10:5, 29c: “Rabbi Yohanan said: The Israelites were exiled because they turned into twenty-four groups of heretics.” Rabbi Yohanan refers to the period before the Temple’s destruction, and describes the plethora of groups at that time. We can only speculate whether he considered the disunity of the people as the reason for its defeat, or whether it was the growth of heresies that justified divine punishment; for our purpose his statement suffices to establish a tradition regarding the existence of a great array of splinter groups in this period. The number twenty-four is a ‘typical’ number in rabbinic literature and does not necessarily reflect an accurate sum; see *b. Pesah.* 50b; *b. Ta’an.* 27a; *b. Mo’ed Qat.* 9a; and *b. B. Qam.* 110b, among others. M. Kister, 1987, concludes his essay with the declaration that from the writings of the Qumran sect we learn that within the framework of the three main sects (Sadducees, Pharisees, Essenes) many sub-groups existed with different nuances in ideology etc.

¹² F. M. Cross, 1995, p. 37, deduces from the variety of books found at Qumran that one cannot perceive the Qumranites as a single sect with the same ideology. Such variety indicates either pluralism, or a library collected from different sources. On this point see also John. W. Martens, 1990, p. 28, who writes: “No two documents from Qumran have been shown to be products of the same community”; P. R. Davies, 1999, p. 162, who rejects the assumption that the Qumran corpus must be ideologically consistent; H. Stegemann, 1989, p. 143, who proposes that the TS was composed independently of

lifestyles¹³ among these dissident communities, at the least; presumably such nuances could also be found throughout Judean society. The discussions of the Sages with “Sadducees” that are cited in the rabbinic literature do not, therefore, unquestionably establish that such debates did actually take place with representatives of the Sadducee sect.¹⁴ One should rather assume that these narratives represent a rabbinic attempt to challenge and eradicate dissident ideas and opinions¹⁵ of all types and origins—Sadducean, Boethusian, Essene, and their splinter groups—that were presumably still surviving among learned people even after the dissolution of the sects as identifiable, organized groups.¹⁶ Indeed,

the Qumran community, and that a number of other writings may similarly have come to the Qumran libraries through new members; and S. Metso, 2000, pp. 86–7, who suggests that Qumran society was a conglomerate of many groups who differed in their beliefs and practices, and that it is problematic to reckon with only two monolithic groups. L. H. Schiffman, 1999, draws attention to the different literary styles of the Damascus Document and the TS. He emphasizes that they do not share a common literary form (p. 137), nor are all laws parallel (pp. 138ff.); he notes in particular certain differences in ritual law (p. 143). In general, many essays in *The Dead Sea Scrolls at Fifty* demonstrate a trend toward perceiving a diversity of sources and halakhot in the Qumran literature. Recently, more insightful studies of Qumran jurisprudence have drawn scholarly attention to this fact. As will be discussed below, certain halakhot seem to have an affinity with Sadducean law, while others correspond to the common rabbinic halakhah. Y. Sussmann, 1990, p. 69, maintains that there were severe struggles and disputes even among the Sadducees themselves.

¹³ J. M. Baumgarten, 1999, deduces from the various texts the “bifurcation of lifestyles within the larger framework of sectarian ideology,” and maintains that Qumran society “embraced different subspecies.”

¹⁴ A. J. Saldarini, 1988, maintains that the ridicule with which the Sadducees are portrayed in the Mishnah suggests the doubtful reliability of the rabbinic narratives in this respect. See also J. Lightstone, 1975, who refers specifically to the rabbinic records on our subject, the ‘alleged’ halakhic debates between the Pharisees and Sadducees, and questions their historical veracity.

¹⁵ J. Lightstone, 1975, p. 216, speculates that “the Tannaim have projected some of their laws on the Pharisees believing them to have been the basis for the inter-party conflict.” His conjecture is in its broader outline similar to my thesis.

¹⁶ We may compare this to John Chrysostom’s bitter criticism of those Christians who cooperated with Jews in religious matters, kept the Sabbath, the “great fast,” and other Jewish festivals; they even submitted, he said, to circumcision and participated in pilgrimages to Jewish holy places. He delivered his censure in Antioch in his renowned eight sermons (386–387), that is, much after Paul’s abolition of the Jewish precepts and holidays. We nonetheless observe that many Christians, likely reading or knowing the decrees of the Old Testament, still considered them relevant and valid. Just as John Chrysostom attempted to defame the synagogue, which he compared to a pagan temple and considered the source of all vices and heresies, one may assume that the Sages acted to deprecate the dissident opinions, so as to utterly eradicate them. See S. Safrai, 1994, p. 72, who states that after the Temple’s destruction the Zadokite movement ceased to exist as an organized group, but isolated remnants survived. He quotes certain talmudic citations that reflect the Sages’ endeavours to return the scattered dissidents to the fold.

both from the rabbinic records of the disputes and from the halakhot of the Dead Sea Scrolls, we note many occurrences in which the rules of both the ‘dissidents’ and the Rabbis—assumed to be the followers of the Pharisees—proceeded, in broad lines, on common ground and with similar methods.¹⁷ Even the literary style and conceptual arguments of the halakhic scroll, the *Miqtzat Ma’aseh HaTorah*, are similar to the rabbinic mode of expression.¹⁸

The rabbinic maxim “to eliminate from the heart [mind] of the Sadducees [their mistaken opinion],” cited with respect to a number of such conflicting halakhot,¹⁹ indicates a public display of Pharisaic authority in the periods in which they were the dominant faction, and possibly an intent to convince the Sadducees (and/or Boethusians, as we shall see below) of their erroneous opinions. We need not analyze all the cited ‘debates’ with the Sadducees, or the halakhot of the Desert Scrolls that are evidently in conflict with rabbinic pronouncements, to substantiate the plausibility of disputes within the boundary of shared traditions and exegetical procedures.²⁰

¹⁷ See on this statement J. Licht, 1965, pp. 294ff., and chap. 2 of this book.

¹⁸ See Y. Sussmann, 1990, p.22, who emphasizes this character of the Scroll.

¹⁹ *b. Yoma* 2a, 13a; *b. Hag.* 16b, 23a; *b. Mak.* 5b; *b. Zevah.* 21a. In *m. Parah* 3:7 it is stated “because of the Sadducees,” without any further explanation, but when this mishnah is cited in *b. Yoma* 5a, the complementary, routine formula “to eliminate from the heart [mind] of the Sadducees” appears. In some instances, when the explanation is not offered, Rashi adds it; in *m. Menah.* 10:3, for example, regarding the reaping of the Omer sheaf on Sabbath in conflict with the Boethusian halakhah, Rashi states: “Therefore the reapers raised their voice so that the Boethusians should hear it, in order to eliminate from their mind [their wrong opinion].” Cf. Y. Sussmann, 1990, p. 67, n. 220, who interprets the purpose of the formula as ensuring that the particular deed got publicized. It seems to me that the simple meaning of the phrase “to eliminate from the heart [mind] of the Sadducees” is that the particular deed was performed to influence the Sadducees and not the public, as Sussmann suggests in his interpretation. The rhetorical question in the mishnah, “why does one do all that,” refers to the thrice-repeated question and answer as to whether to reap on Sabbath, and has no connection to the preceding account that the reaping was performed “with great pomp.” Rashi, as we have seen, also understood the phrase as directed toward the Boethusians, and a number of traditional commentators utilize this phrase in other occurrences with the same intent—that is, to convince those who hold on to erroneous opinions. Maimonides, *Hil. Issure Biyah* 11:15, writes in relation to an erroneous practice that originated, in his opinion, from the Sadducees: “And it is a precept to impose [the correct rule] in order to eliminate from their heart [the wrong opinion] and convert them to [obedience to] the Sages’ regulations.” There are similar expressions in the Responsa literature, such as: “to eliminate from their heart [the wrong opinion] of those who say,” or “of heretics” and similar. These expressions clearly indicate that the deed was performed in order to influence those who possessed the wrong ideas, and not the public in general.

²⁰ See chap. 2 on this issue. J. Licht, 1965, p. 294, states: “Therefore, it seems to us

I will first consider the authenticity of the rabbinic records with respect to their debates with the Sadducees; references in rabbinic literature to Boethusians do not take the form of debates but rather are third-person narratives.²¹ Such an examination will assist us in determining whether indeed these records refer to real discussions and argumentation, or are simply a defence of the Sages' opinions. Such an analysis will also assist us to shed light on the particular characteristics of the Boethusians. I will then consider whether the alleged debates between the Pharisees and Sadducees regarding sacrificial rules can be considered to reflect actual Temple practice. Lastly, I will discuss the scholarly proposition that the Sadducees and Essenes/Qumranites were the same group. As evidence for my arguments I will refer to both rabbinic and Qumran writings.

4.2.1 *Pharisaic-Sadducean and Pharisaic—Boethusian Disputes*

The various indistinct references to Sadducees and Boethusians²² in rabbinic literature create confusion between these two names; such confusion raises doubts as to the reliability of the rabbinic reports of these disputes, at least with respect to their details and the actual identity of the groups involved.²³ The traditional commentators, similarly uninterested in historical precision, perceived them as identical, bolstered by the record of their foundation found in *Avot R. Nat.*²⁴ With a view to

that there existed principles and basic concepts acknowledged by all of Israel, and these served as the background for the disputes about their details.”

²¹ In *b. Menah.* 65a there is a debate with Rabban Yohanan ben Zakkai, but I doubt the authenticity of this narrative, as I shall explain below.

²² The contenders may be described as Sadducees in one source and Boethusians in another. For example, the antagonists in the story of Judah ben Tabai, who erroneously executed a false witness to challenge the dissident opinion, appear in *t. Sanh.* 6:6 as Boethusians and in *b. Hag.* 16b as Sadducees. See nn. 30 and 31 for many identical disputes that appear in some rabbinic sources attributed to the Sadducees and in others to the Boethusians.

²³ See also A. J. Saldarini, 1988, pp. 226–7, on the reliability of rabbinic identifications of their opponents. The Sadducees became the stereotypical antagonists. Scholars question even the authenticity of rabbinic attributions of dicta to earlier Sages, and we must consequently doubt the authenticity of rabbinic identification of their contenders. See a list of such scholarly opinions in Heger, 2003, p. 366, n. 45.

²⁴ *Avot R. Nat.* Recension B, chap. 10, chronicles a theological debate and disagreement between the Sage Antigonus Ish Soko and his two disciples, Zadok and Boethus, giving this as the motive for the disciples' breach with the general community of the Pharisees. From the context it appears that only their names distinguished between

presenting a more coherent picture of the differences between these groups, I will examine whether specific disputed issues in the rabbinic literature can be linked to a particular group.²⁵

4.2.1.1 *Calendar Issues*²⁶—*A Schism with the Boethusians?*

Two significant disputes concern the correct dates of the Feast of Weeks²⁷ and the reaping of the Omer, two events that are intrinsically

them; in all other respects they were identical. It is likely on the basis of this source that Rashi in his comments to the term “Boethusians” in *b. Sukkah* 43b, states: “[This refers to] the disciples of Boethus and they are Sadducees.”

²⁵ I am careful to emphasize that nothing can be assumed to be entirely accurate, due to the censorship that took place in the Middle Ages; as a result of this, many references to מְיָרִי “heretics” in the Talmud, assumed to refer to Christians, were replaced haphazardly with the terms Kutim, Sadducees, Boethusians (and vice-versa). We read for example in *b. Ket.* 112a about a debate between Rabbi Hanina and a Sadducee with respect to the superior fertility of the land of Israel. The presumed Sadducee ridicules Rabbi Hanina’s statement, saying: “How nicely you boast about your land.” A Sadducee would not call the land of Judah “your land”; it was also his land. A similar narrative in *b. Ket.* 112a also attests to the obviously counterfeit nature of the term “Sadducee.” We read there that a Sadducee accused an Amora, Rabbi Zeira (third century C.E.), of reckless hastiness, comparing his behaviour to the Israelites’ conduct at Sinai, when they declared: “We will do everything the Lord has said; we will obey (Exod 24:7).” The Israelites thus promised to do everything God would command, before listening to (and thus knowing) what would be demanded of them. A Sadducee would not have disparaged this remark, since his ancestors too stood at Sinai and took part in this event; only an alien would have made such a statement. Finally, the divergence in names between the various MSS corroborates the lack of reliability in terminology. We must thus be cautious with respect to any conclusion founded upon the names indicated in a MS. See also J. Le Moyne, 1972, p. 97, with respect to these substitutions in the different MSS.

²⁶ One year of the lunar calendar has 354 days. To adjust this short year to the solar year of 365.25 days, in order that the Jewish holidays fall in the seasons to which they are linked in Scripture, leap years of thirteen months were intercalated. In antiquity this procedure was practiced when deemed necessary, based on the stage of ripeness of the barley, in order that the ceremony of the Omer occurred at its proper time. In later periods, the intercalation was fixed according to astronomical reckoning: in every cycle of nineteen years, an additional seven months are intercalated to adjust the difference of about 209 days in that period between the lunar and solar calendars. The Qumran solar year had 364 days and consisted of four quarters of 91 days each (two months of 30 days and one month of 31 days). In this calendar the days of the week and of the month are always the same. The holidays were always on the same day of the week and never on a Sabbath.

²⁷ Scripture does not indicate clearly the day of the month of the Feast of Weeks, unlike the other festivals (see chap. 2 subchapter 2. 3. 2. 2 on another aspect of this issue). We encounter only a somewhat ambiguous directive in Lev 23:15–16: “[After the sheaf of the wave offering] count off seven full weeks. Count off fifty days up to the day after the seventh Sabbath [and then present the offering of the Feast of Weeks].” The date of the Feast of Weeks is contingent upon the day the sheaf of the wave offering is presented; Lev 23:15 states that this is to be performed fifty days after “the Sabbath, the day you brought the sheaf of the wave,” but this day is also not indicated. We read in

connected. It is only the Boethusians who are mentioned in any of the talmudic citations on these disputes. The traditional commentators also connect to this topic of the date of the Feast of Weeks an alleged conspiracy by the Boethusians with respect to the establishment of the day of the New Moon for the month of Nissan.²⁸ Similarly, it is only the

v. 10: "Bring to the priest a sheaf of the first grain you harvest"; taken literally, this means there is no fixed date for it at all, and the performance of this decree is contingent on the date when the first grain is reaped. According to *b. Menah.* 65b–66a, and *Sifra Emor parshah* 10, this date refers to the day after the first day of Passover, a day of rest also called a Sabbath, and not the weekly Sabbath day. Hence, when the first day of Passover occurred on Friday, the sheaf had to be cut on Friday night, which would desecrate the (weekly) Sabbath. In *m. Menah.* 10:3 it is stated that this work was nevertheless performed with great pomp, and with the clear purpose "[to contradict and show contempt toward] the Boethusians [who held it was prohibited to cut the sheaf on Sabbath]." The Boethusians maintained, again according to what the rabbinic literature tells us (*b. Menah.* 65a): "The Feast of Weeks can only be a Sunday [and the term 'the day after the Sabbath' really means the day after the weekly Sabbath day]." The Boethusians' conflicting opinion on this issue is also mentioned in *t. Menah.* 10:23.

²⁸ We read in *m. Rosh Hash.* 2:1: "In the past they would accept evidence regarding the [appearance of] the New Moon from everyone. After the Boethusians employed a scheme to obstruct the process [to avoid the desecration of the Sabbath according to their opinion], it was regulated that they accept evidence only from known [trusted] persons." Most of the MSS of the Mishnah (but not the printed editions) have the term "heretics," which is undefined, but the baraita in *b. Rosh Hash.* 22b and *y. Rosh Hash.* 2:1, 57d that explains their action identifies them as Boethusians. We must therefore grant some credence to this version. Its validity can also be supported on the ground of logic. The Mishnah does not indicate the nature of their conspiracy, but the above-mentioned baraita states that the Boethusians hired people to give false witness in order to subvert the system and establish the wrong date for the New Moon. But the baraita does not indicate their precise reason for doing this. Rashi explains that this refers to the date of the Waving of the Sheaf and the Feast of Weeks. The event occurred in a year in which the New Moon was not sighted on the thirtieth day of the month of Adar, the month preceding the Passover Festival, which was on the Sabbath. Hence the New Moon should have been postponed to Sunday, the next day. Consequently the Waving of the Sheaf would be on Sunday, and seven weeks afterwards the Feast of Weeks. But since the Boethusians maintained that the Waving of the Sheaf and the Feast of Weeks must be on "the day after the Sabbath," that is on Sundays, they hired witnesses to give false evidence declaring that they saw the new moon on Sabbath.

I have great doubts as to the authenticity of this complex plot that attained its final version only in the third phase of explanations. Moreover, the plot makes no sense. As Tosafot shrewdly observe, the Boethusians, in their eagerness to celebrate the Feast of Weeks on the correct day, would in consequence of this plot have put Passover on the wrong day. Though Tosafot attempt to resolve this problem, it is obvious that the Boethusians had no interest in disrupting the official New Moon and the holidays just out of spite without attaining anything constructive for their efforts. Moreover, if such an odd occurrence happened only once, when the thirtieth day of Adar happened to occur on a Sabbath, why was the system drastically changed in its entirety, for occasions when no such conspiracy could be suspected? Further, the previous mishnah lists a number of people who are unfit to give testimony for the New Moon. Why, therefore, did the authorities accept everyone, as the mishnah says, without examining whether the

Boethusians who are mentioned with respect to a dispute concerning the custom of beating the willow branches on the seventh day of Sukkot, when this occurs on Sabbath.²⁹ In all other narratives concerning disputes with dissidents—that is, aside from those concerning the assumed calendar issues above—the Sadducees are the group involved. The name “Boethusian” is also mentioned in several other disputes;³⁰ this must be deemed a result of the carelessness of the Rabbis toward historical accuracy.³¹ The most remarkable example is found in *y. Yoma*

witness might be one of those disqualified? I thus suggest that we should seek the kernel of truth in this narrative in past disputes with the ‘dissidents’ with respect to the general calendar issue. That is, a disagreement with a sectarian group concerning the calendar endured in the memory of the people and of the Sages, but without exact details as to its character. These were deliberately and categorically obliterated, like all the writings of the dissidents of that period. Every generation of commentators, from the Amoraim on the Mishnah to the commentators on the *Gem.*, added certain imaginative details to the cryptic description of the intrigue in their quest to understand the narratives of their predecessors. They founded their theories on deductions based on their perceptions of the dispute with the Boethusians concerning the correct date of the Feast of Weeks and the Sheaf of the Wave Offering, as recorded in antecedent rabbinic literature. One can also not exclude the possibility that originally the Kutim, a group acknowledged to be hostile in mishnah 2, were also the ‘villains’ of mishnah 1. The various adjustments that occurred as a result of censorship may have caused the differentiation between the accused groups in mishnah 1 and mishnah 2.

²⁹ We read in *t. Sukkah* 3:1 and in *b. Sukkah* 43b that the Boethusians had concealed the willow branches brought into the Temple to be beaten on a Sabbath day, because: “The Boethusians do not agree that the beating of the willow branches overrides the Sabbath [law that would otherwise prohibit such beating].”

³⁰ For example, *y. Yoma*, 1:5, 39a, and *t. Yoma* 1:8 also attribute to the Boethusians the custom to place the incense on the coal before entering the Holy of Holies, a procedure attributed in other instances to the Sadducees (a baraita in *b. Yoma* 19b, 53a; *Sifra, Ahare Mot, parshah 2, pereq 3*; and *Yalqut Shimoni*); see the further discussion below. In *t. Sukkah* 3:16 the Boethusians are connected with the issue of the water libation on Sukkot, and *t. Sanh.* 6:6 involves them in the dispute regarding the punishment of false witnesses, attributed in other instances to the Sadducees. (I do not include the issues listed in the Scholion of *Megillat Ta’anit*, since the date of its composition and its authenticity are in doubt.) Even in *b. Menah.* 65a we note a clear division between the issues disputed with the Sadducees and those disputed with the Boethusians. The Sadducees are the contending party with respect to the individual donation of the Tamid offering, and the Boethusians are involved in the dispute concerning the date of the Feast of Weeks. The Amoraim no longer possessed any reliable data about the Sadducees and the reasons for their disputes with the Pharisees. The late narrative of *Avot Rab. Nat.* (cited in n. 24) demonstrates this clearly. There is no logical or other relationship between the alleged ideological frustration of Zadok and Boethus with respect to the rewards of the afterlife and the halakhic disputes recorded in the Mishnah between the Sadducees and Pharisees.

³¹ I have mentioned in the previous note several examples of the confusion between the Sadducees and Boethusians; in one source, one group is mentioned as involved in a particular dispute, and in another source, the second group is indicated. In n. 4, I noted inconsistencies between different rabbinic sources and between Josephus and the rabbinic literature with respect to the event at which the people pelted a priest with their *etrogim*, a particular kind of citrus fruit. In Tosefta, the anonymous “someone” of the

39a, chapter 5,³² with respect to a dispute about the incense celebration; at the beginning of the narrative this dispute is attributed to the

Mishnah is identified as a Boethusian, and in *b. Sukkah* 48b the man is identified as a Sadducee. There are thus two conflicting identifications of the person, and no explanation of the motive behind his offensive deed. The traditional commentators correlated the event to the water libation that was performed according to Pharisaic law on the Sukkot holiday; the Sadducees opposed this, and therefore the celebrating priest in this case, a Sadducee-Boethusian, poured the water on his feet instead of on the altar, and thus raised the ire of the people. Opposition to the water libation is a plausible motive. There is no explicit command in Scripture for the celebration of a water libation. The Sages themselves argue as to whether it is a tradition from Sinai (*b. Sukkah* 34a), is hinted at in the Torah (*b. Ta'an.* 2b), or is a Torah precept (*b. Zevah.* 110b). One might therefore assume that the Sadducees, who “own no observance of any sort apart from the laws” (*Ant.* XVIII: 16—see also *Ant.* XIII: 297), rejected this celebration. Josephus, however, records the same event of pelting a priest with citrons on Sukkot, but referring to the High Priest and king Yannai (*Ant.* XIII: 372). Here the reaction of the people was said to have been provoked because they maintained that the king was descended from captives and was unfit to hold office and offer sacrifice. This is undoubtedly a record of the same event—most of the details correspond—but according to Josephus, it has no connection to any dispute between Pharisees and Sadducees-Boethusians, as suggested in the rabbinic sources. The people’s suspicion regarding King Yannai’s fitness for the High Priesthood, on the other hand, appears in *b. Qidd.* 66a, in an entirely different setting. The reliability of Josephus is also a much-debated scholarly issue, but I nonetheless prefer his version, relating to an historical event, in this specific occurrence. In *y. Sukkah* 4:6, 54d and *y. Yoma* 1:2, 39a there is another reference to the event. There it is assumed that three incorrect cult celebrations—the issue of the purity of the priest who burns the Red Heifer, the priest who poured the water libation on his feet, and the incorrect handling of the incense on the Day of Atonement—were all performed by the same Boethusian priest. The story of the dead priest involved in the Red Heifer affair is quoted only in *t. Parah* 3:8, while *m. Parah* 3:7 records a dispute with Sadducees on this issue. The identity of the priest involved in the water libation affair is not mentioned in the other sources, as we have seen, but is attributed to various personalities in the different sources. The incense dispute is similarly imprecisely attributed to different priests, but the above YT passage bundles together all three deeds and attributes them, according to the context, to a Boethusian. The lack of regard for historical accuracy, particularly with respect to the identification of the dissident groups or sects, is amply corroborated.

Another difference with respect to the particulars of the above event relates to the damage caused to the altar. From the version recorded in *b. Sukkah* 48b, we gain the impression that the damage was caused to the horn of the altar by the *etrogim* thrown by the people, and Rashi declares this explicitly. In contrast, *y. Yoma* 1:2, 39a, portrays this damage as connected to a miraculous voice from heaven, a symbol of the divine wrath that was provoked because of the sacrilege resulting from the incorrect ceremonial. We read there: “The Temple Court [a voice from heaven] screamed: ‘Get out from here, sons of Eli, you have polluted the House of our God.’ On that day the horn of the altar was damaged.” The narrative does not specify at which of the three events the damage occurred. There is no mention in this narrative of the people pelting the priest or the altar. The rabbinic records, as we have seen, are inconsistent regarding the identity of the priest and other details of the event. Further, none of the sources offers any explanation of the priest’s motive, a fact that indicates the narrative originated from an indistinct memory of some past event. Josephus, on the other hand, presents an efficiently arranged narrative and a motive that is also corroborated by another rabbinic source.

³² See also n. 106.

Boethusians, while at the end it is the Sadducees who are named as the contenders on this issue. This narrative is further evidence of the want of reliability in rabbinic literature with respect to historical details. The end of the story sets out the horrible and miraculous death of the High Priest who celebrated the incense ceremony according to Sadducean rules; it is then stated that two similar narratives, regarding High Priests who acted incorrectly, refer to one and the same priest.³³ There follows a deliberation as to whether the same priest was indeed the subject of the three occurrences, or only of two occurrences, and which two. This self-attested uncertainty as to the identity of the priest in such significant events, which are cited as awe-inspiring evidence of the truth of the Pharisaic opinion and the severe punishment of their opponents, again attests to the indifference to historical detail.

I cannot exclude the possibility that it was the Boethusians who disputed with the Pharisees (or Rabbis) on these issues, but I would not opt for this alternative. This confusion appears in the less dependable sources, whereas the more reliable mishnaic dicta discern between disputes with the Sadducees and those with the Boethusians. Moreover, we must not ignore the extraordinary fact that no other group is mentioned with respect to disputes about possible³⁴ calendar issues.³⁵ There is thus a sharp contrast between the confused descriptions of the contenders in a great number of disputes, and a clear demarcation of the disputants with respect to one particular problem, the assumed calendar issue. As we know today, at least one group among the ‘dissident/Qumran’ community held to a different calendar, in which the first day of Passover could never occur on Friday but would always be on Wednesday.³⁶ Thus

³³ We read there: “Some [Sage] said: the one [involved in the narrative] of the Day of Atonement [see n. 31] is identical with the one in *Sukkah* [who poured the water libation on his feet] and the one [who wanted to wait until sundown before celebrating] the Red Heifer.”

³⁴ Some scholars maintain that these disputes are the result of the Boethusians’ claiming the validity of the solar calendar.

³⁵ The Sadducees are not mentioned in rabbinic literature in any of the issues that may be related to the calendar dispute.

³⁶ See Y. Yadin, 1977, vol. 1, p. 96, and Uwe Glessmer, 1991, p. 383. I speculate that the narrative found in *t. Pesah*. 4:13–14, *y. Pesah*. 6:1, 33a and *b. Pesah*. 66a concerning the Bne Batyra who “forgot” the halakhah with respect to the necessary procedures for the celebration of the Passover “sacrifice” on Sabbath, is also related to the calendar issue. It seems extremely odd that the halakhah regarding such a recurrent event as the eve of Passover falling on the Sabbath was “forgotten” by all the Sages. I therefore suggest that we must consider this narrative in the same light as the other rabbinic records of debates with the dissidents. The Sages attempted to undermine ideas and opinions that

the necessity of reaping the Omer on a Saturday would never arise, and there would be no need to desecrate the Sabbath. Similarly, the seventh day of Sukkot would never occur on Sabbath and would always be on a Tuesday,³⁷ so that the beating of the willow branches would not infringe upon the holiness of the Sabbath.

I believe that on the basis of the above, we may propose that the group called Boethusians by the Rabbis was a splinter faction³⁸ who clung tenaciously to their own particular calendar, and celebrated their holidays accordingly. The name of this group prevailed in the memory of the Sages as the one particularly associated with a divergent calendar; this would explain why they are mentioned exclusively in relation to issues regarding the calendar. We must consider that whereas in random occurrences Boethusians are mentioned in rabbinic literature in relation to other dissident practices usually attributed to the Sadducees, as mentioned above, we do not encounter any mention of Sadducees with reference to

survived among learned people, including the opinion that one may not desecrate the Sabbath with sacrificial celebrations other than those specifically dedicated for Sabbath. The narrative in fact suggests that all public sacrifices were permitted in the Temple on Sabbath. Hillel declares: "Do we have only one Passover sacrifice that overrides the Sabbath? We have indeed more than two hundred [sacrifices similar in their character to the] Passover sacrifice [during the yearly cycle: the Sabbath Tamid (four offerings = two hundred) and additionally the particular holiday offerings that occur during the year on Sabbath days; see Rashi there] that override the Sabbath." According to L. Schiffman, 1975, p. 128 the dissidents (specifically the author of the CD) considered such sacrificing a desecration of the Sabbath, except the explicitly decreed Sabbath Tamid. See note 40 on the various interpretations of the CD dictum. Hillel, through his great erudition and reputation, had to defend the Pharisaic standpoint against opposition founded upon the prior calendar, still observed by the dissidents. Although the narrative appears in the Talmud, it refers to an event that allegedly occurred in the period of Hillel, that is, in the first century C.E. According to the solar calendar, the eve of Passover was always on Tuesday, and a desecration of the Sabbath would never occur. We do not possess accurate data as to when the lunar calendar was definitely introduced or imposed on the whole of Judah. VanderKam, 1998, pp. 113ff., speculates that this calendar reform was imposed by the Seleucids between the years 159–152 B.C.E., but the Essenes opposed it and reintroduced the previous solar calendar. See also R. Eisenman and M. Wise, 1982, pp. 106ff. regarding the introduction of the solar calendar. The alleged dilemma with respect to the performance of the Passover "sacrifice" on a Sabbath may still have lingered in Hillel's era, as an issue of whether one is allowed to desecrate the Sabbath for sacrificial celebrations other than those specifically dedicated for Sabbath.

³⁷ See Uwe Glessmer, 1991, p. 383, for these dates.

³⁸ Cf. M. D. Herr, 1981. See also Y. Sussmann, 1990, p. 56, regarding the identification of the Boethusians as Essenes, and J. Grintz, 1953. H. Fox, 1994, disputes Sussmann's identification of the Boethusians as Essenes, and implies that they were Sadducees. A. Schremer, 1994, suggests that the name "Boethusian" is intended as a mockery, a pejorative for the Greek βοητηός "clamorous" instead of βοηθός "assisting."

a dispute regarding a calendar issue. Thus the calendar issue can be attributed to the group who opposed the Pharisaic lunar calendar, whereas it was the Sadducees who opposed a variety of other Pharisaic halakhot.

This assumption does not contradict the possibility that there were other splinter groups, not included in rabbinic literature under the name Sadducees or Boethusians,³⁹ who may have adhered to the same solar calendar. In addition to the TS evidence cited above, we encounter in CD XI: 17–18 a dictum that has been interpreted by scholars to mean that even in the Temple the celebration of holiday offerings on Sabbath other than the particular Sabbath offerings was prohibited,⁴⁰ because the author of this document represented a group that celebrated according to the solar calendar. I have proposed a different interpretation to this ambiguous dictum that resolves the oddities resulting from these scholarly interpretations.⁴¹ My proposition does not require us to allege that the CD group adhered to the solar calendar, an inference

³⁹ It is not within the scope of this study to discuss the identity of the Essenes and their possible affinity with the Boethusians. I do wish to emphasize again that the group or groups called Sadducees by the Rabbis were not involved in any of the calendar disputes recorded in their literature. The Sadducee High Priests performed the sacrificial ceremonies in the Temple according to the lunar calendar. They disagreed, according to rabbinic literature—and we have no reason to doubt this—on the manner in which the incense ceremony was to be performed, and on the issue of purity. The Sadducees maintained, again according to rabbinic literature, that when a person touched something unclean, he had to bathe and wait until the evening to become clean for all ritual purposes. The Sages declared that one was clean immediately after the bathing, for certain purposes. For example, an unclean priest could burn the Red Heifer after bathing, without waiting until the evening (*m. Parah* 3:7). None of the disputes with the Sadducees recorded in the Talmud on problems of purity and Temple rituals involve the calendar issue.

⁴⁰ We read there: “No one shall offer [anything] upon the altar except the burnt offering of the Sabbath, for so it is written: ‘except your Sabbaths.’” L. Schiffman, 1975, p. 128, interprets this dictum to mean that the daily Tamid must not be offered on Sabbath, and only the particular Sabbath offerings may be offered; one may also interpret his reading to mean that the particular holiday offerings were also not to be offered on Sabbath. He suggests that this prohibition against bringing anything other than the Sabbath offering on Sabbath was due to the prohibition against Sabbath work. Yadin interpreted this source to mean that the Tamid should be offered on Sabbath, but the holiday offerings were not to be offered; as a result, since the holiday offerings could not be performed on the Sabbaths of the Passover and Sukkot holidays, they must have been offered after the holidays. B. Z. Wacholder, 1983, disputes the common interpretation and maintains that the text did not intend to forbid the offering of the particular holiday offerings on Sabbath. In his opinion only the Hagigah offerings were not to be offered on Sabbath and holidays. I offer an entirely different interpretation of the CD dictum; see Heger, 2006.

⁴¹ See Heger, 2006.

founded upon far-fetched speculation regarding an unclear phrase in this document.⁴²

4.2.1.2 *Disputes with Boethusians on Non-Calendar Issues: A More Reliable Proposition*

Although I have suggested above (as do other scholars) that the disputes with the Boethusians regarding the interrelated dates of reaping the Omer and the Feast of Weeks, the hiring of false witnesses regarding the New Moon, and the beating of the willow branches can be considered calendar issues, I think that we should consider another possibility that seems to me more plausible. There is no explicit, unambiguous evidence in rabbinic literature with respect to the above disagreements that mentions any issue regarding use of the solar or the lunar calendar. We must discern between disputes that were more likely the result of differing interpretations of biblical texts, or other conflicting halakhic considerations, and those that were a result of a real calendar dispute.

In fact, the dispute with the Boethusians recorded in rabbinic literature concerning the date of the Feast of Weeks is presented as an issue on the correct interpretation of the phrase “on the day after the Sabbath” (Lev 23:11 and 15),⁴³ and does not seem to be related to any issue regarding the legality of the lunar or solar calendar. The fairly dubious record of the dispute in *b. Menah.* 65a attributes it to a babbling old man who was a Boethusian representative.⁴⁴ The dispute with the Boethusians regarding the beating of the willow branches seems rather to be a disagreement as to whether or not this was a Torah precept; in fact, the relevant rabbinic narrative, in *t. Sukkah* 3:1, declares explicitly that the Boethusians, contrary to the Rabbis, did not regard this custom as a Torah precept, and thus the beating of willow branches on Sabbath would be a desecration of the holy day.⁴⁵ It is possible that this dispute resulted from their rejection of the lunar calendar, but the rabbinic text suggests rather that a disagreement about the source and legitimacy of the

⁴² See CD-A XII: 3–5.

⁴³ See the extended deliberation about this issue in Chap. 2 pp. 70ff.

⁴⁴ We read there: “Since Boethusians say that the Feast of Weeks starts after the Sabbath, Rabban Yohanan ben Zakkai harassed them and said to them: ‘Foolish people, how do you know it?’ And there was nobody to answer him, except an old blabbering man who said: ‘Moses our leader loved the people of Israel, and since the Feast of Weeks is only one day [in contrast with Passover and Sukkot], he fixed it on the day after the Sabbath to enable them to enjoy two days [of holidays].’”

⁴⁵ See citation in n. 29.

custom⁴⁶ was the motive behind their opposition. The Boethusians may also have objected categorically to any procession with willow branches around the altar, not because of any Sabbath desecration, but because of its pagan origin.⁴⁷ The Pharisees had judaized this custom, bestowing upon it another meaning, likely to please the masses who were used to practising this rite and would strongly object to its cancellation; the Pharisees could thus maintain their respect and “influence among the townsfolk.”⁴⁸

At any rate, we do not encounter an explicit rabbinic narrative or the slightest hint of a dispute with any dissident group, about the ritual application of a lunar or solar calendar.⁴⁹ Further, if we assume that it was indeed the Boethusians who hired false witnesses in order to anticipate the reaping of the Omer,⁵⁰ it would result that they, like the Rabbis/Pharisees, accepted the lunar calendar. If they kept the solar calendar, the Omer reaping, like all the holidays, would occur at entirely different dates, and one day more or less obtained by such a manipulation would make no difference in this case. I therefore suggest that these disputes with the Boethusians are unrelated to the solar calendar issue. There are no sources other than the rabbinic narratives regarding these disputes with the Boethusians; if we grant these narratives authenticity, we must equally validate the rabbinic explanations of the motives, none of which are related to the solar calendar.

⁴⁶ An act permitted by custom but not by a biblical decree, and that is otherwise prohibited on Sabbath, cannot be performed on Sabbath.

⁴⁷ We read in *m. Sukkah* 4:5: “Every day of Sukkot they would go once around the altar [with the willow branches in their hands] . . . and on that [last day of Sukkot] they would go around the altar seven times.” There is no hint in Scripture of such a ceremony. There is mention of such a procession, however, performed by the Baal prophets, in 1 Kgs 18:26: “And they danced around the altar they had made.” This is the NIV translation; Rashi, quoting the Targum, states similarly: “They danced on their altar, according to their rules.” Scholarly opinions conjecture that the origin of the term **לך**, translated as “feast, festival,” is the ancient Oriental custom of walking or dancing around the altar at the cult processions. The Muslims still retain such a procession around the Kaaba, as their most significant religious procession. The exalted Arabic title *Hadj* from the same root is bestowed upon the pilgrim who performs this precept. Similarly, the term **חוג** “circle” in Isa 40:22 and **מחוגה** “compass” in Isa 44:13 indicate surrounding.

⁴⁸ See *Ant.* XVIII: 15.

⁴⁹ J. Ben-Dov and I. Horowitz, 2003, assert the existence of an ideal calendar of 360 days (p. 5) and speculate about various calendar traditions (p. 25).

⁵⁰ See the extended explanation of this complex narrative in n. 28.

4.2.1.3 *Calendar Issue Relating to the Essenes*

We know that the question of using the solar calendar was extremely important for the separatist group assumed⁵¹ to be the Essenes.⁵² This calendar was significant to them from both practical and theological aspects. The cult cycle, with its various sacrifices, had to be performed at the Temple at the correct times; the solar calendar, with its regular, cyclical rhythms, constituted the pattern of Sacred Time, as Rachel Elior⁵³ interprets the text of the Thanksgiving Hymns. It was the expression of the eternal, divine cyclical order, revealed to the leaders of this group, and the sevenfold structure of the ritual order (Sabbath, seven weeks of the Omer, the seven and forty-nine years of the *shemittah* and the Jubilee) that linked the group to the cosmic order and ensured the continuity of the eternal cycles of nature. The lunar calendar and its differently-timed holidays and offerings were tantamount to the disruption of the divine cosmic organization, shattering the harmony between the cosmic cycles and Israelite rituals. We also observe how bitterly the Qumran group reacted against the lunar calendar practised by their opponents.⁵⁴ The promotion of the solar year in the pseudepigraphic writings also suggests a possible spread of this opinion among other segments of Israelite society.

We must therefore wonder that there is no explicit trace in rabbinic literature of such a debate between the Pharisees and the Sadducees or any other dissident group. There are disputes and debates about apparently insignificant issues, such as who is responsible for the damage produced by a slave, or the type of date written on a divorce deed; yet there is no mention of a dispute regarding the calendar, a crucial issue that affected the entire cult life of the people.

4.2.1.4 *Conclusion*

How, then, can we consider authentic the contents of the assumed debates with the Sadducees, and ascertain on that basis the identity of the

⁵¹ As mentioned, I do not wish to take a firm position on the issue of whether the Qumran group were the Essenes.

⁵² G. Martínez, 1990, conjectures that the Qumran group, not the Essenes, used the solar calendar. Schiffman attributes the use of the solar calendar to the Sadducees, relying on rabbinic literature; yet as we have seen the Rabbis attribute a dispute about a questionable calendar issue to the Boethusians, not to the Sadducees (though, as I have argued, this entire narrative is highly doubtful).

⁵³ Rachel Elior, 2004, pp. 82ff. See also chap. 2, p. 122; and J. VanderKam, 1998, pp. 115ff, who speculates on the harmonization of the divine cosmic plan with the cultic reality of the Temple.

⁵⁴ See, e.g., 1QpHab XI: 5–8.

alleged contenders, if we cannot rely on the authenticity of the most significant issues that were disputed and perhaps actually debated? The failure of rabbinic literature to document such a significant dispute as the calendar issue must lead us to suspect the authenticity of their records, the issues in contention, and the identity of the disputants.⁵⁵ Such a conjecture would invalidate the proposition, suggested above, that the Boethusians were singled out in rabbinic literature because of their different calendar. In fact the traditional commentators, who were not acquainted with the apocryphal writings, did not perceive from rabbinic writings the existence of any dispute in Israelite society regarding the use of a solar versus a lunar calendar. Since we now possess convincing evidence of such a dispute in Qumran material,⁵⁶ its absence in rabbinic literature can only demolish the reliability of their records of ‘assumed’ debates with the dissidents, including the subject matter of these debates. This absence may be explained by assuming that the recorded debates occurred late in the post-70 period,⁵⁷ after the dissolution of the Qumran group and its complete irrelevance. This assumption would invalidate every conjecture regarding the identity of the groups involved in the alleged discussions, founded upon comparison of the topics ‘debated’ in rabbinic literature with similar disputes in Qumran writings.

4.2.2 *Pharisaic—Sadducean Debates: Fiction or Reality?*

4.2.2.1 *The Motive Behind the Alleged Debates*

Further support for the proposal that the Sages were attempting to convince a still-vacillating segment of the public of the validity of their position is found in the fact that in most instances the divergent opinions found in rabbinic literature are based on exegetical differences of a narrow and limited nature. Convincing an erudite person to shift from professing one form of halakhah to another was not associated with a

⁵⁵ Cf. Y. Sussmann, 1994, p. 199; he considers the details of the rabbinic records authentic, and maintains that the Pharisees polemicized against the Sadducees. See nn. 9, 38 and 59 on my argument against a debate with the Sadducees on the *nitzoq* issue. See also Lieberman’s statement about the Sadducean halakhah regarding the purity of liquids (n. 124).

⁵⁶ See 4Q394 MMT Frags. 3–7i: 1–2; 11QPs^a XXVI: 6–7; *Jub.* 6:29–38.

⁵⁷ P. R. Davies, 1990, p. 517, assumes that “in the 3rd–2nd centuries BCE the issue of calendar and halakhah became a matter of polemics.” The fact that rabbinic literature completely ignores the calendar dispute indicates the late date of rabbinic records on the debates/polemics with the dissidents.

drastic change of mind or method, nor, obviously, with a theological revision. The relevant biblical verses could be interpreted in more than one way even within the same hermeneutic system. Some of the disputes were founded upon different logical considerations, or divergent manuscripts; but, again, both the rabbinic and the sectarian halakhot could justifiably be applied within the same general principles.⁵⁸ I shall offer several examples to substantiate this proposition.

4.2.2.2 *Different Interpretations of Biblical Commands*

Sifra Ahare Mot parshah 2, y. Yoma 1:5, 39a and b. Yoma 19b record a dispute with the Sadducees with respect to when the High Priest must place the incense on the coals during the Day of Atonement incense celebration in the Holy of Holies. The reasons behind the dispute appear in *y. Yoma 1:5, 39a and b. Yoma 53a*. If the exegetical debate here⁵⁹ is authentic, it

⁵⁸ See J. Milgrom, 1989, who compares rabbinic exegesis to the interpretive methods of Qumran regarding certain purity laws, particularly with respect to the duty to wash the hands (p. 169). He contends that the Qumran group used the harmonization method in their exegesis (p. 171), as well as a method comparable to the rabbinic *binyan av* (p. 175). L. Schiffman, 1989, p. 241, states: "All Jewish groups in the Second Temple period endeavoured to assimilate extra-biblical teachings into their way of life." Although in my opinion this statement requires qualification, there is no doubt that it is applicable in a great number of cases. See the extended deliberation on this issue in chap. 2. The Pharisees perceived that they, as learned Sages, possessed the authority to interpret in this way; the 'dissidents' believed that only their Righteous Teacher, and their pious scholars who were wholly dedicated to the study of the Torah, received divine revelation or inspiration and instruction, and thus had such authority.

⁵⁹ As I have mentioned on other occasions, we cannot be sure that the rabbinic rules regarding the Temple cult coincided with actual practice. Some of the practices and regulations, derived through hermeneutics, were purely theoretical and not based on memory. We observe, for example, that Rabbi Eleazar ben Jacob, who lived at the time of the Temple, and is supposed to have arranged tractate *Middot*, admits in mishnayot 2:5 and 5:4: "I forgot the use [of these chambers]." Abba Saul, a later Tanna, identifies the use of these two chambers, and we can only speculate as to his source. Returning to our subject of the incense celebration on the Day of Atonement, one has the impression from Philo, *Spec. Laws* 1:72, that the High Priest placed the incense on the coals before entering the Holy of Holies. Philo's record concurs with the supposed Sadducean halakhah, but one cannot build an indisputable argument upon this evidence. It is outside the scope of this study to extend the examination of this issue to the possible theological differences that lay behind the dispute; I simply wish to draw the attention of the reader to the possible dilemma regarding these records. Cf. Y. Sussmann, 1990, who also relies on the rabbinic narratives that consistently identify the Sadducees as the antagonists in the rabbinic debates. He thus classifies the halakhot of 4QMMT and the other rules of the Desert Scrolls as "Sadducean Halakhah." We cannot be certain that this is a Zadokite halakhah if we do not acknowledge the historical authenticity of the rabbinic narratives with respect to the alleged debates with the Sadducees. Rabbinic literature completely ignored the Essenes, as I have written at the beginning of this chapter; it is

would suggest that there were slightly different interpretations of two ambiguous elements of the relevant biblical verses. The phrase: “because I appear in the cloud over the Atonement Cover” (Lev 16:2) was allegedly interpreted by the Sadducees to require the High Priest to generate the smoke of the incense outside the Holy of Holies, before entering; this ensured that the Atonement Cover would be concealed by the smoke at his entrance, so that he would not die during the epiphany (v. 13b). The Sages emphasized, in contrast, the phrase “he is to put the incense on the fire before the Lord” (v. 13a), which appears to require placing the incense “before the Lord”—that is, when the High Priest is already within the Holy of Holies. Both interpretations struggle with the apparent ambiguity of the text, and the contradiction between the two phrases, and neither is markedly preferable to the other. As indicated above regarding the calendar issue, it is odd that this dispute about the most momentous and awe-inspiring incense celebration on the Day of Atonement is not mentioned in Qumran writings.

A similar example of conflicting halakhot that are likely the result of different exegeses concerns the ingestion of fish blood. These halakhot appear in both Qumran and rabbinic writings, but without any indication of a polemic. The Rabbis permit this ingestion; their exegesis appears in a baraita cited in *b. Ker.* 20b. There it is concluded that from the biblical phrase “and you are not to eat *any* blood” (Lev 7:26 we would assume “that the prohibition to eat blood also includes the blood of fish and locusts”; Scripture therefore explicitly specifies “bird and animal” to exclude fish and locusts. The Sages, who interpreted the Torah according to the thirteen interpretative rules of Rabbi Ishmael, maintained that if a specific item or items follow a general classification, the rule includes only the specific item(s) particularly spelled out. Therefore, eating the blood of locusts and fish is not prohibited. The dissidents prohibited the ingestion of fish blood, as we read in CD-A XII: 11–14: “No one should defile his soul . . . by eating them . . . and fish they should not eat unless they have been opened up alive and their blood poured away.”⁶⁰ As usual, there is no explanation given for their decision; we

plausible that in fact this halakhah is Essene, not Sadducean. Further, if we assume that the MMT records debates with the Pharisees concerning certain rabbinic halakhot, it is more than plausible that the Pharisees discussed their conflicting halakhot with the Essenes/Qumran rather than with the Sadducees; yet they are not mentioned as opponents.

⁶⁰ This is the translation by García Martínez of the original text. It is interesting that

may reasonably assume, however, that since the biblical decree is ambiguous, this ambiguity probably lies behind their different decision. We may speculate that they did not choose to apply the hermeneutics that the Rabbis used, and decided more strictly in this occurrence, as was there wont in cases of conflicting interpretations.

4.2.2.3 *Disputes Instigated by Contrasting Logical or Legal Considerations: Nitzoq and the Responsibility of the Slave's Owner*

In *m. Yad.* 4:7 there are two excellent examples of disputes that are the result of contrasting logical or legal considerations, and which have no correlation with exegetical or theological issues. One dispute appears as a polemic in both rabbinic and Qumran writings, and the other is recorded only in rabbinic writings.

The first relates to a purity issue. The contending groups, whoever they were,⁶¹ approved the general rule that a clean item becomes unclean through physical contact with unclean matter. The controversy is

the Scroll does not require ritual slaughter of the fish, only that it be opened alive and its blood poured away. On this issue the Scroll's author/s agree/s with the rabbinic argument in *b. Hul.* 27b, part of an extended discussion of slaughter: "From where [in Scripture] do we know that fish do not need ritual slaughter? You might say because it is written: 'Would they have enough if flocks and herds were slaughtered for them? Would they have enough if all the fish in the sea were gathered for them [Num 11:22]?' [Since it is written 'gathered' with respect to the fish in contrast to 'slaughtered' with respect to the animals] it is possible [that fish do not need ritual slaughter]." The *Gem.* then poses the logical objection that fowl should also not require ritual slaughter, since in the succeeding v. 32 it is written: "and they gathered the quails." Yet ritual slaughter, although in a limited form, is obligatory for birds according to rabbinic tradition, though it is not required in Scripture; Lev 1:15 decrees that the head of a bird offering must be wrung off. This again demonstrates the complexity of rabbinic hermeneutics; see Heger, 2003, pp. 216–218, on this issue. We do not know whether the dissident groups required ritual slaughter for birds, or relied on the comparison to offerings that do not require it.

⁶¹ The mishnah presents the *nitzoq* dispute as a debate between the Sages and the Sadducees: "The Sadducees say: We remonstrate with you Pharisees because you declare the poured [liquid remaining in the clean vessel] as clean." We understand from the context that the Sadducees declared it impure. We encounter this contention by a 'dissident' party in 4QMMT Fragment 8 Column IV: "And also concerning liquid streams: we say that in these there is no purity, and also that liquid streams connect the impure to the pure [literally: they do not separate between the impure and pure], because the liquid poured from one vessel and the liquid of the vessel in which it is poured come to be the same liquid [regarding their state of purity, that is, if one is impure, it also makes the other impure]." There is thus confirmation of a dispute between Judean groups with respect to this issue; yet the dilemma regarding the identification of the different groups remains. Was this a controversy between the Pharisees and the Sadducees, as appears in *m. Yad.*, or was another dissident group, associated with the Dead Sea Scrolls, involved? The ambiguity of terms in these sources confirms the thesis postulated above that the Sages did not grant any significance to the precise identification of their

confined to a purely factual question. According to the rabbinic record, the Pharisees maintained that the stream created by pouring a clean liquid from a clean container into an unclean vessel (*mitzoq*) does not constitute a concrete connection between the two vessels; therefore the liquid remaining in the first container remains clean. A more viscous substance, on the other hand, such as honey, does constitute a connection; in this case the remaining quantity in the first vessel acquires the uncleanness of the lower vessel.⁶² The Sadducees, who are named as the disputants, considered that every liquid, regardless of its consistency, creates a connection and thus pollutes by contact the remaining liquid in the upper vessel.⁶³

The second issue referred to in the Mishnah, but which has no mention in Qumran writings or the CD, relates to a legal controversy concerning the financial responsibility of a slave owner for damage committed by his slave. There is no dispute between the Pharisees and Sadducees that the owner is responsible for damage caused by his animals. The Pharisees absolved the owner for damage done by his slave, because the slave is capable of thought and acts on his own determination. The Sadducees deduced the slave's status and the owner's responsibility from another perspective. Since the owner has the obligation to impose certain precepts—for example circumcision—on his slave, making the master responsible for his spiritual behaviour, he is equally responsible for his physical conduct. No biblical exegesis is quoted to explain either opinion.

4.2.2.4 *Disputes That May Have Resulted from Slightly Different Biblical MSS*

Seemingly negligible differences in biblical manuscripts may also have had an impact on significant issues. One example concerns the auxiliary Minhah and libation for the public Sin offering.⁶⁴ According to

opponents. These texts also suggest that the rabbinic narratives do not attest to real debates with specific groups, but rather reflect theoretical arguments against the opinions attributed to these groups.

⁶² We read in *m. Mak.* 5:9: “Any poured [liquid] leaves clean [the liquid] remaining in the vessel from which it is poured [into an unclean vessel] except [if the liquid consists of either of two types of] honey.”

⁶³ On the issue of whether the MMT refers to one halakhic tradition or to two diverse traditions, see Y. Elman, 1996, p. 107.

⁶⁴ The pericope in Num 15:2–16 that commands the auxiliary Minhah and libation offering stipulates: **עֲלֶה אוֹ זֶבֶח** “burnt offerings or sacrifices,” without specifying the

m. Menah. 9:6, the public Sin offering does not require an auxiliary Minhah with libations.⁶⁵ In the TS 11QT: XXVIII 6–9, however, it is stated regarding the Sin offering on the third day of Sukkot⁶⁶ that the Sin offering of a goat requires an auxiliary Minhah and libation similar to the other burnt offerings: “And one male goat as a Sin offering and *their* [in plural, that is for the Sin offering and the other offerings of that day, listed antecedently,] grain offering and libation offering, like the requirement for the bulls, the rams and the he-goat [burnt offerings that unquestionably require such auxiliary offerings].”⁶⁷ We observe here a difference of opinion that could have had serious consequences, considering the importance of the Temple offerings. This controversy, as we know today,⁶⁸ may have been due to the existence of different biblical manuscripts,⁶⁹ excerpts of which, with the relevant biblical pericopes, are found among the Desert Scrolls. To our great regret, the Qumran fragments containing the relevant passage in Num 29 are quite damaged

types of sacrifices. The term זָבַח *zevah* usually refers to the Fellowship offerings, and is used in the ancient elements of Scripture dating from periods when Sin and Guilt offerings were not yet performed. The term *zevah* with the connotation of a collective meal stands in contraposition to *olah*, the entirely-burnt offering. This pericope is examined in *b. Menah.* 90b in order to establish which sacrifices require the auxiliary libation offering. The examination starts with the interpretation of v. 3: “[We know from explicit scriptural decree that] the burnt offering [requires an auxiliary offering], but how do we know that the Fellowship offering [also requires the auxiliary Minhah and libation]? [Answer:] It is written *zevah* [and that term refers to the Fellowship offering].” A complex deliberation follows to rationalize why this offering and no others are included in the term *zevah*. See also Heger, 1999, pp. 78–79, on the term *zevah*.

⁶⁵ We read there: “All the public and individual offerings require libations [auxiliary offering of grain and wine], except the [offerings of] the first-born, the tithe [of pure animals], the Passover, the Sin and Guilt [offerings].”

⁶⁶ The Scroll does not mention in this pericope the particular name of this holiday; it follows the scriptural text that says: “A festival to the Lord for seven days [Num 29:12].” We know its specific name from other biblical sources in which the term זָבַח refers to the Sukkot festival.

⁶⁷ I have chosen this reference to the third day of Sukkot because its original in the Scroll is better preserved, in contrast to the decree for the second day that is much reconstructed. Y. Yadin chose the identical verse in his deliberation on this problem (1977, vol. 1, pp. 114–15), presumably for the same reason. In essence, the MT version regarding the second day would be more appropriate for comparison, since it shows an irregularity (cited in n. 73) that may underlie the TS decision. At any rate, according to the TS, all Sin offerings on all holidays require an auxiliary Minhah with libation.

⁶⁸ As mentioned in the previous note, Y. Yadin noticed this significant difference in the cult, but likely did not possess the desert scroll text relating to Num 29.

⁶⁹ J. Milgrom, 1994, goes even further; he “tentatively” suggests that Nehemiah also had a different MS of the Torah, which contained a command for the wood offerings similar to the Qumran Torah, and not just apparently insignificant variations. (See Chap. 2 on the issue of variations).

and in the main part reconstructed.⁷⁰ With respect to 4QNum^b line 21, however, corresponding to MT Num 29:11, regarding the offerings of the Day of Atonement, we do have evidence of a different text,⁷¹ and it is plausible that similar textual divergences from the MT text also existed for other recurring phrases. In the Qumran Scroll the word **מנחתם** appears in plural, indicating the auxiliary Minhah is required for both the Tamid and the Sin offering. The MT, in contrast, has **ומנחתה** in singular,⁷² denoting one auxiliary Minhah for the Tamid, but no Minhah for the Sin offering. But we must also consider that the MT text contains a number of irregularities and variations with respect to this specific issue. In verses in which the Sin offering is mentioned together

⁷⁰ See *DJD, Qumran Cave 4, VII*, Oxford, 1994, p. 247 and E. Tov, 1992.

⁷¹ The variations between the different copies of the Qumran biblical texts are also an issue that must be considered if we wish to explain a different halakhah as resulting from a variant text. Although the Qumran community probably considered its own writings as holy as the canonical writings, we observe significant variations in the various specimens of the same text. See, e.g., C. Hempel, 1997, pp. 338–41, who demonstrates the dissimilarities in the lists of offences appearing in 1Qs, CD and 4QD. E. Tov, 1992, lists a great number of disagreements between citations of biblical quotations in a number of Qumran writings and the parallel biblical texts from Qumran. N. J. Jastram, 1992, goes even further and states: “The caves of Qumran have yielded a rich harvest of various texts of the Hebrew Bible... 4QNum^b has a wealth of variant readings.” See Chap. 2 regarding variants of biblical texts.

⁷² On the other hand, though the Minhah text is stated in singular, MT Num 29:11 has **ונסכיהם** “their libations” in plural; but one may explain this discrepancy by the likelihood that the libations, in plural, refer to the burnt offerings commanded in the antecedent v. 8. Their Menahot are listed in vv. 9–10, but libations are not mentioned there. The reference to libations in plural in v. 11 is therefore appropriate, and does not indicate a libation for the Sin offering. The same applies *mutatis mutandis* to the MT version in 28:31. The Qumran version has the term **מנחתם** “their offering” in the parallel to MT 29:11, and this must be understood as referring to the Tamid and Sin offerings. In essence, the Qumran version should have read **ומנחותיהם** “and their grain offerings,” since it refers to more than one Minhah, but it seems that neither the MT nor the Qumran writings gave attention to this grammatical rule to discern between “their offering” and their offerings”: they considered both plural forms to express plurality. We encounter in MT Lev 23:28, for example, the term **ומנחתם** “their Minhah” and in 23:31 the term **ונסכיהם** “their libations,” although both refer to the identical number of offerings. Similarly, we read in 11QT XXV: 14 **ומנחתמה ונסכמה**, which literally means “their grain offering...”; from the context, however, the phrase unquestionably relates to more than one Minhah, and should be interpreted as “and their grain offerings and their libations.” The LXX has an entirely different text for the second part of v. 11, but both the Minhah and libation are referred to in singular: ἡ θυσία αὐτῆς καὶ ἡ σπονδή αὐτῆς. See J. W. Wevers, 1998, pp. 486–7. The Samaritan Pentateuch has **ומנחתה ונסכיה** in singular, and we also encounter these two terms in the Samaritan Targum. This text indicates one auxiliary Minhah for one offering, but the form **ונסכיה** in plural is odd in reference to one offering. The plural MT term **ונסכיהם** “their libations” is correct if they are taken to refer to all the previously mentioned offerings.

with the Tamid Holocaust offering and that refer to the auxiliary Minhah and attached libation, the recurring phrase **ומנחתה ונסכה** “and its/their grain and drink offering/s” is in singular in some occurrences, and plural in others.⁷³ The plural seems to indicate that libations are also required for the Sin offering.

4.2.2.5 *Were the Rabbinic Sacrificial Rules Theoretical or Founded Upon Realities?*

I reiterate my hypothesis that at least in some instances the rabbinic pronouncements with respect to rules of the Temple cult were completely theoretical⁷⁴ and did not represent the actual performance of the cult.⁷⁵

⁷³ In MT Num 29:16, the command for the Sin offering on the first day of Sukkot is explicit that the Sin offering does not require the auxiliary offering. We read there: “One male goat as a Sin offering, in addition to the regular burnt offering with its grain offering and drink offering.” The grain and libation offerings are expressed in singular, and it is evident that this refers only to the regular burnt offering. For the schedule of the second day in v. 19, on the other hand, the identical text has a different ending, and we read there: “. . . its grain offering and drink offerings.” The grain offering appears in singular, but the drink offering is expressed in plural; this would indicate a libation for both the regular (Tamid) offering and the Sin offering. With respect to the offerings of the sixth day in v. 31, the stereotypical text of this verse again has a different ending: **מנחתה ונסכיה** “its grain offering and its drink offerings.” The simple reading of the text would again imply one grain offering but more than one drink offering (for the Tamid or also for the Sin offering?). These irregularities may suggest some intentional changes, or haphazard inaccuracies, in the MT version in the possession of the Sages, but it seems that they ignored them and concluded that the Sin offering does not require an auxiliary offering. In their opinion, a contrary decision would also have been in conflict with their exegesis (see n. 64) concluding that only the burnt offering and Fellowship offerings are included in this decree in Num 15. The Sages instead interpreted this irregularity as referring to the custom of water libation on Sukkot. We read in *b. Ta’an.* 2b: “In the [command for the] second day the ending letter **מ** is superfluous [in **ונסכיהם**], and similarly the letter **י** on the sixth day and the letter **ם** [in **כמשפטם**]; on the other days this term appears in singular as **כמשפט** on the seventh day. Hence we have the three superfluous letters **מים** ‘water.’ From this we have a hint in Scripture for the custom of water libation.” Yadin was aware of these irregularities and notes them, as well as the rabbinic deliberations in *b. Zevah.* 90b, suggesting that they indicate a concealed debate about this matter.

⁷⁴ See also S. Safrai, 1985, p. 14, regarding the theoretical versus the practical significance of rabbinic deliberations.

⁷⁵ The LXX in its translation of Num 29:16–39 uses: **αἱ θυσίαι αὐτῶν καὶ αἱ σπονδαὶ αὐτῶν** for all seven days of Sukkot. The plural indicates grain and drink offerings for both the burnt Tamid and the Sin offering on all days. The Samaritan text has the recurring **ומנחתה ונסכיה** “its Minhah and libations” in these verses—that is, one term in singular and the other in plural; this indicates the probable existence of many different variants of this phrase. The topic of the auxiliary Minhah with libation, for which offering it is due and the correlation between the Minhah and the libation, is complex. The Sages attempted to formulate some classification of the many types of Menahot,

I propose that in some cases the sacrificial cult rules reflected in the TS seem to provide better evidence of actual Second Temple practice, as demonstrated in chapter 3, subchapter 3.6.2 with regard to the burning of the Showbread's frankincense.

As discussed extensively in chapter 3, the biblical texts with respect to sacrifices are extremely confusing. For example, in addition to the discrepancies between singular and plural relating to the Menahot and

founded on certain principles, but all these undertakings were based on theoretical deliberations, comparisons and hermeneutics, and do not attest to the real procedures in the Temple. This is not the place to scrutinize the entire topic of the Menahot (see Chap. 3), but in support of my thesis I will quote one example of rabbinic deductions regarding the requirement and practice of the auxiliary Menahot. I have quoted above (n. 65) *m. Menah.* 9:6, which states that the Sin and Guilt offerings do not require auxiliary Menahot and libations, with one exception: "the Sin and Guilt offering of the leper do require this auxiliary offering." But Lev 14:10–20 does not explicitly require it. We read in v. 10 that the leper should bring: "two male lambs and one ewe lamb a year old, each without defect, along with three-tenths of an *efah* of fine flour mixed with oil for a grain offering, and one *log* of oil." The three animals are dedicated, one for the Sin offering, one for the Guilt offering and one for the burnt offering. The Sages were faced with a dilemma as to how to understand this specific rule and adapt it to their classification. According to Num 15, only the burnt offerings require an auxiliary offering, consisting of one-tenth of an *efah* of fine flour mixed with a quarter of a *hin* of oil, for one lamb. But Scripture in this case requires three-tenths of an *efah* of flour, and does not indicate the quantity of oil to be mixed with it; the additional *log* of oil is required for sprinkling and smearing on the leper's body. It is also not specified whether the three-tenths of an *efah* of flour are for one Minhah offering, as would appear from the term Minhah in singular, or for three separate offerings, each of one-tenth of an *efah*. Nor does Scripture mention here the libation, a common element of the auxiliary Minhah. The Rabbis decided that Scripture requires three separate Menahot, each with its libation. The Mishnah, as usual, does not indicate the reason for its statement that the leper's Sin and Guilt offerings require the regular auxiliary Minhah, but in *Sifre Num pisqa* 107, we find an exegesis that rationalizes the Mishnah's decision: "Rabbi Natan says: [It is written in Num 15:5] 'Prepare [the drink offering] for the burnt offering'—this is the leper's burnt offering; 'for the sacrifice'—this is the leper's Sin offering; and [the apparently superfluous] 'or'—this is the leper's Guilt offering." It is evident that this hermeneutic was not the basis for the halakhah, but attempted to reveal a scriptural support for a decision that could not be derived from the relevant pericope in Lev 14. A "logical" justification for this decision appears in *b. Sotah* 15a: "It would have been logical for the 'fat' Sin offering [Rashi explains that all Sin offerings are called 'fat Sin offerings' because the prohibition to eat fat appears in Lev 3:17 and is followed immediately by the command for the Sin offering for transgressions] to require an auxiliary offering so that the sinner should not be saved the financial outlay for it, so why is it not required? So that his offering should not be ornate [which would not be reasonable for a sinner]. But the leper's Sin and Guilt offerings require this ornate auxiliary offering, because it is not offered for the atonement of a sin." We must admire the imagination and creativity of the Sages in constructing such an elaborate homily in order to maintain their theoretical classification of the great array of auxiliary Menahot; but I do not think that this procedure can be reconciled with the biblical text, and I doubt whether this was the custom in the

libations, discussed above, the biblical text is also confusing with respect to the inconsistent use of the appropriate gender. In some verses in Num chapters 28 and 29 in which the Tamid and the Sin offering are associated, the libation attached to the Minhah has a feminine singular suffix, which seems to indicate that it is required only for the עולה (the Tamid);⁷⁶ in other verses, however, the suffix is masculine singular, which relates grammatically to the שיעיר עזים of the Sin offering⁷⁷ (28:15, 24). Some occurrences are even more confusing, with the drink offering indicated in plural after the mention of the Sin offering.⁷⁸ It is thus quite conceivable that the author of the TS had a different MS, as in the instance demonstrated above, or interpreted these equivocally expressed regulations differently than the Rabbis. Using the common

Temple. It is evident that the offerings for the leper's cleansing process are *sui generis*, that is, a particular Minhah of three-tenths of an *efah* of flour without libation, like other offerings such as the Omer Minhah (which requires two-tenths of an *efah* flour for a lamb in Lev 23:13, instead of the customary one-tenth), and cannot be classified with the regular types of offerings and their auxiliary Menahot. The auxiliary Menahot of the priestly ordination offerings, commanded in Exod 29 and performed according to Lev 8, are also utterly different from the regular auxiliary Menahot, as are the rules of the initiation offerings, decreed in Lev 9. K. Elliger, 1966, p. 188, perceives an analogy between the leper's cleansing procedure and the priestly ordination celebration; hence, he argues, a particular Minhah would be justified here like that of the priestly ordination. The traditional scholar D. Hoffmann, 1953, Vol. 1, p. 277, interprets Lev 14:10 according to the rabbinic homilies, and does not even attempt to reconcile it with the conflicting text (though he makes such attempts in other instances). Scripture does not mention a wine libation, a cardinal element of the auxiliary Minhah, with respect to the leper's cleansing. Further, the accompanying Minhah for this ritual is clearly mentioned only once, explicitly in singular: "And the priest should offer on the altar the burnt offering and the Minhah." For the Sin and Guilt offerings no Minhah is mentioned; there is no responsible way to interpolate into the text a requirement for three Menahot, instead of one particular Minhah that is of a special quantity of three-tenths of an *efah* and without any wine libation. Elliger, p. 189 speculates about the early or late dating of this pericope, and declares it evident that the Minhah is an auxiliary of the burnt offering.

⁷⁶ We read, for example, in Num 29:16 and 22: "And one male goat as a Sin offering, in addition to the regular burnt offering with its grain offering and its drink offering [מנחתה ונסכה]." The pronominal suffix is in feminine singular, referring exclusively to the Olah offering; this definitely excludes the Sin offering from the requirement of the grain and libation offering.

⁷⁷ We read in Num 28:15: "Besides the regular burnt offering, one male goat is to be presented to the Lord, with its drink offering [ונסכו]." This is the literal translation, and the pronominal suffix is in masculine singular, seeming to connect the drink offering with the Sin offering of a male kid goat.

⁷⁸ We read in Num 29:11: "And one male goat as a Sin offering, in addition to the Sin offering for atonement and the Tamid burnt offering with its grain offering [ומנחתה] and their drink offerings [ונסכיהם]." The last phrase, in plural, seems to indicate the drink offering is offered with all offerings, including the Sin offering.

harmonization method, he decided that the Sin offering also requires an auxiliary Minhah offering and libation.

D. D. Swanson⁷⁹ speculates, after extensive deliberations, that the TS may originate from a much earlier period than the Qumran writings. He stresses the fact that the TS “does not exhibit the polemic concerns, typical of the sectarian literature; further, the lack of sense of crisis or schism points to a period of stability in the practice of the cultus.”⁸⁰ If his assumptions are correct, the TS would constitute an early, non-polemic document⁸¹ complementing the missing biblical minutiae regarding the Temple and its ceremonies, as well as harmonizing scriptural inconsistencies. There would be no compelling motive to discredit it⁸² as representing the authentic instructions that reflected the prevailing custom in Judah, before Hellenistic influence and the ensuing upheaval in all aspects of public and ritual life. J. C. Vanderkam⁸³ goes a step further, and expresses hesitation on the issue of whether the TS is actually a sectarian document at all.

4.2.2.6 *Interim Conclusion*

Rabbinic texts that describe disputes concerning the correct execution of the law could indeed reflect actual practices in the Temple; but one cannot exclude the possibility that at least some celebrations were performed according to the rules in the TS.⁸⁴ We must also consider that a small splinter group could not initiate new rules and customs in conflict with the institutionalized cult and expect them to become dominant. Only the ‘establishment’ can alter existing rules and impose them on the public; and there will always be some small groups that will object and accuse the establishment of heresy. We have no information on how the Pharisees justified the sweeping modification of the calendar

⁷⁹ D. D. Swanson, 1995, pp. 239ff.

⁸⁰ *Ibid.*, p. 242.

⁸¹ C. Hempel, 1998, p. 5, conjectures that the TS originates from an early period, before the Qumran era.

⁸² On the other hand, I doubt whether Swanson’s argument of the non-polemic character of the TS can really serve as substantiation of his thesis. The TS author attempted to present the Scroll as being God’s direct words, like the Torah, and God does not enter into polemics.

⁸³ J. C. Vanderkam, 1992.

⁸⁴ H. Stegemann, 1993, p. 238, speculates on the possibility that before the reign of Jonathan (152 B.C.E.), the solar calendar was the official Temple calendar and the sacrifices were performed according to this calendar.

that affected the entire religious and cultic life.⁸⁵ The later Rabbis generated rules, on the basis of theoretical hermeneutics, that may have been completely unconnected to conditions actually pertaining in the Temple; it is plausible to assume that the Pharisees too justified their far-reaching changes by appropriate exegesis.

4.2.3 *The Relationship Between the Sadducees and the Essenes/Qumranites*

We should not wonder that debates and arguments took place among learned men, within and outside the confines of a common society; but the Rabbis, in their later records, concealed opposing opinions by ridiculing them as sectarian ideology. The denigrating⁸⁶ and paternalistic

⁸⁵ A narrative in *t. Pesah.* 4:13–14 and *y. Pesah.* 6:1, 33a may serve as indirect support for the change of calendar being a later occurrence. The Tosefta version reads: “Once the fourteenth [of Nisan—the eve of Passover] happened to be on a Sabbath; they asked Hillel the Elder whether the [offering of] the Passover [which would have to be performed on Sabbath eve], overrides the Sabbath.” The YT version reads: “This halakhah [regarding how to proceed when the eve of Passover occurs on a Sabbath] was unknown to the Elders of the Batyra.” Such an event happens often in the lunar calendar, and it is more than bizarre that the Sages did not know the correct halakhah. This narrative only makes sense if the lunar calendar was a recent innovation, since such an event could not have occurred with the solar calendar. See Heger, 2003, p. 46, n. 13 for a more detailed discussion of this narrative.

⁸⁶ See, e.g. *b. B. Bat.* 115b, Rabban Yohanan ben Zakkai’s address to the Sadducees regarding the dispute as to whether the daughter of a deceased son inherits the portion of her father’s inheritance together with his brothers, at the death of her grandfather: “Idiots! How do you know that? And nobody [from among the Sadducees] could respond to him except an old man who babbled against him.” In addition to the preposterous style of the debate and the feast celebrated by the Pharisees after their ‘victory’ on this problem, we observe that Rabban Yohanan ben Zakkai’s question is not appropriate to the issue. He confronts the Sadducees with the question: How do you know that—that is, how do you deduce it from Scripture? Rabbi Yohanan first gives an indirect reply to this question, and then offers a logical explanation for the rabbinic decision, indicating that he too has no scriptural support for his thesis and cannot claim victory in the debate. See also Le Moyne, 1972, p. 110. It is extremely odd that all the ‘alleged’ debates with a ridiculing tone toward the Sadducees, in *m. Yād.*, *b. B. Bat.* 115b and *b. Menah.* 65b, are presented as debates with Rabban Yohanan ben Zakkai. It is also interesting that after the alleged debate with Rabban Yohanan, the *Gen.* cites exegeses pronounced by certain Tanna'im, justifying the rabbinic interpretation, without any hint of a discussion with the Sadducees. In other recorded occurrences of disputed halakhah with the Sadducees/Boethusians, the tone is more earnest, as for example in *m. Mak.* 1:6 and in *y. Yōma* 1:5, 39a. In *t. Hag.* 3:35 and *m. Parah* 3:7 there is no debate; the Sadducean halakhah is cited and strongly rejected but without any denigration. In *t. Nid.* 5:3 the Sadducee women defend themselves honourably. Only in the alleged debates with Rabban Yohanan ben Zakkai, upon which some scholars build their thesis of the identification of the Essenes as Sadducees, is the tone so distinctly different; this leads us to a strong suspicion regarding their reliability.

references to debates with the Sadducees in rabbinic literature, and the frequent absence of rational counterclaims attributed to the latter, suggest that these passages are not reliable records⁸⁷ of the actual discussions.⁸⁸ This assumption is further validated by the following con-

⁸⁷ L. L. Grabbe, 1997, p. 101, asks: “Did such debates take place or were they only invented to demonstrate one point or another?” Cf. S. A. Cohen, 1990, p. 133, who perceives them as authentic debates.

⁸⁸ Another rabbinic narrative in *m. Nid.* 4:2, complemented by a baraita in *t. Nid.* 5:2 and *b. Nid.* 33b, again suggests the lack of authenticity of reports regarding the relations with the Sadducees. The baraita records that the spittle of a Sadducee who was speaking with the High Priest fell on the latter’s clothes. The High Priest’s face contorted with fear (that he might be polluted by the Sadducee who may have had intercourse with his wife during her menstrual period, contrary to Pharisaic law. One must assume that this happened before the Day of Atonement which the High Priest was supposed to celebrate). He related this fear to his wife; she calmed him, saying: Although they are wives of Sadducees, they fear the Pharisees and show the menstrual blood to the Sages (i.e. they ask for halakhic decisions concerning uncleanness). This narrative refers naturally to the era before 70, when there was an officiating High Priest. There is then cited a quotation of Rabbi Yose, post 70, who states: “We know best the circumstances about them (the Sadducean women) since they show us their blood, except one woman in our neighbourhood, who did not show us her blood and died.”

Let us critically analyze this narrative. First of all, as I mention elsewhere (pp. 298ff.), we do not encounter any halakhic dispute between the Pharisees and Sadducees about these laws, a fact that leads us to skepticism concerning the entire narrative. The statement that all the Sadducean women show their blood to the Sages is an exaggeration. Every woman is supposed to know the law with respect to normal menstrual periods; they must ask the advice of a Rabbi only in irregular occurrences, and show (the term **דַּם וּמְרֵאוֹת דָּם** is used in the text) the actual discharge of blood in only a few extreme cases, in which it is not clear whether it is menstrual blood or another type of discharge. How could Rabbi Yose know that all Sadducean women show their blood in all cases to the Pharisaic Rabbis, and particularly that his neighbour, who died, had not shown her blood to him? It is equally possible that this woman did not come to ask his advice because she did not experience an anomalous discharge in her regular menstruation.

The same doubt is raised with respect to the expression “they fear the Pharisees.” Again, as discussed above, it does not apply in this case since a halakhic judgment concerning menstruation is only required in exceptional cases; how would someone know whether she had such an occurrence that would require her to consult a Rabbi? The rabbinic statement that the Sadducees fear the Pharisees (*t. Yoma* 1:8 and *b. Yoma* 19b) refers to the conduct of the High Priest at the most venerated and publicized event of the incense celebration on the Day of Atonement. The dispute with the Sadducean priest about purity law, recorded in *t. Parah* 3:8 indicates the opposite; the priest was not afraid and proceeded according to his opinion, then died after three days. We have also noted (n. 4) the priest who did not properly perform the water libation and was pelted with *etrogim* (*t. Sukkah* 3:16); he too did not show any fear. The authenticity of these narratives is another question; see my analysis of the relevant rabbinic records of this affair in n. 31. It would be against any logic to assume that the same concern and fear shown by the High Priest regarding a public performance would be shared by women with respect to their most intimate bodily functions. One must similarly critically judge and interpret Josephus’ statement in *Ant.* XVIII: 17: *ὁπότε γὰρ ἐπ’ ἀρχῆς παρέλθοιεν* “for whenever they [the Sadducees] assume some office,” they could not enforce civic policies and

siderations. There are no records, in rabbinic literature, of debates with the dissident group that accepted the solar calendar,⁸⁹ as discussed earlier. Similarly, there are no references in rabbinic literature to debates, or even to halakhic differences, with respect to many of the unquestionably conflicting laws of the Qumran group/s, encountered in the TS or other writings.⁹⁰ I refer in particular to several significant differences relating to the Temple celebrations: the requirement to burn the **בזיכין**, “the incense of the Showbread,” on the golden altar, contrary to the rabbinic rule to burn it on the outer burnt-offering altar;⁹¹ the rule to offer an auxiliary Minhah for the Sin offering on the holy days, contrary to the rabbinic opinion that does not require it;⁹² the additional Feasts, their specific celebrations and in particular their sacrifices;⁹³ and the extremely critical calendar dispute.⁹⁴ There are no records of these differing halakhot with the ‘separatists’ (whatever their name)⁹⁵ in rabbinic literature, nor in the books of Josephus, who does describe the Essenes, assumed to be the Qumranites, at length.⁹⁶ Before the discovery

procedures according to their particular opinions. S. Cohen, 1984, uncritically accepts the “historicity” of this narrative, and therefore deduces the existence of at least some Sadducees post-70, at the time of Rabbi Yose.

⁸⁹ In the Scholion of *Megillat Ta’anit* in *b. Menah.* 65a, we do encounter a debate between Rabban Yohanan ben Zakkai and the Boethusians regarding the date of the Feast of Weeks. As discussed earlier, however, this issue has no evident relationship with the calendar issue; it is a conflict about the correct interpretation of the phrase “the day after the Sabbath” (Lev 23:15–16). Moreover, the authenticity of the entire Scholion narrative is debated. One has the impression that this text has been copied from *b. B. Bat.* 115b, where it appears in a discussion between Rabban Yohanan ben Zakkai and the Sadducees on the issue of whether a granddaughter inherits her father’s portion of the grandfather’s estate together with his brothers. The similar wording of both narratives is striking and substantiates this assumption. Le Moyne, 1972, p. 184, also considers this narrative as non-authentic.

⁹⁰ As noted above, I do not intend to enter into the unresolved debate regarding the identity of the group or groups whose scrolls were found in Qumran; this issue does not affect my thesis. I refer to the halakhic content of these works, that is, the laws and regulations.

⁹¹ See chap. 3, subchapter 3.6.2.

⁹² See above n. 65.

⁹³ See chap. 2 subchapter 2.3.2.2.

⁹⁴ See 4Q394 MMT Frags. 3–7:1–2.

⁹⁵ I suggest that “separatists” is the proper name for the group(s) of the dissidents who separated from the bulk of Israelite society. See I QS V: 1–2: “In compliance with his will they should keep apart from the congregation of the men of injustice in order to constitute a Community in law.” See also Y. Sussmann, 1990, p. 38, who states that the Qumran group had a separatist ideology. I will use this denomination in the study, without taking a firm position on the identities of the different groups.

⁹⁶ The odd fact that Josephus does not mention in connection with the Essenes such a significant issue as the solar calendar, which would have had great influence on the daily

of the Dead Sea Scrolls (or the attribution of the Zadokite Fragments to a sectarian group in the period of the Temple), we had no suspicion of any differences between the law of the Pharisees/Rabbis on these and many issues, and the law of the dissident groups, other than those mentioned in rabbinic literature with the Sadducees and Boethusians. Although we were aware of the book of *Jubilees* and other apocryphal writings and their endorsement of the solar calendar, no connection was assumed between the writings of these apparently extreme visionaries, as the Rabbis likely judged them,⁹⁷ and 'legitimate' groups such as the Sadducees/Boethusians and Essenes⁹⁸ as described by Josephus, Philo and Plinius. These circumstances add doubt to the authenticity of the alleged rabbinic debates with Sadducees, and render even more difficult any identification of their assumed disputants.

life of a religious community, throws suspicion on the reliability of his portrayals of the life and halakhot of the sects.

⁹⁷ The fact that the Rabbis succeeded in effecting their complete disappearance from the Jewish library and from Jewish memory indicates their disparaging judgment of their merit and suitability for Jewish thought. The only exception is the Wisdom of ben Sirah. Though it was probably judged as written without divine inspiration, unlike the wisdom books that were canonized, it was deemed to have some merit, and thus was not intentionally destroyed. It is mentioned in rabbinic literature in *t. Yad.* 2:13, and some of its aphorisms are quoted as support in a number of rabbinic pronouncements. In one such occurrence in *b. B. Qam.* 92 b, it is called כתובים, "hagiography," and is mentioned in tandem with citations from the Pentateuch and the Prophets. We can observe a somewhat similar attitude of the Christian churches toward the apocryphal writings. Although these writings have been preserved by the Christian Church, the Protestants have not canonized any of them, and the Catholic and Greek Orthodox denominations have canonized some and rejected others; likely they discerned between them according to their judgment of the individual merit of each work. The Rabbis went a step further and eliminated them altogether. See chap. 2, n. 220.

⁹⁸ Cf. M. Broshi, 1992, pp. 589–600. He lists the calendar dispute among the polemics in the Talmud against the Qumran group. His allegation is founded on a homily in *Midr. Psalms* (Buber, 1891, p. 230), in which those "who do not reckon either appointed days or periods" are called heretics (p. 594). I think that this accusation refers to the gentiles, who do not keep the holidays. This homily is not very clear, but in a similar homily in *Midr. Sekhel Tov* the contenders are censured for insisting on establishing the New Moon only by watching it rise, and that custom unquestionably refers to the Karaites. In the period of the Qumran community, the date of the New Moon was also established by the Rabbis/Pharisees by watching. Moreover, though the exact period of *Midr. Psalms*' composition is debatable, its earliest *terminus a quo* is considered the gaonic period, and the gaonic polemics with the Karaites are well documented. Neither Qumran nor the *Jub.* author deduced the correctness of the solar calendar from Gen 1:14 or by hermeneutics of other biblical verses, as the Karaites have done. *Jub.* deduced it from the flood narrative (Gen 6:31–38). The homily in our case on Gen 1:16 ("God made two great lights") must therefore refer to the Karaites; they claimed that the lights in Gen 1:14 were made "to let them serve as signs to mark the set times [מועדים], the identical

Certain scholars, however, relate the TS and the MMT and their halakhot to the Sadducees, on the basis of Qumran halakhah that is parallel to that attributed to the Sadducees in rabbinic literature. L. Schiffman,⁹⁹ for instance, asserts that the views expressed in the TS may be “totally Sadducean or merely close to the Sadducean approach,” and that “the sources of the TS represent teachings of the Sadducees.” He also asserts in another study, “I have been able to show that the origins of the Qumran sect are Sadducean,”¹⁰⁰ and confirms this anew in a later study.¹⁰¹ A. Baumgarten,¹⁰² who also seems to rely on the rabbinic identification of the sects, makes similar assumptions. When a particular conflicting halakhah attributed to the Sadducees in the Talmud is also found among the halakhot in Qumran, he assumes that these halakhot must originate from the same group. On the basis of this premise, he identifies the Qumran group that edited 4QMMT as Sadducees. This assumption leads him to envisage two distinct groups, Jerusalem Sadducees and Qumran Sadducees, and he speculates about the relations between them. At the conclusion of his essay, he declares:¹⁰³ “The Sages called both the members of the Jerusalem aristocratic group and the sectarian people of Qumran ‘Sadducees.’” It is not clear what he means by that assertion; on the surface it seems to be

term used in Scripture for setting the holidays] for days and years,” and that this demonstrates that the divisions must be established by watching the sun for the seasons and the moon for the months. Ibn Ezra, in his introduction to his Torah commentary, makes the accusation: “. . . and this is the method of the Sadducees, like Anan, Benjamin, ben Messiah and Jeshua, and all heretics that do not believe those who [interpreted and] and copied/transmitted the [laws of] religion.” Although he states “Sadducees,” he refers to the Karaites, founded by Anan and his followers. Ibn Ezra then lists the issues that are left indefinite in Scripture, and for which one must rely on the tradition transmitted by the Sages. He includes the following: “Since the rules of how to construe the calendar are not [clearly] indicated in Scripture, and how should we reckon the months? And the feeble in knowledge and rebellious/disobedient made their evocation [by their wrong interpretation of] Gen 1:14. Gen 1:14–18 does not serve as evidence for the solar calendar; it refers to the two lights for the establishment of the periodic divisions and the holidays.” From the above considerations, the homily using the text of Gen 1:16 cannot refer to Qumran, as Broshi suggests.

⁹⁹ L. Schiffman, 1994b, p. 253.

¹⁰⁰ L. Schiffman, 1992, p. 41.

¹⁰¹ L. H. Schiffman, 2003, p. 8, asserts: “MMT discusses numerous halakhic disputes, some of which are directly parallel to the Pharisee-Sadducee disputes of tannaitic texts. This document attributes the Sadducean positions to the Dead Sea sect and the Pharisaic opinions to their opponents.”

¹⁰² A. Baumgarten, 1996.

¹⁰³ *Ibid.*, p. 410.

similar to my contention that the Rabbis called all the dissident groups Sadducees. Yet if the Rabbis did not discern between these two groups in their literature, how does one know which halakhot were Sadducean and which Qumranic? His entire thesis crumbles if we cannot rely on the accuracy of the rabbinic attributions. As we have seen, such attributions are historically suspect.¹⁰⁴ I have demonstrated above that with three exceptions, the Rabbis bundled together all dissidents and alleged halakhic and theological disputes with them under the general denomination “Sadducees.” The exceptions—the alleged calendar issue, the date of the Feast of Weeks and the issue of the willow beating on Sabbath—were debated exclusively with “Boethusians.” Baumgarten does not explain why the Rabbis made a distinction between the Sadducees and the Boethusians.

I do not exclude the possibility that there may have been pre-70 debates with the ‘separatists’¹⁰⁵ or individuals among them on halakhot relevant to that period; the rabbinic records, however, do not refer to such events.¹⁰⁶ Equally, there may have been attempts in the post-70 era to convince the remnants of the dissident groups who still held to

¹⁰⁴ G. R. Driver, 1965, p. 261, had already written that rabbinic literature shows “total lack of historical scope, making them most unsatisfactory sources of information.”

¹⁰⁵ See n. 95 for an explanation of this term.

¹⁰⁶ The rabbinic records of disputes on issues relevant to the period of the Temple do not portray real debates with the dissidents. They merely record the dissidents’ opinions, or in some instances, their presumed justifications. There is no dialogue, as there is in the mocking disputes of Rabban Yohanan ben Zakkai. See *Sifra Ahare Mot*, parshah 2, *pereq* 3; *t. Hag.* 3:35; *y Yoma* 1:5, 39a and 1:2, 39a; and *b. Yoma* 19b and 53a, which all relate to contemporary issues relevant to the Temple cult, such as the incense celebration on the Day of Atonement, the water libation on Sukkot (attributed in some sources to the Boethusians,—see Heger, 1999, pp. 277–301) and when purity after bathing suffices for the celebration of the Red Heifer; only the latter is described in one source (*t. Parah* 3:8) in a mocking style, involving Rabban Yohanan ben Zakkai (see p. 295). These disputes are all related in a straightforward factual manner. Indeed, in the rabbinic records of the disputes on the incense celebration on the Day of Atonement, it is stated that the Sages questioned the assumed conflicting exegesis of the Sadducees, but there is no response on their part. It seems, therefore that the original text in *Sifra* was composed in a rhetorical style and the other sources copied it from there verbatim; it does not represent a real dialogue. The same applies to the dispute about the false witnesses in *m. Mak.* 1:6; the Rabbis’ address to the Sadducees has an earnest character, but their response is not recorded. Z. Safrai, 2000, pp. 521ff., states that there is generally—with some exceptions—a kernel of truth in the narratives relating Pharisaic–Sadducean disputes, but these are ahistorical with respect to expansions and embellishments. In his concluding statements, however, he admits that there were later disagreements with all kinds of dissident groups that had no connection with the Sadducees (pp. 540–541).

their previous ideas¹⁰⁷ to change their ways and follow the rabbinic halakhot on issues relevant to that period.¹⁰⁸ Such attempts would parallel the explicit¹⁰⁹ attempt of the editor of the MMT scroll to convince the opposite party of the accuracy and orthodoxy of his halakhot. There is, however, a difference in style that is apparent in the references to these alleged contacts between the opposing parties in the two corpora of literature. Whereas the appeal of the writer of MMT is composed in a kind and benevolent fashion,¹¹⁰ the rabbinic records of alleged debates are presumptuous and ridiculing. The MMT approach suggests an actual attempt by the spiritual leader of one group to communicate with the leader of another group to convince him, amiably¹¹¹ and rationally, of the truth of his opinion.¹¹² The deprecating and mocking style of the rabbinic conversations, on the other hand, suggests an arrogant harangue by an autocratic authority, an approach that does not seem authentic because it is not convincing. It is also extremely odd that all the ‘alleged’ debates with a ridiculing tone toward the Sadducees, in

¹⁰⁷ D. Instone Brewer, 1992, p. 195, quotes a number of scholarly statements about the “merging of the remnants of the Qumran sect with mainstream Judaism after 70 C.E.”

¹⁰⁸ See *m. Yad*. 4:6 on the impurity of the hands, 4:7 on the purity of a poured liquid and on the responsibility of the owner for damage caused by his slaves or animals, 4:8 on the writing of an alien governor’s name in a document, *b. B. Bat.* 115b on women’s inheritance and *b. Menah.* 65b on the date of the Feast of Weeks. The above debates all refer to issues relevant to the post-70 period; Rabban Yohanan ben Zakkai speaks for the Rabbis, in a ridiculing manner. It is interesting that regarding the issue of when purity after bathing commences, which was still relevant in the early period after the Temple’s destruction, the dispute appears in a factual discussion in *m. Parah* 3:7; but in *t. Parah* 3:8, with Rabban Yohanan ben Zakkai as speaker, it has the same ridiculing style as his other ‘debates.’

¹⁰⁹ See Y. Sussmann, 1990, p. 24.

¹¹⁰ B. Thiering, 2000, writes that the friendly and honourable style of the MMT fits a formal conversation between an Essene leader and a Pharisee. H. Eshel, 2004, pp. 42ff, speculates that the “Teacher of Righteousness” may have written the MMT as an address to the “Wicked Priest.” If this is correct, I assume he wrote it before the incident on the Day of Atonement (1QpHab XI: 6–8); it seems implausible for the Teacher to have written in such a benevolent style after the personal assault suffered at the hands of his interlocutor.

¹¹¹ Cf. Strugnell, 1994, p. 203, who writes that the MMT has “a notably polemic evidence” in the legal and hortatory part. I do not perceive it as such; its character is evidently significantly distinct from the style of the CD.

¹¹² J. Strugnell, 1994, pp. 71–2, writes that there is no evidence on the identity of the writer of MMT or on the group that he represented. Strugnell conjectures that it may have been a group that later evolved into the Qumran sect, and the writing represents “a legal proclamation sent to an accepted ruler, probably a High Priest of Israel.”

m. Yad., *b. B. Bat.* 115b and *b. Menah.* 65b, are presented as debates with Rabban Yohanan ben Zakai.

I conclude that the post-70 rabbinic records of the debates ‘staged’ with Rabban Yohanan ben Zakai do not portray the style of the actual dialogues, or the actual parties involved. The choice of Rabban Yohanan ben Zakai as the main speaker for the rabbinic opinions follows a common pattern of attributing statements to a prominent personality to enhance their significance and authority, and using a derisive style to portray opposing positions. This pattern is completely different than the portrayal of other disputes unconnected with Rabban Yohanan ben Zakai, as indicated above.¹¹³ I also propose that Rabban Yohanan ben Zakai was chosen as the speaker to confuse the issue of whether these debates occurred before or after the Temple’s destruction, as he was active both before and after the destruction. It is evident that he would not have spoken in the manner described with the Sadducees, who were still a significant group, even if not the ruling power, in pre-70 Israelite society. Further, just as his identity and style of debate must be questioned, so must the identification of the Sadducees as his opponents.¹¹⁴ As there were no writings of the Sadducees, nothing hindered the rabbinic editors from portraying events as they considered appropriate for their purposes. An organized Sadducean group did not exist in the post-70 era; the rabbinic Yavneh Assembly, convened for the establishment of halakhah, ignored them completely.

E. Regev,¹¹⁵ in a recent book dedicated to the Sadducees, attempts to establish their halakhah on the basis of the above rabbinic narratives. He gives four substantiations as evidence:¹¹⁶ a) The doubts regarding the authenticity of recorded disputes between the Pharisees and Sadducees relate, in his opinion, to the accuracy of the alleged debates, but not to the subjects disputed. I do not disagree with this assumption that all or the greater part of the recorded halakhot were disputed, but I have demonstrated that the identification of the disputants is unreliable.¹¹⁷

¹¹³ See nn. 106 and 108 for the citations of these disputes.

¹¹⁴ A. J. Saldarini, 1988, p. 237, declares: “Rabbinic sources can be of limited help in reconstructing history of Pharisees and Sadducees.”

¹¹⁵ Eyal Regev, 2005.

¹¹⁶ *Ibid.*, p. 17.

¹¹⁷ A. Baumgarten, 1995, quotes Sussmann’s statement that the tannaitic sources are well-informed about the halakhic issues that were in dispute in the pre-70 period. But he too distinguishes between the different types of data, and writes: “We must keep in mind that Rabbinic sources are not all necessarily of the same order of reliability” (p. 18). The

The same claim is valid for the next two arguments cited as evidence. b) The Rabbis had no valid reasons to devise fictional disputes, an assumption Regev substantiates with a number of logical conjectures. c) The existence of some disputed halakhot in Qumran legal literature, such as the requirement that a priest wait until the evening in order to regain purity, demonstrates that the rabbinic writings regarding the Pharisaic halakhah are reliable. Hence, he argues, if the Pharisaic standpoint is authentic, there is no valid reason to doubt the Sadducean view. Apart from the fact that this last argument has no foundation, none of these three arguments refers to the accuracy of the identification of the disputants. d) His last argument is evidence *ex silentio*: there is no hint in rabbinic literature that would indicate a rabbinic intent to attribute to the Sadducees viewpoints with which they did not abide. In the sixth chapter of his book, Regev attempts to construct a common philosophical foundation for all the halakhot attributed to the Sadducees by the Rabbis, to bring further evidence for his thesis.

It is not within the scope of this study to criticize in depth Regev's arguments; this must be done in a separate paper. At any rate, he does not bring any arguments that would counter my ample evidence and postulate regarding the unreliability of the identification of Rabban Yohanan ben Zakkai's disputants in the above-cited narratives. It is an unfortunate reality that we have no documentation at all from the Sadducees or their followers, comparable to the Rabbis as the assumed followers of the Pharisees. We must admit that it is impossible to attain reliable evidence of their halakhot and underlying philosophy from the rabbinic pronouncements, which are biased against them and were written a long time after the disappearance of the Sadducees from Israelite society.¹¹⁸ Each item of evidence cited to establish Regev's theory regarding Sadducean halakhot can be refuted by an opposing notion; one may compare this to Sisyphus' task. Regev even attempts to authenticate the record in the Scholion of *Megillat Ta'anit* regarding a dispute about the consumption of the auxiliary Minhah by the priests. The content

reliability of records concerning one subject cannot serve as evidence for the reliability of other subject matter. Moreover, his statement refers to the early tannaitic sources, but on p. 30 he states "how little was known about the identity of disputants in later eras."

¹¹⁸ A. I. Baumgarten, 1995, p. 16, states that most people in antiquity knew "remarkably little" about the past, particularly that prior to their own lifetime. He does not consider the probability of biased writings against the Sadducees.

of the debate has so little rationale for occurring¹¹⁹ that Regev admits to its ‘legendary’ character,¹²⁰ but nevertheless he considers it beyond question to be Sadducean halakhah. The rabbinic records of halakhic disputes may indeed be authentic in many cases, as Regev argues; but the identification of the contenders is an historical issue, and the rabbinic inattention to historical details or even deliberate neglect of them are beyond question. A fundamental distinction must be made between the character of halakhic disputes and the historical fact of identity. The halakhah was still relevant, or at least continuously debated on an intellectual level, and therefore the authenticity of the subject matter in prior and contemporary disputes is more likely. In contrast, if the rabbinic contenders referred to something irrelevant at the time of its recording, and hence long forgotten, some plausible attribution was devised. Thus, the possible authenticity of the disputed halakhah cannot serve as evidence for the accurate identification of the persons or groups involved. Regev’s admission of the ‘legendary’ character of a debate throws a dark shadow upon the identity of the alleged participants.

Further, the fact that there are rabbinic references to two Sadducean halakhic principles that also appear in the Qumran corpus cannot serve as evidence for the identification of the Qumran group as Sadducees, or as followers of Sadducean halakhah. Specifically, these records concern the *nitzoq* and the requirement of **מעורב שמש**, that the priest who immerses himself prior to burning the Red Heifer must wait until sundown to be considered fit for the ceremony¹²¹ (cult performances in which,

¹¹⁹ It is absolutely impossible that either a Sadducee or a Qumran scholar would have dared to accuse Moses of nepotism. See n. 219.

¹²⁰ Regev, 2005, p. 149.

¹²¹ This dispute stems from a far-fetched rabbinic exegesis on Lev 22:6–7 regarding the cleansing of a person who has touched an unclean crawling thing. We read in *b. Yevam.* 74b: “It is written [in Lev 22:6]: ‘He must not eat any of the sacred offerings, unless he has bathed himself with water.’ Hence we deduce that he is clean after the bath. But [in the succeeding v. 7] it is written: ‘when the sun goes down, he will be clean,’ and [in Lev 12:7]: ‘[and the priest] shall make atonement for her and then she will be clean [from birthing impurity].’ [There are three apparently contradictory rules as to when one becomes clean.] How is this possible? [Answer: each type of cleansing is for a different purpose]: one [where the bathing is sufficient] for the consumption of tithes, one [where the person is clean at sundown] for the consumption of Terumah, and one [after the offering] for the consumption of offerings.” The Sages maintained that the burning of the Red Heifer was to be compared to the eating of tithes, and thus bathing was sufficient. The Sadducees probably did not agree with this hair-splitting exegesis, and understood that the impurity lasted an entire day, as it is clearly stated in Scripture that one will be clean after sundown. The requirement of the offering for the cleansing of the woman who has given birth has no logical or legal affinity with the cleansing of

according to rabbinic literature, the Sadducees took part). The arguments against such a deduction are overwhelmingly more persuasive than this feeble assumption in favour of it. In addition to the general suspicion regarding the authenticity of rabbinic attributions, I have demonstrated the extremely dubious character of the ‘alleged’ debates of Rabban Yohanan ben Zakkai, in the single rabbinic source describing the *nitzoq* dispute with the Sadducees.¹²² The same well-founded doubts regarding historicity and identification are relevant with respect to the narrative on the alleged dispute about the purity status of the unclean priest who immersed himself in the ritual bath, in *m. Parah* 3:7 and 8. Though the mishnayot do not mention Rabban Yohanan ben Zakkai, *t. Parah* 3:8 complements them; it cites an occurrence in which Rabban Yohanan acts towards a Sadducean High Priest in the usual mocking style found in other records of his debates with the Sadducees, as well as a fantastic tale of the High Priest’s death. I would hesitate to consider these highly questionable narratives as convincing evidence for the definite identification posited by Schiffman, due to the proven lack of precision in rabbinic literature.¹²³

Further, the identification of the dissidents as Sadducees in the *nitzoq* debate is absolutely incorrect if we accept Lieberman’s¹²⁴ statement that the Sadducees maintained the non-susceptibility of liquids to ritual impurity. It is similarly incorrect from the point of view of logic. From *m. Parah* 3:3¹²⁵ we must deduce that the Sadducees were more lenient

someone who has touched a polluted thing; the latter has no obligation to bring an offering, whereas the woman must bring an offering to complete her cleansing process. Therefore, the woman remains unclean until the completion of the entire process.

¹²² Though *m. Yād. 4:7* does not mention Rabban Yohanan ben Zakkai as the Pharisaic contender with the Sadducees, it follows mishnah 6 in which he is mentioned as their interlocutor, and precedes other disputes in the peculiar literary style common to mishnayot 6–8. It is thus more than plausible that the redactor intended to attribute to Rabban Yohanan ben Zakkai the function of the Pharisaic representative in all these disputes.

¹²³ Schiffman’s statement regarding the disputed halakhot in the MMT, “some of which are directly parallel to the Pharisee-Sadducee disputes of tannaitic texts” (cited above, n. 101), is thus reduced to two questionable parallels. Similarly, his statement that in a number of cases it is possible to identify in the MMT disagreements recorded in tannaitic sources as with the Sadducees (1994b, p. 19) is reduced, at the most, to two cases. His identification of Qumran documents as Sadducean is thus greatly weakened.

¹²⁴ S. Lieberman, *Tosefta KiFshuta*, vol. 5, p. 1336. See also n. 55.

¹²⁵ We read there: “[In order to ensure that the land and all the necessary implements are absolutely pure, the mishnah devises a complex and far-fetched scheme]. Rabbi Yose says: Don’t let the Sadducees make fun of us [for this bizarre stunt]; rather, one takes [the ashes] and renders [them] holy [by mixing them with water].”

than the Pharisees with respect to the purity rules relevant to the Red Heifer, yet from the above they were stricter regarding the purity after ritual immersion for the same celebration. It is of course not impossible to assume that they were more lenient on one purity rule and stricter on another; nevertheless, this inconsistency throws additional doubt on the rabbinic references in these cases to “Sadducees.” Moreover, the Red Heifer dispute, regarding the transportation of the ashes and the water to be mixed, was also relevant in the post-70 period;¹²⁶ yet there are no parallel indications of it in Qumran literature, or on the scores of other conflicting halakhot, whether small or significant, either relevant only to the Temple period or also to the period after the destruction.

One may explain the similarities in Sadducean and Qumran halakhot as the result of their common opposition to some of the far-fetched rabbinic hermeneutics. It is therefore not unreasonable to assume that the two groups reached the same conclusions on some halakhic matters. The Rabbis, as I have demonstrated in chapter 2,¹²⁷ used hermeneutics to derive interpretations that were far from, and sometimes against, the simple meaning of the text, to support decisions they had reached from pragmatic motives. The Sadducees also used exegetical methods,¹²⁸ and generally rejected those devoid of any sensible scriptural source.¹²⁹ The

¹²⁶ In *t. Parah* 7:4 it is recorded that a question relating to the improper transfer of the water for the preparation of the sprinkling liquid with the Red Heifer ashes was asked three times of the Sages in Yavneh, and on the third time it was declared suitable for sprinkling because of the special circumstances of that period. This demonstrates that purity rules were practised in the period after the Temple's destruction, and that the sprinkling liquid was used for purification. In *t. Hag.* 3:33, *Sifre Zuta pisqa* 18 and *b. Pesah.* 72b it is recorded that Rabbi Tarfon, who lived post-70, ate Terumah, and he must have done so in complete purity.

¹²⁷ See chapter 2 and n. 204.

¹²⁸ Though it is commonly explained that the Sadducees did not acknowledge the Oral Torah, this is improbable. The concepts of ‘Written Torah’ and ‘Oral Torah’ are of later origin, and we must acknowledge that every group had its own interpretations of the scriptural laws and regulations. The much later Karaites, who outspokenly declared their rejection of the rabbinic Oral Torah, also had interpretations of the Torah decrees, though dissimilar from the rabbinic ones; occasionally there were even disputes among their scholars. Interpretations of Josephus' portrayal of the Sadducees in *Ant.* XIII: 297–8 and XVIII: 16–17, as well as the explanations of the traditional commentators, are at the root of this erroneous conception. We must disentangle ourselves from this interpretation of Josephus before assessing the Sadducees' real ideology. Josephus' descriptions are biased against the Sadducees, particularly with respect to their philosophical approach to the law and his account of the principles underlying their halakhot. See also Chap. 2, n. 15 and n. 19 on this issue. I have also demonstrated the unreliability of the rabbinic records regarding their debates with the Sadducees.

¹²⁹ See Chap. 2, n. 19.

Qumran group also adhered in most occurrences to the simple meaning of the text in their decrees,¹³⁰ as discussed in chapter 2.¹³¹ The distinctions between these two groups, from social and ideological aspects and with respect to significant halakhic issues, serve as more reliable evidence than the similarity between just two of their rules. There is a significant ideological gap between the Sadducees, as portrayed by Josephus and rabbinic literature, and Qumran on many issues; their completely opposed attitudes to wealth and opulence,¹³² and to a belief in resurrection,¹³³ are two such fundamental examples.

But what is even more detrimental to the association of Sadducees with Qumran is the complete absence in rabbinic literature of noteworthy debates. As noted above, rabbinic literature lacks references

¹³⁰ D. R. Schwartz, 1992, does not question the authenticity of the rabbinic narratives on the Sadducean halakhah. Similarly, he does not take a position as to whether the Sadducees mentioned in these narratives are identical with the Qumran sectarians. He restricts his study to the common philosophy underlying the Sadducean halakhah as presented in the rabbinic narratives, and that underlying the Qumran halakhah as reflected in the Dead Sea material. He perceives a distinction between a realistic and nominalistic approach to Torah law. In a certain sense, his theory is similar to mine; at any rate, it does not contradict it, and adds another perspective to the issue.

¹³¹ See e.g. the interpretation of the term **הָדָע** with respect to the obligation to participate in the Passover offering (Chap. 2 pp. 98ff.), and the discussion regarding the distance from the Temple required for permission to slaughter animals appropriate for offering (Chap. 2, n. 95). See also M. Hengel, 1994, p. 57 on this sole ideological affinity between the Sadducees and Qumran.

¹³² The facts underlying this statement are well corroborated in the relevant sources, a few of which I will mention. We can rely on the Sadducean way of life as portrayed by Josephus, as opposed to his statements about their principles (see n. 128), and those in rabbinic writings. In *Avot R. Nat.* Recension A, chap. 5, it is stated that the Sadducees always used luxurious gold and silver vessels; they would tease the Pharisees, who deprived themselves of pleasures in this world, believing that they would enjoy life in the next world. The Sadducees, who did not believe in an afterlife, attempted to enjoy their earthly life. Although Josephus does not explicitly describe their affluent life, he juxtaposes the Sadducees in *Ant.* XVIII: 16–18 to the Pharisees, who are described in *Ant.* XVIII: 12 as living in squalor. Josephus describes the Essenes, often assumed to be the authors and devotees of Qumran literature, at length, and stresses their chastity, their contempt for opulent life, and their communal possessions (*J.W.* II: 121). Moreover, this description can be substantiated by citations from Qumran writings; in the Rule of the Community 1QS, for instance, there are many references to communal possessions; see e.g. the requirement for the novice member to transfer his possessions and earnings to the Inspector in 1QS VI: 19.

¹³³ We read in *b. Sanh.* 90b that “the heretics” (Yalqut Shimoni 824 on Deut 4:4 and 431 on Isa 26:19 refers to “Sadducees”) do not believe in resurrection. This feature of Sadducean belief is confirmed in *Ant.* XVIII: 16, in *J.W.* 166 and in the New Testament (Matt 22:23; Mark 12:18; Luke 20:27; and Acts 23:8). Qumran’s belief in resurrection is documented in 4Q521:12: “he will make the dead live.” See also E. Puech, 2000.

to significant rules found in the TS and MMT,¹³⁴ such as the calendar issue, the most significant and divisive¹³⁵ dispute, the auxiliary Minhah for the Sin offering that definitely conflicts with rabbinic halakhah,¹³⁶ and the alleged debate¹³⁷ about the consumption of the auxiliary Minhah by the priests, in conflict with the rabbinic halakhah that it was to be burnt.¹³⁸ The absence in Qumran literature of any reference to the dispute regarding the incense celebration on the Day of Atonement,¹³⁹ one of the most acrimonious and recurrent disputes in rabbinic literature between the Pharisees and Sadducees, confirms without doubt that the halakhot of Qumran were not elements of the Sadducean tradition. In our comparisons of two sources, we cannot conclude their identical origin by revealing an insignificant number of similar or identical opinions; in a comparison we must also take into account the considerable number of differences, in which significant issues are missing in the parallel sources.

Another significant topic, the complex rules regarding menstrual impurity, leads us to the identical conclusion. The rabbinic narrative stat-

¹³⁴ For our purpose, it does not matter whether the calendar section belonged originally to the MMT, as Strugnell suggests (1994, p. 203) or not. It is an *opinio communis* that the Qumran community followed the solar calendar.

¹³⁵ This was, in my opinion, the trigger for the separation of the Qumran group. See also H. Eshel, 2004, p. 43, on this issue.

¹³⁶ M. Broshi, 1992, attempts to reveal in rabbinic literature covert polemics against Qumran on a number of sectarian halakhot conflicting with the rabbinic viewpoint. I doubt whether these rabbinic dicta can be perceived as polemics. I cannot conceive any valid motive that would induce the Rabbis to overtly and derogatively bicker against the sectarians on such trivial issues as the writing of the name of the governor on a divorce deed, while entirely ignoring the significant calendar dispute, or offering only covert polemics on such an important issue as the auxiliary Minhah and libation for the public Sin offerings. A more convincing argument is required to solve this riddle.

¹³⁷ The Scholion of *Megillat Ta'antit*, whose general authenticity is a debated issue, recounts a debate with the Sadducees, who maintained that the remainder of the auxiliary Minhah was to be consumed by the priest after the taking of the handful, as with the voluntary Minhah. See n. 219. There is no other source confirming this "Sadducean" rule.

¹³⁸ *m. Menah.* 6:2.

¹³⁹ While it is true that there are lacunae in the relevant text regarding the Day of Atonement celebrations at the beginning of Col. XXVI of the TS, it does not seem that the incense ceremony was mentioned in these missing lines. Yadin, 1977, vol. 1, pp. 106ff., and vol. 2, pp. 80ff., does not suggest such a reconstruction, and his comments concerning the sequence of the celebrations in the TS, which is different than the talmudic sequence, would not support such a conjecture. It is also extremely peculiar that we do not find any mention of the daily incense celebration in the TS. Had the relevant pericopes been contained in the original text of the Scroll, it is highly improbable that both were coincidentally destroyed.

ing that the Sadducean women asked the Pharisaic Sages about the correct halakhah¹⁴⁰ implies that the Sadducean rules of purity were much more lenient than the Pharisaic,¹⁴¹ whereas Qumran literature reflects, beyond any doubt, purity laws that were stricter than those of the Pharisees/Rabbis. We read in CD V:7: “They [presumably the Pharisees] lay with her who sees the blood.” It is inconceivable that the Pharisees and the Sadducees did not follow the biblical menstrual purity rules; we must assume that their rules were considered too lenient in comparison with the stricter Qumran rules, whose boundaries we can only guess at. All the more so is this the case when we consider the common view that the Sadducees rejected the type of Pharisaic rules derived by far-fetched exegesis. It is questionable, therefore, how leniency regarding menstrual impurity laws could co-exist in the same law codex with the strictness of the *nitzoq*. Another such example concerns the purity of the Temple furnishings, to which the most rigorous purity rules apply in Qumran literature. Yet, in *t. Hag.* 3:35 and in a slightly different style in *y. Hag.* 3:8, 79d, the Sadducean halakhah is more lenient than that of the Rabbis.¹⁴² We thus cannot assume that the TS, the MMT and other

¹⁴⁰ See a discussion of this topic in n. 88.

¹⁴¹ To emphasize this point I will quote *m. Nid.* 4:2: “The daughters of the Sadducees, as long as they behaved in the ways of their fathers [with respect to menstrual purity laws] are considered as Kutim [aliens]; when they abandoned [these ways and started] to behave according to the Israelite ways, they are [considered] as Israelites.” This statement, written in past tense and thus hinting at the circumstances of the post-70 era, is appropriate for a Sadducean opinion, if we give some credence to Josephus that the Sadducees respected only the Written Torah precepts and did not consider traditional rules obligatory (though see n. 128 above). The rabbinic rules regarding menstrual purity differ in major ways from the biblical decree; for instance, they established an impurity of seven days after the end of the menstrual period, in contrast to the simple understanding of the biblical law that decrees seven days of impurity altogether, however long menstruation continues (as long as it ends before the expiration of seven days). Similarly, the Rabbis required a ritual bath for the completion of the cleansing process, an obligation completely missing in Scripture for regaining purity status after menstruation.

¹⁴² We read there: “It happened that they immersed [in a ritual bath] the lampstand [of the Temple to purify it after] the holiday and the Sadducees said [mockingly]: Come and see the Pharisees purifying the light of the moon.” This immersion was done preventively, since the lampstand might have been rendered unclean by the pilgrims visiting the Temple. The Sadducees maintained that vessels could only be polluted by first grade uncleanness, such as that of a corpse, but not by a second grade, such as a person polluted by his contact with a corpse. They therefore derided the Pharisees, comparing the lampstand to the light of the moon, which cannot be polluted. The authenticity of this entire mishnah is highly doubtful; laics were not allowed to enter the Temple where the lampstand was placed, and unclean people could not enter the Temple’s inner court; how, therefore, could the artifacts of the Temple’s interior be polluted? One must

Qumran halakhot have any affinity with the Sadducean halakhot that are recorded in rabbinic literature.¹⁴³ The above discussions indicate that with respect to these significant issues concerning Temple celebrations, the Sadducean rules did not accord with the Qumran rules; they likely consented to the rabbinic regulations, with the exception of those matters highlighted in the rabbinic literature.

As I indicate further on, the Sadducees did not separate from the Temple cult; they served as High Priests, a function they could not perform if they had followed the solar calendar, as would result from Schiffman's statement that the Qumran laws were of Sadducean origin. To maintain this position, he entangles himself in a series of difficulties. He writes on the one hand¹⁴⁴ that Jonathan took control of the High Priesthood because the Zadokites, the Sadducean priests, participated in the defilement of the Temple during the period of Hellenization; but he then writes that "remnants of pious Sadducean priests" withdrew from the Temple because of the "changeover from Sadducean practices to those in accord with the Pharisaic point of view."¹⁴⁵ The first statement suggests that the Sadducees were the complete opposite of pious, the second that "remnants" of the Sadducees were so deeply pious as to withdraw from the Temple and society because of differences in cult practice.¹⁴⁶ But since rabbinic records show that Sadducee High Priests

assume that the priests were careful not to enter the Temple in a state of impurity. The *Gem.* in *b. Hag.* 26b offers two explanations/solutions. It may have happened that a priest was not sprinkled with the cleansing water of the Red Heifer; or a priest went outside the Temple and spoke with a menstruating woman, whose spittle fell on the priest and rendered him impure; he was not aware of it, entered the Temple and touched the artifact. As usual, the *Gem.* has an answer to all questions, but from the analysis of the many rabbinic narratives connected with the Sadducees, I have a feeling that all suffer, more or less, from a typical lack of authenticity.

¹⁴³ I do not use the evidence from the TS regarding the calendar dispute for the substantiation of this postulate, since the issue of whether the TS uses the same 364 day solar calendar as *Jubilees* and MMT is contested among scholars. See, however, Wise, 1990, pp. 10ff. on the different views; most scholars do indeed consider that the calendar of the TS is identical with the sectarian calendar, and this further reinforces my affirmation of a separation between the TS and the Sadducees.

¹⁴⁴ L. Schiffman, 1991 and in a slightly different form in 2003b. See also Chap. 1, n. 42.

¹⁴⁵ Schiffman, 1991, p. 268.

¹⁴⁶ R. Elior, 2004, also compares the rabbinic disputes with the Sadducees to the parallel Qumran halakhot; to disentangle herself from the resulting impasse she states: "A distinction should be made between the 'sons of Zadok' of the scrolls and the Hellenizing Sadducean aristocracy living in Jerusalem in the first century C.E." (p. 26). She does not consider that her knowledge about the Sadducean aristocracy derives from Josephus, and he definitely does not envisage any connection between them and

practised according to Pharisaic law, he writes: “For the most part, the Temple leadership continued to be drawn from Sadducean priests who were willing to accommodate to Pharisaic legal norms.” He thus refers to three groups of Sadducean priests: sacrilegious priests who defiled the Temple; pious priests who either renounced their status in Temple and society, or exposed themselves to dangerous situations, because of their ardent belief in the correctness of their own halakhah;¹⁴⁷ and a third group, whose status is unclear; were these High Priests part of the pious remnant who were “were willing to accommodate to Pharisaic legal norms,” or should they be considered as impious opportunists or hypocrites who compromised on their faith in order to keep their privileges? Another doubt obviously remains unresolved: why would the Pharisees agree to nominate Sadducean High Priests at a time when they were politically dominant? Were there not enough suitable Pharisees to serve as High Priests? Logic would dictate that the Sadducean High Priests were performing the Temple celebrations according to the Pharisaic rules at those times when the Sadducees dominated politically and nominated the High Priests from their own group. The elders’ requirement recorded in *m. Yôma* 1:5 that the High Priest take an oath to celebrate the incense ceremony according to the Pharisaic rules¹⁴⁸ must have occurred in such circumstances. The Pharisaic elders probably knew that the particular High Priest was a Sadducee; and the Sadducees obeyed Pharisaic halakhah in the Temple, as attested by Josephus and the Rabbis. But in this case it was impossible to verify how the High Priest acted¹⁴⁹—nobody was allowed to enter the Temple during this ceremony—and hence the oath was indispensable.

the authors of Qumran writings whose halakhot seem to correspond to the Sadducean opinion in rabbinic literature. Josephus does not describe two separate types of Sadducees, as Elior suggests (p. 27); neither he nor the Rabbis record a distinct group of Hellenizing Sadducees.

¹⁴⁷ See n. 149.

¹⁴⁸ We read there: “We admonish you by oath to the [Lord] who dwells in this House that you must not change anything of all we told you; he retreats and weeps and they retreat and weep.” In *b. Yôma* 19b it is asked why they wept, and the answer is given: “because they suspected he was a Sadducee.” This would indicate that his actual identity was unknown, which conflicts with my assumption. But *y. Yôma* 1:2, 39a, whose narratives are generally considered more trustworthy than those of the BT, does not indicate of what he was suspected; it states only: “he retreats and weeps because he was suspected.” In other words, suspicion of not keeping an agreement, necessitating the taking of an oath, was a motive for the weeping.

¹⁴⁹ In *y. Yôma* 1:2, 39a it is declared that even the angels are not allowed to enter the Temple during this celebration. According to scholarly view, the YT is more accurate in the details of its narratives than the BT. We read in the YT: “When he came out [from

I may note that a number of scholars, such as D. Dimant,¹⁵⁰ L. L. Grabbe,¹⁵¹ O. Betz,¹⁵² and C. Hempel,¹⁵³ have also challenged the identification of Qumran with the Sadducees and raised various arguments against it, some of which are similar to mine; I believe, however, that I have raised several new convincing points.

4.2.4 *Interim Conclusion*

As a consequence of the above arguments, I postulate the following hypothesis. During the Temple period the Pharisees disputed with the Sadducees on issues of the cult. The exact procedure for the incense celebration on the Day of the Atonement, and the issue of purity after ritual immersion in connection with the Red Heifer celebration by the High Priest, were the most momentous of these disagreements regarding cult issues; these appear in rabbinic records¹⁵⁴ as serious debates.¹⁵⁵

The Sadducees did not separate from Israelite society, and they were active in all its religious and political aspects; they accepted the lunar calendar¹⁵⁶ and most probably also the Pharisaic date of the Feast of

the Temple after the incense ceremony] he said to his father” that he had celebrated according to the Sadducean rule. But the *b. Yoma* narrative records: “[After he came out and was happy], his father met him and said to him: My son, although we are Sadducees we are afraid of the Pharisees [and we act according to their rules].” This does not explain how his father or anyone else knew which way he had celebrated. On the other hand, both narratives attest that his identity as a Sadducee was known; he did not hide this.

¹⁵⁰ D. Dimant, 1999, p. 55, writes: “The affinity of the Qumranite practice to that of the Sadducean school does not necessarily mean that the Qumran community was Sadducean.” She makes a similar statement in 2000, p. 174. Just as I argue, there is no reason to name the MMT group as Sadducees just because some of the halakhot of that group are identical to halakhot attributed to the Sadducees in rabbinic literature. S. White Crawford, 2003, p. 145, writes: “The group who collected the Scrolls is not identical to the aristocratic Sadducees”; he conjectures that the Essenes originated from a “proto-Sadducee” movement.

¹⁵¹ L. L. Grabbe, 1997, pp. 104ff.

¹⁵² Otto Betz, 1994, pp. 179ff.

¹⁵³ C. Hempel, 1998, p. 7.

¹⁵⁴ I have indicated above (nn. 86 and 106) the relevant citations in rabbinic literature.

¹⁵⁵ Regarding the assessment of the rabbinic narratives on the dispute about the purity required of the High Priest for the burning of the Red Heifer, see also Tosefta’s differing view (n. 106).

¹⁵⁶ J. M. Baumgarten, 1994. See also my argument that one must accept this fact, since otherwise it would have been impossible for their High Priests to serve at the Temple.

Weeks.¹⁵⁷ It seems that some of their members served as High Priests in periods of Pharisaic domination;¹⁵⁸ otherwise they would not have been able to serve in that function.¹⁵⁹ Similarly, the Pharisees did not withdraw from the Temple when the celebrations were performed according to Sadducean halakhah.¹⁶⁰ Neither the dispute over the incense celebration, based upon slightly different interpretations of an ambiguous biblical expression, nor (possibly) the *nitzoq* dispute, can be compared in their prominence and consequence to the calendar dispute. It is therefore plausible that neither the Sadducees nor the Pharisees considered these and possibly other disputes as crucial enough to compel them to separate from Temple cult and society; as demonstrated earlier, both rabbinic and sectarian versions of halakhot could be applied within the same general principles.¹⁶¹

¹⁵⁷ We do not possess any contrary evidence from other sources, and in rabbinic writings this dispute is attributed to the Boethusians.

¹⁵⁸ We read in *m. Yoma* 1:5: "The elders of the Court handed him [the High Priest] over to the elders of the priests [on the eve of the Day of Atonement]; they brought him to the upper Abtinah chamber [the incense depot] and took his oath." In *b. Yoma* 19b there is an elucidation of the motive behind the vow: "... that he would not arrange the incense [on the coal pan] before his entrance [into the Holy of Holies], as the Sadducees do." The oath was necessary because no-one was allowed to be in the Temple at the time of this incense celebration (Lev 16:17). The *Gem.* then tells the story of a Sadducee High Priest who performed the celebration in the Sadducean manner and died after a few days. See also *Ant.*: XVIII: 17.

¹⁵⁹ It is improbable that a High Priest would celebrate the complex rites of the Day of Atonement and enter the dangerous precinct of the Holy of Holies on a day other than the correct day according to his calendar. Similarly, as the head of the priesthood, his responsibilities would not have allowed him to perform the Feast of Weeks celebrations on the wrong date. Such digressions from the correct ritual are not comparable to the issue of when to put the incense on the coal pan on the Day of Atonement.

¹⁶⁰ P. R. Davies, 1982, p. 290, states that neither the Pharisees nor the Sadducees abandoned the Temple "despite a range of differences over Temple cultic procedure." He fails, however, to distinguish between the character of the Pharisee-Sadducee disputes and those of the Pharisees and Qumran.

¹⁶¹ There is evidence of this point in a rabbinic dictum of the school of Rabbi Ishmael, quoted in *b. Hor.* 4b: "Why did they say [since it seems to be a known law] if they [the Court] delivered an [erroneous] decision on an issue on which the Sadducees agreed [with the Pharisees, and the entire nation acted in accordance with this erroneous decision], they [the community] are absolved [from bringing a Sin offering]." The community is excused in this event from bringing the particular Sin offering commanded in Lev 4:13–21 because an incompetent Court gave the erroneous judgment. According to rabbinic law this particular offering must be brought only when a competent Court delivered a wrong decision. Thus a Court that erred on a matter agreed to by both Pharisees and Sadducees is an incompetent Court. On the other hand, if the Court erred on an issue that was contested between the two groups (and we may assume that it decided on the basis of the Sadducean interpretation of the Torah), it is deemed to be

Neither Josephus' different terms¹⁶² for the different schools or philosophies, nor English terms such as "groups," "factions," "sects" and "cults," convey the precise characteristics of these groups, which are a matter of debate. Josephus uses the identical nomenclature for all three (or four) groups, though their goals and methods of dissent were different: the Pharisees and Sadducees were groups that fought for power and influence in Judah and at times attained it, whereas the Qumran group separated entirely from society.

The Boethusians were probably an early dissident group,¹⁶³ or a group from which others split off;¹⁶⁴ some scholars have speculated that such was the beginning of the Essenes or the Qumran group.¹⁶⁵ The recollection of this group seems to already have become blurred in the period in which our currently extant documentation was redacted; therefore they are only scarcely mentioned in rabbinic sources and totally ignored

a competent Court, and the people must bring the offering. These circumstances demonstrate the common basis of the Pharisaic and Sadducean halakhah, and, moreover, that such an attitude cannot be reconciled with the same degree of separation as that dominating the relations between the Pharisees and the Qumran group.

¹⁶² For a detailed list of all the terms used by Josephus, see Le Moynes, 1972, p. 32.

¹⁶³ This may be the reason for their complete absence in any sources other than rabbinic writings. There are records of disputes with them in these writings (in *b. Shabb.* 108a, it is uncertain whether the narrative can be considered a discussion or a request for elucidation; in the Scholion of *Megillat Ta'anit*, whose authenticity is questionable, we encounter a debate, absent in other sources, regarding prohibition of the use of leather from an impure animal for the construction of phylacteries). This too may indicate the lengthy period between their active role in Israelite society and the record of that activity. Some scholars perceive the inception of dissident groups, the forefathers of the later sects, already in the third century B.C.E.; see e.g. A. I. Baumgarten, 1997, pp. 19ff.; A. Rofé, 1993, who retrojects the establishment of the sects to the period of Ezra and Nehemiah; S. Cohen, 1987, who speaks of an early "Proto-Sectarianism"; R. T. Beckwith, 1982, p. 3, who conjectures the start of a Proto-Essene movement about 251 B.C.E.; and many others.

¹⁶⁴ See e.g. the Groningen hypothesis by Martínez and Van der Woude, 1990; P. R. Davies, 1990; and C. Hempel, 1998, pp. 4–5.

¹⁶⁵ Y. Sussmann, 1994, p. 199, considers the Essenes to be identical with the Boethusians, *bet sin*; they split off from the Sadducees, who were not a monolithic sect. Sussmann regards as authentic the rabbinic records of the polemics with the Sadducees. I wonder that he overlooked what he wrote on p. 198, that according to Lieberman's statement in *Tosefta KiFshutah*, vol. 5, p. 1336, the Sadducees maintained that liquids are not susceptible to ritual impurity; hence the recorded polemic against them regarding the *nitzotz* cannot be authentic. Possibly that debate refers to a group who separated from the Sadducees; but we observe that the Rabbis called the separated group Boethusians, and one would not expect them to record a polemic against the Sadducees about a rule contrary to the Sadducean opinion. The only explanation for this apparent oddity is the conclusion that the Rabbis were not concerned about the exact identity of the contenders in these debates.

in other sources. I cannot exclude the possibility that they kept the solar calendar, but I think it more likely that they disputed only the dates of the Omer and the Feast of Weeks and the willow beating on Sabbath, based on reasons other than calendar issues. We do not know whether they separated from society, like the Qumran group. If the rabbinic records about them are authentic at least to some degree,¹⁶⁶ one is inclined to assume that they did not separate. On the other hand, although the evidence from rabbinic sources does not indicate a calendar dispute with them, nor a separation, one may speculate that they did indeed separate at a later date. The different date for the Feast of Weeks and in consequence the incorrect celebration of the sacrifices (in their opinion) may have induced them to separate, like the later Qumran group who separated, according to my thesis, because of their disputes regarding the Temple celebrations.

The distinction that is apparent between the Sages' attitude toward the Boethusians and that toward the Sadducees also indicates a differentiation between the two groups, and hints at a possible later separation. In contrast to the encounters with and assumed dialogues or debates with the Sadducees,¹⁶⁷ we do not encounter in rabbinic literature any debate or dialogue with Boethusians.¹⁶⁸ It is common to conduct discussions with people who are members of the same society, and with whom arguments are restricted to the minutiae of a shared heritage. Different dates for the holidays, on the other hand, created a rift between the groups, shaping them as adversaries without any likelihood of debate between them.¹⁶⁹ These circumstances tend to enhance the plausibility of the Boethusians' separation. It is possible that because of

¹⁶⁶ See n. 29 regarding the rabbinic narrative on the Boethusians who concealed willow branches in the Temple to be beaten on the Sabbath. This indicates that they were involved in the Temple ceremonies.

¹⁶⁷ In *m. Yoma* 1:5 there is an encounter with the High Priest, suspected to be a Sadducee; but there is no explicit record of his answer; the motive is explained in *b. Yoma* 19b. A similar pronouncement by the Rabbis regarding the different Sadducean opinion on the punishment of false witnesses (*m. Mak.* 1:6), also records no answers, and thus cannot be deemed a dialogue.

¹⁶⁸ In *t. Yoma* (Lieberman) 1:8, the dispute about the incense celebration, generally recorded as a disagreement with the Sadducees, is attributed to the Boethusians in the same language and with the identical evidence. The typical phrase "the Sages said to them" does appear there, but it does not indicate a dialogue in this occurrence as it does in the sources in which the Sadducees are the contenders.

¹⁶⁹ The assumption of enmity towards the Boethusians is intensified if we give credence to the narrative that they hired false witnesses to cause the incorrect fixing of the date of the New Moon and the dates of the holidays (see n. 28 on this issue).

such a situation we do not encounter in rabbinic literature any phrases explaining actions against Boethusian halakhot similar to those used with respect to halakhot disputed with the Sadducees, such as “to eliminate from the heart [mind] of the Sadducees [their mistaken opinion].” This phrase, which implies an intent to convince the other party of their erroneous ways, is directed only at the Sadducees. Concerning the Boethusians we read instead: “[The rabbinic action was taken] because of the Boethusians, who said. . . .” This different style may indicate that the Boethusians were not discussion partners in the eyes of the Sages; they were hostile adversaries, who acted viciously and were consequently to be combated.

The Qumran group, whose precise name is not within the scope of this study, unquestionably separated from Israelite society,¹⁷⁰ and was thoroughly ignored by it, as it seems from rabbinic literature. It is evident beyond all doubt that they existed in the pre-70 period, and the fact that they were not mentioned at all in rabbinic literature¹⁷¹ indicates the utter disregard and probably derisive attitude of the Rabbis towards the remnants of this group still in existence at the time of the writing of these works. Similarly, the Sages ignored the apocryphal and pseudepigraphic writings that contained, in their view, bizarre opinions that were undeserving of debate or even mention; they did mention, on the other hand, the apocryphal book of ben Sirah because its contents were not perceived as repugnant. I speculate that the Rabbis were also actively involved in a quest to ensure the disappearance of these writings from Israelite society. This may explain the oddity that we do not encounter any mention of a dispute regarding the significant issue of the solar calendar in rabbinic literature; it was not the issue that they ignored, but rather the group who followed this calendar. This also indicates that the rabbinic records of debates with the Sadducees originate from the post-70 period, when the ‘separatists’ were a small, insignificant and dispirited group.

I hesitate to state that the CD group also followed the solar calendar, as some scholars conjecture on the basis of a vague phrase in CD-A XII: 3–5¹⁷² (in contrast to express references to the solar calendar in

¹⁷⁰ See 4Q397 (4QMMT^d) Frags. 14–21:7–8.

¹⁷¹ We know of their existence only from outside sources, such as Josephus, Pliny and Philo. Without these records they would have remained unknown until the discovery of the Dead Sea Scrolls.

¹⁷² We read there: “But everyone that goes astray defiling the Sabbath and the festi-

other writings).¹⁷³ The relevant citation cannot serve as evidence for such a conclusion. This decree, which seems to invalidate the scripturally-mandated death penalty for defiling the Sabbath, is much discussed¹⁷⁴ with respect to that issue, which does not directly affect our discussion. Without taking a position as to the character of the relevant transgression in this dictum, I do not think that it can be attributed to the issue of the solar calendar and the prohibition against offering holiday sacrifices on Sabbath.¹⁷⁵ I think that we must compare this decree to that in 11QTLXIII; 14–15¹⁷⁶ regarding the requirement that the captive woman (the subject of Deut 21:10–14) must wait seven years before becoming a full member of the assembly and being allowed to touch purities.

vals, shall not be executed, for it is the task of men to guard him; and if he is cured of it, they shall guard him for seven years.” The accusation of defiling the festivals implies that this was caused by celebrating them on the wrong dates. I also have not cited the decree of CD XI: 17–18 regarding the Sabbath sacrifices (see nn. 40 and 175).

¹⁷³ On the other hand, we encounter indirect evidence for the use of the solar calendar in Qumran writings such as 4Q252: II: 3, 11Q5 Ps^a XXVII: 5–7, and the Calendrical Documents, specifically 4Q325–327.

¹⁷⁴ C. Hempel, 1998, pp. 158–159, cites a number of scholarly conjectures on this issue. I speculate that it refers to a willful transgressor who performed the transgression in the presence of one witness, and therefore could not be executed. On the other hand, he did demonstrate his wickedness, and therefore he could not be part of the assembly of the righteous, and had to be re-educated and guarded for seven years to ensure that he would not relapse.

¹⁷⁵ According to this interpretation of CD-A XI: 17–18, and for example, Hempel’s erroneous (in my opinion) conjecture on the meaning of CD-A XII: 3–5 (1998, p. 158): “... in view of the reference to the Sabbath and the festivals in this text [XII: 3b–6a] it seems more likely that the calendar dispute lies behind this material. Since no festivals fell on a Sabbath according to the solar calendar the Essenes were able to keep the Sabbath rigorously.” First of all, there is a conceptual error; the Passover and Sukkot festivals continue for seven and eight days, respectively, and there must be at least one Sabbath during these festivals. Hence the use of the solar calendar does not resolve the problem of holiday offerings on Sabbath. Her further statement: “The strict observance of the Sabbath was more problematic for the followers of the lunar calendar” has, therefore, no basis; the identical problem occurs with both calendars if indeed it was prohibited to offer the particular holiday offerings on Sabbath. H. Stegemann, 1994, p. 242, fell into the identical trap, writing: “Ein Miteinander beider Rituale am gleichen Tag war—strenggenommen—von der Tora her ausgeschlossen” (“The occurrence of both rituals [that of the holiday and of Sabbath] together on the same day, was—strictly speaking—excluded, according to the Torah [commands].”) He overlooked the fact that Num 28:24 decrees explicitly: “In this way make [the offerings] every day for seven days,” relating to Passover, during which a Sabbath must occur. Similarly, in Num 29:12–38 offerings are explicitly decreed for eight consecutive days, in which a Sabbath must also occur. Hence the Torah anticipates the Sabbath and the festival offerings celebrated together.

¹⁷⁶ We read in 11QTLXIII: 14–15: “But she may not touch your purities for seven years, nor may she eat the Peace offerings until seven years.”

Yadin¹⁷⁷ has identified the relationship between these two decrees in the reverse way, starting with the rule of the captive woman in the TS and comparing it to the sinner who must wait seven years before entering the assembly unconditionally as a full member, a viewpoint that I prefer to Vermes' position.¹⁷⁸ Yadin's comparison is obviously valid both ways. The TS does not divulge the reason for its decision on this issue, but the CD text¹⁷⁹ does offer us a clue to its motive and justifies the comparison of the captive woman to the sinner who has gone astray. The phrase "for it is the task of men to guard him; and if he is cured of it, they shall guard him for seven years," indicates clearly that the penitent must be watched for seven years, as a pedagogical prerequisite—not as a punishment,¹⁸⁰ as Vermes assumes,¹⁸¹ but to ensure that he does not revert to his aberrant ways. This motive, the obligation of the assembly to completely heal the sinner of his erroneous mind-set, is explicitly stated in the text: "to guard him...and if he is cured..." Similarly, a member who inadvertently errs is not punished but must be taught for a year; then "according with his knowledge, (he will approach)" (CD-A Col. XV: 14–15). The text uses in this occurrence the term **שגה**, referring to an unintentional sin; it is also the root of the expression **בשגגה** in Lev 4:1, where a Sin sacrifice is required. The seven years' surveillance applies to a man who has sinned willfully—here the term **תעה** "to go astray" is used¹⁸²—and therefore a much longer period of healing is re-

¹⁷⁷ Y. Yadin, 1985, pp. 364–367.

¹⁷⁸ Cf G. Vermes, 1989.

¹⁷⁹ CD-A XII: 4–6.

¹⁸⁰ F. Avemarie, 1997, p. 217, writes that the seven-year waiting period for the alien woman is not only perceived as a punishment; it is, in his opinion, a change of status. H. K. Harrington, 2000, p. 83, considers the captive woman impure for seven years (p. 83).

¹⁸¹ On the other hand, the shorter periods of suspension from full membership in the community listed in 1QSVI: 24–VII: 18, which temporarily invalidate purity for lesser felonies, should be considered a punishment, as is evident from the recurrent term **ענש** "punish" in that pericope. The terms **ענש** and **בדל** "exclusion" appear randomly, but it is evident that **ענש** relates both to the suspension and to the curtailment of the food ration. It seems that these punishments relate to social misbehavior, not to transgressions of divine commands; this may be the reason for the different sanctions. See J. M. Baumgarten, 1992, p. 273. On p. 274, he speculates that the exclusion in the CD may refer to a suspension from participation in the communal deliberations rather than a degradation of purity status. Both types of humiliating penalties could be perceived as a change of status, as Avemarie suggests (see antecedent note).

¹⁸² This corresponds to the use of this term in 2 Kgs 21:9: "Manasseh led them astray, so that they did more evil"; and in Isa 3:12, 9:15, 19:13; Jer 23:13, 32, 50:6; Ezek 44:10, 15, 48:11; Hos 4:12 and many other occurrences in Scripture. In contrast to the NIV and other interpreters who translated **איתי התעו** **באשר** **התעו** **איתי** in Gen 20:13 as: "when God made me wander," *Tg Onq.* translated it as: "when the people [of his country] strayed away [worshipping] man-made gods," thus supporting my interpretation of the term.

quired, similar to the period for the captive woman. A captive woman, who had likely participated in inappropriate behaviour for a long period, had to remain under scrutiny for seven years to be certain that she had definitely rejected her prior customs and would not relapse. Similarly, a member who willfully defiles the Sabbath (who may be considered an even worse offender than the captive woman), or who acted out of ignorance of the divine commands,¹⁸³ must also be guarded for at least seven years to ensure his complete reform. Neither the captive woman nor the willful sinner can be compared to the man who unintentionally sinned, who must be watched for one year (CD-A XV: 14–15), or to the novice, who has no evil past. The latter therefore requires only a one-year period of teaching and observation before he may touch the pure food of the community, and another year to become a full member,¹⁸⁴ who may also partake of the drink of the community¹⁸⁵ (1QS VI: 16–22).

The odd debates with dissidents in which Rabban Yohanan ben Zakkai is allegedly involved may have taken place after the Temple's destruction, between certain Rabbis and remnants¹⁸⁶ of the Qumran group who still adhered to some of their beliefs.¹⁸⁷ These debates had a didactic purpose, to ridicule the dissidents in the eyes of society and

¹⁸³ Though I have maintained above that the term **תעה** indicates a willful transgression in Scripture, I cannot definitely exclude that in CD XII: 3 it may also indicate ignorance of the divine commands, in this case that the transgressor was not aware that a particular work was prohibited on the Sabbath, which would require seven years teaching. Only a transgression performed “defiantly” **בִּיד רְמָה** (Num 15:30) would lead to capital punishment. We encounter, for example in 4Q169 f3 4ii 8, a use of the term **תעה** in which it unequivocally indicates to be led astray by others through wrong teaching, while in CD VIII: 8 X: 3 and XIX: 21 the term **בִּיד רְמָה** is used in the accusations of deliberate transgressions. In 1QS V: 11–12 there is an explicit juxtaposition of the term **תעה**, for ignorance of the divine commands, and the term **בִּיד רְמָה**, for defiant transgressions. This term is distinct from the term **שגג** that expresses an unintentional sin; according to Qumran an unintentional transgression represented an occurrence in which the person knew that a certain work is prohibited, but was not conscious that he was performing it. This is an unintentional deed, whereas the ignorance of the law is not a legitimate excuse for a transgression; the failure to learn or inquire what is allowed and what is not is not an unintentional deed. I have therefore added this contingency.

¹⁸⁴ On the difference between the two stages see J. Licht, 1965, pp. 146ff.

¹⁸⁵ Licht, *ibid.*, pp. 294ff., draws attention to the points of contact between the rabbinic and sectarian rules regarding the concept of purity, as for example the difference between the purity regulations for solids and liquids, which was observed by both groups.

¹⁸⁶ J. H. Charlesworth, 2002, p. 66, declares that many Essenes lived outside Qumran and not all members were killed at the conquest and destruction of Qumran.

¹⁸⁷ See M. Broshi, 1992, p. 599, on “heterodox beliefs and practices after the fall of the Temple.” See also Z. Safrai, 2000, pp. 540–41.

prevent others from accepting their ideas on matters relevant to the post-70 period, rather than to convince the dissidents that their opinions were erroneous. The choice of topics related to ideas, still lingering in Israelite society, which the Sages wanted to fade away. The remnants of the Qumran group, left without intellectual leadership, no longer posed any resourceful opposition, and that allowed the Rabbis to treat them with mockery. Wishing to encourage these remnants to wither into oblivion, the Rabbis recorded these debates as occurring with the Sadducees. This adjustment and the identification of Rabban Yohanan ben Zakkai as the rabbinic speaker bestowed significance upon these debates. Without any tangible evidence, we can only speculate on the Rabbis' reason for not recording any disputes regarding the calendar with the dissidents; perhaps the issue was already irrelevant when the debate narratives were redacted. (In contrast, the date of the Feast of Weeks remained an issue even in the Christian community, regarding the date of the parallel Pentecost holiday.)

My arguments support the likelihood that polemical exchanges did actually take place, before the Temple's destruction, with the Sadducees, who took part in the daily life of Temple and society; the records of these debates were simply altered in the rabbinic literature to suggest a denigration of the Sadducees.¹⁸⁸ The Boethusians, in contrast, had been compelled to retire from the general community and withdraw to the desert, given that their dispute about the dates of holidays would have affected all aspects of their religious life. There were thus no direct discussions with this group. This hypothesis, however, then raises the question of whether the Boethusians can be identified with the Essenes, and it is not my intention to make any declaration on this issue.

I believe I have substantiated my thesis that the talmudic narratives cannot be taken as a reliable record of the various Pharisaic disputes with the 'dissident' groups at the end of the Second Temple period, or of the identities of the groups involved in the alleged debates.¹⁸⁹ This is especially true with regard to the odd debates attributed to Rabban Yohanan ben Zakkai. The rabbinic records have a didactic motive, and were not intended to transmit accurate historical data.

¹⁸⁸ A. J. Saldarini, 1988, p. 237, declares: "Rabbinic sources can be of limited help in reconstructing history of Pharisees and Sadducees."

¹⁸⁹ See M. Broshi, 1992, p. 599, who writes that some of the talmudic polemic with the "dissidents" reflects "much later periods and was directed against people who still observed Qumranic practices—overtly or covertly."

The complete disregard of the Essenes substantiates these statements, particularly regarding the dubious identification of the dissident groups. All dissidents were bundled together under the name of the respectable Sadducee group,¹⁹⁰ thus demonstrating the rabbinic contempt for the Essenes and other splinter groups, who had become insignificant and powerless in the period when the rabbinic records were redacted. The Rabbis could not, however, ignore the important controversy regarding the correct date of the Feast of Weeks; as this was not disputed by the Sadducees, the debate was attributed to an ancient dissident group, the Boethusians. The Pharisees/Rabbis accused them of perpetrating deceptions, and thus their attitude towards them is scornful and defamatory. The attitude towards the Sadducees, except with respect to the alleged debates with Rabban Yohanan ben Zakkai, is serious and respectful. L. H. Feldman states:¹⁹¹ "... the two sects [Pharisees and Sadducees] may have actually been less bitterly disposed toward one another than would appear to be the case from Josephus and the rabbinic writings." His theory regarding the "bitter disposition" between them is probably based on the tone of the alleged debates with Yohanan ben Zakkai; as their reliability is questionable, this provides more support for Feldman's assumption.

I have also exposed the nature of the conflicts between the Sadducees and the Pharisees and demonstrated that such disputes took place within very narrow confines of scriptural interpretation, and especially with respect to lacunae, lack of precision and inconsistencies in the text. I side with the opinion of the many scholars¹⁹² who maintain that

¹⁹⁰ Y. Sussmann, (1990), p. 48, suggests that the Rabbis may have had a tendency to lump together all the opponents of the ancient Pharisees under the heading of "Sadducee."

¹⁹¹ Feldman, 1989, p. 32.

¹⁹² See Y. Sussmann, 1990, pp. 61–2, who emphasizes that the debate in 4QMMT refers to the conflicts regarding details of the halakhah, not principles of philosophy and faith. G. J. Brooke, 1999, 68–9, states: "The TS has shown clearly that the disputes at the heart of what distinguished one group from another in the two hundred years before the destruction of the temple in 70 C.E. were halakhic in kind rather than doctrinal." See M. Kister, 1999, 325–326 and particularly n. 41, who cites the dispute between Sussmann and J. M. Baumgarten on this issue, and reconciles the two points of view by stating that at any rate the halakhic dissension was the most significant issue between the groups. In 1992b, p. 571, Kister declares: "It is clear from the Sect's other writings [i.e. other than the MMT] that the conflict between the Sect and its opponents was, in essence, a halakhic one." I suggest that the halakhic issues were at the root of the disputes and the theological differences followed later, as a second stage in the developmental process of religiously-founded schisms. A theological (or philosophical)

particular halakhic disputes, not ideological differences¹⁹³ or sociological disparities,¹⁹⁴ were at the root of their conflict. These groups shared the same traditions of the Torah; one is thus puzzled as to how such apparently insignificant controversies could have engendered sectarian divisions despite broadly shared ideology and customs. This result is even more unlikely given the tolerance prevailing in that period in Judah with respect to the different interpretations of Scripture and consequently of the minutiae of the law.¹⁹⁵ There were conflicting opinions on almost every Pharisaic or rabbinic halakhah, and the disputes between Bet Hillel and Bet Shammai serve as the typical paradigm of the circumstances in this period. These controversies did not engender divisions in society and the creation of separate sects, and friendly relations are said to have prevailed between the two groups.¹⁹⁶ The difference between the Pharisaic-Sadducean situation and the complete separation of the Essenes/Qumran group on halakhic issues, must therefore have had a particular reason. I will now proceed with an analysis of the specific circumstances and postulate an explanation for the different consequences of these seemingly similar halakhic disputes.

premise constitutes the indispensable justification for a shift of, or a controversy about, the correct ritual procedure; sometimes the theology precedes the change in practice, and at other times succeeds it. J. VanderKam, 2000, p. 134, writes that from the MMT we can deduce that “the initial break of the group centered around disputes about a series of legal points.” Cf. H. Fox (*LeBet Yoreh*), 1999, p. 12, who asserts that “the author of 4QMMT may emphasize these minutiae of the law but these are secondary to the sociological and social rifts.” P. R. Davies, 1990, p. 504, had already written that the previous search of “Qumran origins” in Hellenism and High Priest was gradually displaced by the nature and formation of a “sectarian halakhah.”

¹⁹³ A. I. Baumgarten, 1997, pp. 55–56, states that in spite of the mutual hostility between the sects “there was not as much difference in world outlook or fundamental ideology between the groups.”

¹⁹⁴ Regarding the interaction between religious and political issues in the conflict between Sadducees and Pharisees, see L. I. Levine, 1981.

¹⁹⁵ Heger, 2003.

¹⁹⁶ We read in *b. Yevam.* 14b: “Although these prohibit and the others permit, these disqualify [something] and the others declare it appropriate, [the members of] Bet Shammai and of Bet Hillel did not avoid intermarriage among their groups; [and although] in the matter of pollution and purity, these declared something pure, and the others declared it impure, they did not avoid borrowing utensils one from the other.” The same narrative in *t. Yevam.* 1:10 ends with an additional phrase: “but integrity and peace prevailed among them, as it is said: ‘Therefore love truth and peace’ [Zech 8:19].” There is one narrative that seems to indicate enmity, but I think it should be overlooked in an overall assessment of the relationship between the two Houses. Moreover, there was no schism between them, such as occurred with the dissidents.

4.3 *Halakhic Disputes as the Motive for Division*

4.3.1 *The Creation of a Separate Codex*

As noted above, I side with those scholars who assert that halakhic disputes were the most significant dividing issue between the groups,¹⁹⁷ and that a distinct theology was devised to lend legitimacy to the different religious rites of the dissidents, and to inculcate within their followers a fanatic belief system that would sustain them in their renunciation of a “normal” life. Theology is created after the fact to rationalize existing myths, old customs and beliefs; it does not usually engender them.¹⁹⁸ A small opposition group¹⁹⁹ of ‘separatists,’²⁰⁰ led by priests, who left their homes and properties and took upon themselves the arduous lifestyle²⁰¹ stipulated by their leaders, required a categorical and vigorous ideology to morally sustain them in their hardship and sufferings. Their leaders were thus compelled²⁰² to create a convincing and all-embracing doctrine that had to be extraordinarily radical.²⁰³ The common and elemental belief in God and the election of Israel as His chosen people naturally led to the doctrine that only this group constituted the genuine, divinely-chosen Israelites.²⁰⁴ Only they knew the truth and God’s intentions, as

¹⁹⁷ See, e.g., J. J. Collins and R. A. Kugler, 2000, p. 4. They write that the TS constitutes proof of the central importance for the people of the scrolls of halakhic (legal) issues. See also L. Schiffman, 2003b, pp. 415–16. H. K. Harrington, 2000, p. 74, writes that early Judaisms of all types, whether of the Pharisees, Sadducees, Essenes or others, had to deal first and foremost with biblical law; different interpretations guided and distinguished them.

¹⁹⁸ See A. N. Whitehead, 1960, p. 32, who writes: “Rational religion emerged as a gradual transformation of the preexisting religious forms.”

¹⁹⁹ See A. Baumgarten, 1992, p. 139, who writes that the phenomenon of sectarianism in Israel was marginal and postulates that the Qumran community consisted of a maximum of one hundred and fifty to two hundred members.

²⁰⁰ H. Stegemann, 1989, pp. 130–1, contends that the TS originated early, between the fifth and third centuries B.C.E., and thus does not express the spirit of separatism; it includes, in his opinion, the whole of Israel as a homogeneous entity.

²⁰¹ We note that some could not endure these afflictions and left the group, as we read in CD-B XIX: 33–34: “. . . thus, all the men who entered the new covenant in the land of Damascus and turned and betrayed and departed from the well of living water.”

²⁰² This statement is not a qualitative or denigrating judgment; it is rather a validation of the sociological principle that every splinter group must become more radical and intransigent in order to subsist as a separate group on the fringes of society.

²⁰³ S. Cohen expresses this idea in a different and eloquent way: “It is difficult to determine the original cause of its alienation, because the feelings that were its cause are now reinforced or superseded by feelings that are its effect” (1987, p. 128).

²⁰⁴ We read in CD-A II: 11–13: “And in all of them he raised up men of renown for

these were revealed to their leader,²⁰⁵ and only their community would survive when the others perished.²⁰⁶ We may find an analogous attitude in today's ultra-orthodox Jewish groups, who live in effect in enclaves isolated from the general community, and consider themselves the sole representatives of genuine Judaism and its culture; this phenomenon is more visible in Israel and in Diaspora cities with a large Jewish population, since circumstances there lend themselves to such segmentation.

However, the elaborate code of halakhot found in Qumran writings, conflicting with the rabbinic/Pharisaic rules, was created in a second stage, and not at the inception of the movement that ultimately led to separation.²⁰⁷ We may compare this to the division between the Jewish Christians and the bulk of Jewish society; there is no doubt that initially the belief in Jesus' resurrection and his exalted status was the only contentious issue. The opposing attitudes toward the fulfillment of the Torah precepts, the new distinctive rituals, the antagonism towards the Israelite spiritual leadership and the creation of a complex new theology were a later development. They were the consequence, not the cause, of the primary theological difference, and at least in part were generated to motivate and implement the division between Christians and Jews, or between Christianity and Judaism. An elaboration of this particular issue is not within the scope of this study.

We must also consider the practicalities behind the conception and formulation of a legal codex. Such a document is not a creation *ex nihilo*; it is a collection of past judgments and deliberations by legal experts over an extended period, and of deep-rooted customs; occasionally the redactor of the codex adds new edicts. Scholars²⁰⁸ debate for instance,

himself, to leave a remnant for the land and in order to fill the face of the world with their offspring [Blank] and he taught them by the hand of the anointed ones with his holy spirit and through seers of the truth and their names were established with precision." This attitude corresponds to S. Cohen's definition of a sect: "A sect asserts that it alone embodies the ideals of the larger group" (1987, p. 126).

²⁰⁵ We read in CD-B XX: 1: "... the unique teacher until there arises the messiah out of Aaron and Israel."

²⁰⁶ We read in CD-B XIX: 10: "These shall escape in the age of the visitation; but those that remain shall be delivered up to the sword when there comes the messiah."

²⁰⁷ Murphy-O'Connor, 1974, pp. 241–2, writes that because of a crisis in the Qumran community caused by the influx of new members, "new legislation had to be drafted and steps had to be taken to promote loyalty to Qumran ideals."

²⁰⁸ B. Kienast, 1994. J. Renger, 1994, elaborates on the much-discussed topic of whether the Hammurabi Codex was a royal edict, or a publication of a collection of existing customs and laws.

whether the renowned Codex of Hammurabi was an edict formulated by the king, or a collection of existing customs and laws, published by the king. Even if it was put together by the king, it was not a creation of new laws without any past tradition. It is highly likely that there was no generally-applicable system of laws and procedures in that period, and various local or regional traditions were in effect. Hammurabi may have appointed a committee of legal experts who decided which existing traditions and rulings to include for the creation of a single unitary codex.

Whether or not we acknowledge the Documentary or any other hypothesis regarding the formation of the Hebrew Bible, there is no question in the scholarly world that the Torah edicts are also a collection of laws from different periods, slowly built up by accretions.²⁰⁹ This same process with respect to the development of a sophisticated and detailed collection of complementary and new laws, based on the Torah decrees, occurred during the centuries between the promulgation of the Torah and the legal writings of Qumran and the Rabbis.²¹⁰ The process of interpretation of imprecise and unclear biblical decrees and dissemination of the resulting decisions among the masses was extremely slow. We do not know when such institutionalization would have been feasible in the circumstances of that period; as I demonstrated in my previous study,²¹¹ the process of standardization had only barely begun in the post-70 period and was finalized in the seventh or eighth century. The elucidation of indefinite biblical decrees and the resulting decisions occurred in an ad hoc manner;²¹² no institutionalization would be possible without prior standardization.

Some halakhot would have been accepted by the masses and become common usage within the entire society, while others enjoyed only local and/or temporary status. The fact that the Tannaim disputed on almost every halakhah confirms these circumstances; if the Pharisees had had a unitary, fixed halakhic codex, there would have been no reason for

²⁰⁹ See E. Ulrich, 1999, p. 4, for a concise statement about the origins and growth of the Pentateuch.

²¹⁰ D. Falk, 1998, p. 241, states, for example, that “both *Damascus Document* and *Community Rule* (as well as 4QSD) selectively used and adapted laws from an earlier legal and penal code.”

²¹¹ Heger, 2003, pp. 343–350.

²¹² D. Patrick, 1985, pp. 190–204, writes that because of the incomplete nature of the biblical laws, there existed an “unformulated” law based on principles, concepts and values that were considered by judges when deciding the cases brought before them.

these countless disputes. There are no trustworthy records of Pharisaic halakhot, nor attributions of halakhot to individual Sages of the pre-70 period, the era of Qumran writings. We do not know which, if any, of the Qumran halakhot were of ancient origin, which were spread throughout Judah and to what extent,²¹³ and which were the opinions of a dissident minority as to what ‘ought to be.’ Discussion of the date of inception of the TS is beyond the scope of my study; however, as I mentioned earlier, there are scholarly conjectures that this Scroll is of an early date.²¹⁴ An early date would mean that at least some rules of that document may have indeed been applied in practice in that early period,²¹⁵ since there are no polemics in that writing and no indication of divergent views on these halakhot. I reiterate my assumption that many of the rabbinic rules, particularly those related to the Temple celebrations, were purely theoretical, deduced by hermeneutics, and do not reflect the actual celebration of the cult even during the period of Pharisaic domination of public life.

As discussed in Chapter 2, it seems plausible that certain celebrations, like those described in the TS, indeed took place in the Temple at the bringing of the first fruits of oil and wine. There is a record of such festivities in *m. Bik.* 3:3.²¹⁶ Similarly, it is probable that the frankincense of the Showbread would have been burnt on the golden incense altar, as decreed in the TS,²¹⁷ rather than on the bronze altar, as required by the Rabbis.²¹⁸ We may also speculate on the issue of whether the auxiliary

²¹³ C. Hempel, 1998, p. 70, states that one cannot exclude the possibility that the halakhot of the Damascus Document were “held by other Jews beyond the confines” of the communities to which these laws were directed.

²¹⁴ See the opinions of D. D. Swanson and J. C. Vanderkam (p. 284, notes 79 and 83).

²¹⁵ L. H. Schiffman, 2003, p. 14, writes: “The TS is a composite work made up of preexisting documents brought together by an author/redactor.”

²¹⁶ We read there: “[The antecedent mishnah relates to the spectacular procession at the bringing of the first fruits to Jerusalem.] Those [who come from] near [to Jerusalem] bring figs and grapes and those [who come from] far away bring dried figs and raisins. And the ox [in *y. Bik.* 3:6, 5c there is a dispute as to whether the ox will be offered as a burnt offering or as a Peace offering] with his gilded horns goes in front of them [adorned] with a crown of olive [branches] on its head, and the flute plays before them until they come near Jerusalem.” It is evident that this procession took place in the late summer after the grape harvest, since it records the bringing of fresh grapes; hence it cannot be an event that occurred at the Feast of Weeks mentioned in Exod 34:22, which is associated with “the first fruits of the wheat harvest.”

²¹⁷ VIII: 10–12.

²¹⁸ *m. Tamid* 2:8 and *b. Zevah.* 58b. See also Chap. 3, subchapter 3.6.2.

Menahot offered together with the Olah and Shelamim offerings were entirely burnt on the altar, as the Rabbis maintained, or were eaten by the priests like the regular voluntary Menahot offered by individuals, as the Sadducees, or Qumran priests,²¹⁹ may have maintained. On other types of halakhot, as for example the prohibition against mixing meat and milk, we have no evidence on the specific rule in Qumran writings. I would speculate that they did not extend the prohibition to all types of meat and milk, like the later rabbinic rule that proclaimed this to be an original Torah decree. The rabbinic exegesis is extremely far-fetched and remote from the biblical text, in contrast to Qumran's generally straightforward exegetical method; moreover, historical evidence indicates that this extension constitutes a late rabbinic decision. From the text of Philo's *Virt.* 144, we learn that the rabbinic extension was not practised in Egypt, and from a narrative in *b. Hul.* 110a, we deduce that even in the third century C.E. this extensive prohibition was not yet firmly established in Babylon.²²⁰

In the absence of a general institutionalized codex, we must thus assume that the Qumran edicts were a collection of rules edited by a

²¹⁹ If the Scholion to *Megillat Ta'anit* is authentic, which is doubtful, it would constitute a record that a dissident group maintained this halakhah. Although it is attributed to the Sadducees, Rabban Yohanan ben Zakkai appears as the rabbinic interlocutor; as argued with respect to the other citations in which he is involved in polemics with the Sadducees, this document too would be more appropriate as a discussion with a Qumran group.

At any rate, one cannot exclude that the Sadducees indeed decided this problem in favour of the priests, for self-interest, and practised it in periods when they were dominant. Such a decision makes sense, since the command to offer the auxiliary Menahot in Num 15 is certainly of the later date of the priestly stratum of the Pentateuch, and had no previous tradition like the burnt offering and Peace offering. It would indeed seem odd that the priests would introduce a new offering without any benefit for themselves, as the Scholion hints. In the polemic, a Sadducee retorts in his defence: "Because Moses loved Aaron, he said he should not eat meat alone but should eat grain and meat." This rhetoric conclusively demonstrates the falseness of the debate as it is recorded. There is not the remotest possibility that the Sadducees or Qumran scholars would have declared that Moses, not God, proclaimed this rule; nor would they have dared to attribute such distasteful nepotism to Moses. If indeed the Sadducees put such a rule into practice during their period of control, one would expect to find a record of the dispute in rabbinic literature, apart from the Scholion of *Megillat Ta'anit*. An accusation of selfish behaviour by the Sadducees would have been much more insulting than the other disputed issues, such as the manner of performing the incense ceremony on the Day of Atonement, the question of the water libation and similar disputes; these were alleged to have been instigated by incorrect interpretation, but not by dishonest financial self-interest. Josephus records the rabbinic position; this does not, however, unquestionably eliminate the possibility that a different rule was ever practised, since in his time the Pharisees dominated public life and established the rules for the Temple celebrations.

²²⁰ See Heger, 2003, pp. 171–2.

dissident faction, after their separation from the majority. The greatest part of these rules consisted of ‘common law,’ possibly still in the process of institutionalization and not yet accepted by all Israel; other rules, diverging from the shared laws, were slowly created after the group’s separation. Just as it was crucial for the dissident group to create a new theology in order to justify, implement and sustain an enduring separation from society, so it was also necessary to create a distinct legal codex after the act of separation.²²¹ The circumstances regarding the use of the solar calendar at Qumran may offer insight into the stages of such a process. The Qumranites did not invent the solar calendar because their ideology brought them to adopt it. This calendar had been used in Israel and was replaced at some time by the lunar calendar.²²² Qumran opposed this change and created a theological justification for their decision; justification that follows the custom or decision is the typical sequence of the process. The Qumran halakhot are the final product of this labour; the texts that justify the separation and set out their differing halakhot were engendered and communicated at this stage.²²³

4.3.2 *All Halakhot or Particular Ones? The Bet Shammai—Bet Hillel Disputes as a Paradigm*

The dissidents believed that only they interpreted the Torah correctly, and affirmed that the leader they followed was מורה היחיד “the unique teacher” (5Q12, CD-B XX: 1) and מורה צדק “a Teacher of Righteousness.”²²⁴ Similar pronouncements of their exclusive under-

²²¹ B. Thiering, 2000, pp. 194–95, asserts that the halakhic scroll MMT was originally written about 30 B.C.E., while the redaction of the Damascus Document’s halakhic component continued until 70 C.E. Its earlier non-halakhic elements such as 4Q267 that take care of the internal organization of the group, and the particular rules for the conduct of its members, were composed earlier, from 168 to 51 B.C.E. (p. 197). If this is correct, it serves as evidence for the thesis that the creation of Qumran’s divergent halakhot followed the group’s inception and separation.

²²² A review of the various opinions on the topic of the calendar is beyond the scope of this study. See n. 84 for Stegemann’s assumption about the date of the change.

²²³ See I. Knohl, 1995, p. 104.

²²⁴ See B. Z. Wacholder, 1983, p. 185f, subchapter “Faith in the Moreh Šedek.” See also Y. Sussmann, 1990, p. 57, n. 185. M. Kister, 1999, reconstructs and interprets 4Q 501:4–5 as a denunciation of the Pharisees, who granted to the Sages (“one born of woman”) the glory reserved to God. I doubt if this is a correct interpretation of this obscure and corrupt verse; it does not accord with the translations by M. Wise et al., 1996, or those of F. G. Martínez and J. C. Tigchelaar, 1997. Moreover, such an accusation would conflict with their veneration for their own leader, also born of a woman.

standing of the divine will are found in 4Q265, CD-A II: 11–15: “And in all of them He raised up men of renown”; “and He taught them by the hand of the one anointed with His holy spirit”;²²⁵ “And now, sons, listen to me and I shall open your eyes so that you can see and understand the deeds of God, so that you can choose what he is pleased with and repudiate what he hates.” The dissidents accordingly accused their contenders, (presumably) the Pharisees, of incorrect and far-fetched hermeneutics;²²⁶ they were **דורשו בחלקות** “the seekers of the smooth things” (CD-A I: 18) and the **סרי דרר** “the ones who strayed from the path” (I: 13). Consequently, they were admonished: “To you we have written that you must understand the book of Moses and the books of the prophets” (4Q397 MMT, Fragments 14–21, v. 10). The Qumranites retroactively justified their separation because of their failure to convince the Pharisees of the legitimacy of their halakhot.²²⁷ I postulate that this attitude, like most of the opposing halakhot, was developed after the formal separation of the group, to justify this drastic step and provide emotional succor to its members, enabling them to endure the extreme hardship mandatory for their admission into that elitist community.²²⁸ (As mentioned, we see very similar circumstances pertaining in contemporary Judaism. The ultra-orthodox groups believe that only their leaders are able to accurately interpret God’s precepts expressed in the Torah, that they are the only ones who correctly know and observe the divine commands, and that they are the only genuine Jews. All others who do not agree with their interpretations are responsible for the tribulations of the Jews, as punishment by God for their misconduct.)

²²⁵ See S. D. Fraade, 1993, especially pp. 67–69, with respect to the difference between the Qumranic and the rabbinic perceptions of the divine origin of their respective interpretations.

²²⁶ Qumran scholars also used such far-fetched hermeneutics at times, but generally their interpretations were more closely related to the scriptural text. See Chap. 2, n. 201.

²²⁷ We read in 4Q397 (4QMMT^d) Frags. 14–21:7–8: “And you know we have segregated ourselves from the multitude of the people and from mingling in these affairs and from associating with them in these things.”

²²⁸ Cf. A. I. Baumgarten, 1997, p. 64, who writes that people joined the Essenes for economic advantage to secure their food as provided by the community. This allegation seems extremely odd, since they could be punished for trivial transgressions of the group’s rules with deprivation of food for extended periods. Moreover, Baumgarten writes that the Essenes’ members were an elite group in many respects (pp. 47–48), and such a statement, it seems to me, is incompatible with an allegation that they joined the movement for economic benefits.

It is therefore illogical to assume that the separation of a group from Temple and society occurred because of halakhic disputes regarding such rules as cited in the rabbinic debates that allegedly took place between Rabbi Yohanan ben Zakkai and the Sadducees/Boethusians. Disagreements about the responsibility for damage done by a slave, the date and name of a governor on a divorce deed, whether one has to wash one's hands after touching Scripture, or the effect of pouring contaminated liquid from one vessel to another would not provoke the drastic step of separation. This assumption is especially valid if we consider the tolerant approach to a pluralistic halakhah that prevailed in the period prior to the Temple's destruction, as I have demonstrated.²²⁹ The pluralistic character of the halakhah pre-70 is vividly expressed in the manifesto of the Yavneh Assembly as proclaimed in *m. Ed.*²³⁰ The task of this significant Assembly, gathered to organize Israelite society and ensure its continued existence, was stated as: "[the avoidance of a situation in which] one declaration of Torah [law] is not the same as another." Rabban Gamaliel the Patriarch,²³¹ who convened the As-

²²⁹ See Heger, 2003. It is impossible to cite in a note the substantiation of such a complex issue, and thus I will cite a few characteristic passages to illustrate the method. We read in *t. Sukkah* 2:3 and *b. Eruv*. 6b-7a: "The law is always according to Bet Hillel. If one wishes to conduct himself according to the decisions of Bet Shammai, he may do so, or according to the decisions of Bet Hillel, he may do so. But if [someone wants to conduct himself] according to the decisions of Bet Shammai, [he must carry out both] their lenient and their stringent decisions; [if he follows the decisions of] Bet Hillel, [he must likewise carry out both] their lenient and stringent decisions." One must assume that the same choice applies to all other halakhic disputes between the Sages. See, for instance, the report in *b. Yevam*. 14b: "In the town of Rabbi Yose Haglili one ate fowl with milk." In a debate in *b. Eruv*. 7a we read: "Whenever there is found a dispute between two Tannaim or two Amoraim, similar to the dispute between Bet Shammai and Bet Hillel," one should choose the strict and the lenient decisions of either one or the other. Hence we see that the freedom to perform the precepts according to the declarations of one Sage or of his opponent was also deemed appropriate with respect to any dispute between Sages, not exclusively those between Bet Shammai and Bet Hillel. The tolerant attitude for a pluralistic halakhah is demonstrated at its best by these cardinal pronouncements.

Hermeneutics are used for the justification of this apparently paradoxical attitude. We read in *t. Sotah* 7:12: "All these words [the apparently superfluous expression in the preamble to the Sinai revelation in Exod 20:1] came to teach us that [all these words—of the Sages] came from one shepherd, one God created them, one chief conferred them, the blessed Master of all pronounced them; so you too should create a secret compartment and install in it the utterances of Bet Shammai and Bet Hillel, the statements of those who declare [something] impure and those who declare it pure [and reflect upon them all and decide how to proceed]."

²³⁰ *t. Ed.* 1:1.

²³¹ The issue of whether his title and authority were recognized by the Roman au-

sembly, attempted to create a unified codex of law, an endeavor which unmistakably indicates the pluralistic environment that prevailed prior to Yavneh. The fact that the numerous²³² halakhic disputes between the Schools of Shammai and Hillel did not provoke a societal division substantiates this pluralistic attitude and leads us to explore the particular character of halakhic disputes that could have led to such a drastic decision as separation.

The *nitzoq* dispute, discussed above, which may have had an impact on the Temple cult but continued to be relevant in the post-70 period, could not have provoked separation, since Bet Shammai and Bet Hillel still disputed this halakhah in *m. Maksh.* 5:9.²³³ Both the Rabbis and Qumran agreed to the principle that some substances poured from one vessel to another establish a connection between the contents of the vessels; their dispute consisted only about the degree of viscosity or thickness required to establish a connection. It is possible that Qumran scholars held that any liquid established such a connection,²³⁴ but there is no direct evidence. They used the terms **מוצקות** referring to the poured liquid and **לחה** referring to the moisture, terms that are used in Scripture and in rabbinic literature to describe thick liquids.²³⁵ They may

thorities and the extent of his power are debated by scholars. See a concise exposition in Heger, 2003, pp. 287–292, which includes summaries of D. Goodblatt, 1978; 1994, pp. 176–231; and 1999; and M. Goodman, 1983. For our purposes, his title of Patriarch in rabbinic literature suffices to substantiate his leading position in Israelite society.

²³² M. D. Gross, 1957, p. 29, asserts that Bet Shammai and Bet Hillel disputed on three hundred and sixteen halakhot. I have not counted the number of halakhot that differ between Qumran writings and rabbinic ones, but there is no doubt of the great number of disputes between the two Houses.

²³³ We read there: “[With respect to] anything poured [from one pure vessel into another impure vessel, the remainder in the pure vessel] is pure, except two types of honey [which contaminate the substance in the upper vessel]. Bet Shammai say: pulp of grist and beans [also contaminate the substance of the upper vessel].” The mishnah does not name Bet Hillel as the contenders against Bet Shammai; the opposing opinion is an anonymous declaration of the ‘first Tanna.’ The assumption is, however, that it is Bet Hillel, founded upon the usual circumstances.

²³⁴ In fact, we do not know whether 4QMMT Fragment 8 Column IV: 5–8 decrees that every liquid independent of its viscosity, even plain water, creates a connection, or whether it refers to a certain type of thick liquid. See the text and translation in antecedent n. 233.

²³⁵ In *m. Ed.* 2:5 the term **לחה** is used to describe pus, in *b. Shabb.* 86b it describes human semen and in *b. Hag.* 23a it is used for human saliva—all thick liquids. The term **מוצק** appears in Scripture with respect to casting metals (e.g. Exod 25:12, 26:37; 1 Kgs 7:23, 33), oil (Lev 2:6), ice (frozen water) (Job 37:10), and a cast mirror (Job 37:18). It is also used for pouring blood, in Lev 8:15, and metaphorically for pouring water in 2 Kgs 3:11. Hence we do not know precisely to what type of liquid the author of MMT refers with respect to the halakhah disputed with his contenders.

have been referring to oil; 2 Kgs 4:5 uses the term מוצקת to describe the pouring of oil, and *b. Zevah*. 88a uses the term מוצקת to describe a Minhah that contains oil. Bet Shammai and Bet Hillel disputed about whether a thick soup of split peas and beans creates a connection; and Rabbi Simeon contended against the anonymous opinion in *m. Maksh.* 5:10 that pouring hot water into a hotter liquid also pollutes the liquid in the upper vessel, because of the ascending vapours that reach the upper liquid. It is possible that the Qumran opinion was identical or very close to that of Bet Shammai. If the acknowledged halakhah in Judah was indeed according to Bet Hillel, as stated in *t. Sukkah* 2:3, it is plausible that Qumran rejected it, and sided with Bet Shammai. Hence this *mitzot* dispute was not the likely motive for separation, as it was not for those who opposed Bet Hillel's opinion. Rabbinic literature emphasizes the circumstance that the opposing halakhic decisions of the Houses, even with regard to significant issues of family laws and purity rules, did not hinder remarkably friendly relations and reciprocal use of household vessels between the two Houses.²³⁶

The dispute regarding the High Priest's purity after immersion as part of the Red Heifer celebration seems to have been a minor issue, which did not hinder the Sadducean High Priest from celebrating the

²³⁶ See n. 196 on this issue. The original text of the narrative does not state explicitly that they used the same vessels, but the text declares that "they made purities one [house] with the other [house]." All the commentators explain that this means that they borrowed utensils one from another, despite their disputes about purity issues. It is evident that even with respect to extremely significant issues in Israelite law, each group continued to act as it thought appropriate. In *b. Yevam.* 14a there is a dispute between two Amoraim as to whether Bet Shammai acted according to its own halakhah or according to that of Bet Hillel, since the latter halakhah was alleged to be the generally accepted one. Then it is asked how they could intermarry if Bet Shammai did not act as Bet Hillel decided, since such practice would be prohibited. However they acted, it is of no significance for our purposes; the rhetoric attests that Bet Shammai could act or indeed acted according to their own convictions, and this does not contradict the evidence from the Mishnah of the excellent relationship between the Houses though they disputed so many issues. In *t. Shabb.* 1:16, *y. Shabb.* 1:4, 3c and *b. Shabb.* 17 there is a record, in contrast, of a grim occurrence between the Houses. The descriptions of a brutal encounter, including such expressions as "they affixed a sword in the academy" (*b. Shabb.* 17a), must be perceived as an exaggeration similar to many others. The intent was to demonstrate the significance of the issue that was being debated; all three sources refer to the same event, a dispute about a particular issue of "eighteen edicts." I. Ben Shalom, 1993, pp. 252–272, suggests that these disputes between Bet Shammai and Bet Hillel were of a political character, reflecting their contrasting attitudes toward the uprising against Rome. This assumption seems plausible, because a substantial number of the edicts refer to relationship with gentiles, and demonstrate intent to create rules that would impede normal relationships with them.

ritual according to the Pharisaic ruling,²³⁷ (if such an event actually occurred).²³⁸ We also observe that the conflicting opinions about when to put the incense on the burning coals was not considered highly significant, and the Sadducean priests performed the celebration according to the Pharisaic method.²³⁹ Both events substantiate Josephus' statement that the Sadducees acted according to the Pharisaic halakhah even when they were the dominant power.²⁴⁰ Although G. Baumbach,²⁴¹ who has critically analyzed Josephus' portrayal of the Sadducees from another aspect, declares that Josephus was anti-Sadducean and that his writings on the history and essence of Sadduceism should not be used uncritically, I think that we may consider Josephus' statement reliable on this particular issue. Rabbinic narratives²⁴² support this statement; though they are embellished with miraculous occurrences to bolster their status, by inculcating the belief that God sided with the Pharisees, they may be perceived authentic as they agree with the core of Josephus' statement.

I am not undervaluing the importance of theological differences, or the extreme apocalyptic viewpoint of the Qumran group that set them apart from the 'mainstream'; but I posit that pure doctrinal differences do not lead to separation from the rest of society. In effect, the Pharisees, the assumed opponents of the Qumran group, also believed in a messianic eschatology and angels, and had visions of a heavenly world; different views on the details of these beliefs would not have induced

²³⁷ See *t. Parah* 3:8.

²³⁸ As argued above, the narratives describing Rabban Yohanan ben Zakkai's debates with the Sadducees are highly doubtful. In *t. Parah* 3:8 it is recorded that the Pharisees made the High Priest impure to compel him to take a ritual bath, and perform the burning of the Red Heifer before waiting for sunset. This was permitted according to Pharisaic rule, but allegedly prohibited by Sadducean rule, which would require him to wait until sunset to become pure. This particular leniency of the Pharisees was relevant only for the burning of the Red Heifer, not for the performance of other priestly rituals. Since the burning of the Red Heifer was performed only infrequently, after extremely long intervals, it is doubtful if such an occurrence ever happened in Rabban Yohanan ben Zakkai's lifetime. Moreover, rendering the High Priest impure and compelling him to perform the burning before sunset was quite unnecessary; one may question whether the Pharisees would do this merely to demonstrate their power against the Sadducees.

²³⁹ In a narrative found in both *b. Yoma* 19b and *y. Yoma* 39a (see n. 158), it is recorded that once a priest performed the incense ritual on the Day of Atonement according to Sadducean halakhah and died shortly afterwards. We are not compelled to take this event literally.

²⁴⁰ *Ant.* XVIII: 17.

²⁴¹ G. Baumbach, 1989, pp. 187–8.

²⁴² See *m. Yoma* 1:5, *y. Yoma* 1:5, 39a, and *b. Yoma* 19b. Citations and discussion of this issue are in nn. 30, 158, 167, 168, 239, 246 and 248.

separation.²⁴³ It is only differences of a practical character, such as the public performance of a crucial religious practice in a completely distinct way, or on another date, that make shared communal life impossible and lead to separation.²⁴⁴ Nor did social differences, which, according to Saldarini,²⁴⁵ were a significant element of the Pharisaic-Sadducean disputes, cause separation. Although Saldarini states that “religion is a part of the social and political scene,” and that the groups “disagreed over how Judaism was to be lived to retain its Jewish identity,” he does not specify which fundamental religious issues had such an overwhelming impact. At any rate, the Sadducees did not separate, but fought for their ideas and social interests from within society.

Concluding that the disputes with the Sadducees recorded in rabbinic literature could not have provoked a societal split, and that a significant part of the Qumran halakhot that conflict with the Pharisaic/rabbinic rules were created after the separation, we must search for those particular halakhot that could plausibly have been the main trigger for the separation of a dissenting group. The dispute between the Boethusians and the Pharisees/Rabbis concerning the exact date of the Feast of Weeks could conceivably have provided such a motive, since it affects the correctness of sacrifices in the Temple, a most significant issue. I observe an acutely hostile attitude toward this group, in contrast to the attitude toward the Sadducees. As discussed above, they are accused of arranging depositions of false witnesses and staging bogus bonfires to rig the fixing of the New Moon and falsify the relevant testimony. While these occurrences as recorded in *m. Rosh Hash.* 2:1 and 2 are attributed to the Boethusians, we must admit that this is imprecise and doubtful. On the other hand, there are no records of debates or any other communication with the Boethusians, in contrast to the Sadducees, who were treated with respect.²⁴⁶ At any rate, we should not doubt the au-

²⁴³ M. Hengel, 1994, p. 62, writes that both groups originated from the same “family,” and family disputes are the most painful.

²⁴⁴ P. R. Davies, 1990, p. 519, writes that “the implementation of the laws, especially through the establishment of an ever more elaborate cult, would make it hard for alternative halakhic systems to exist within the same society.”

²⁴⁵ A. J. Saldarini, 1988, p. 5.

²⁴⁶ The story of the Sadducean High Priest who performed the incense celebration on the Day of Atonement and later died is recorded in *y. Yoma* 1:39a and in *b. Yoma* 19b with slightly different details. In the YT version, after having celebrated according to Sadducean rule, he confronts his father on his exit from the Temple, and accuses him and his group of not doing as they preached. In the BT version, his father reproaches him, saying that “although we are Sadducees, we act like the Pharisees.” The coura-

thenticity of the other rabbinic sources that attribute to the Boethusians the disputes regarding the correct date of the Feast of Weeks and the willow beating, issues intrinsically associated with the Temple cult. The assumption that such disputes were the motive for the different attitude towards the Boethusians brings us to the second stage of our exploration, seeking the primary motive that initiated a process leading to a complete intellectual and physical separation.

4.3.3 *The Different Character of the Bet Shammai—Bet Hillel Disputes and Pharisee—Dissident Disputes*

We have seen that the halakhic disputes with the Sadducees recorded in rabbinic literature, including those halakhot that had an association with the Temple cult, could not have provoked such a radical separation from public life and Temple celebrations as that effected by the Qumran group. But these disputes did provoke a certain kind of division between the Sadducees and the Pharisees, whose exact character and boundaries do not appear in any of the extant sources. We have observed, moreover, that the considerable number of disputes between Bet Shammai and Bet Hillel did not provoke any acute tension between the Houses,²⁴⁷ whereas the disputes with the Sadducees created passionate confrontations,²⁴⁸ but no sweeping hostility.²⁴⁹ Again, I must emphasize

geous and conscientious son answers him: “All my life I was craving to fulfill the command of Lev 16:2 [in the correct manner as we Sadducees believe] and now, having the chance, shouldn’t I take advantage of it?” In both versions he is described in a dignified style, I would say even with admiration, as a courageous person who undertook a great risk to correctly fulfill the precepts of his faith. Regarding the dispute and alleged debate with the Sadducees on false witnesses in *m. Mak.* 1:6, see nn. 106 and 167.

²⁴⁷ On the possible tension between the Houses, see n. 236.

²⁴⁸ The rabbinic narrative in *y. Yoma* 1:5, 39a and *b. Yoma* 19b about the Sadducean High Priest who died a short time after performing the incense celebration justifies this characterization of the confrontation. (See n. 246).

²⁴⁹ I have postulated earlier in the study (pp. 291–2) that we should doubt the authenticity of the mocking remarks made by Rabban Yohanan ben Zakkai that are recorded in rabbinic literature in his debates with the Sadducees. In *b. Qidd.* 66a a narrative relates that a wicked man, Eleazar ben Poira, who is not identified with any particular group, insinuated to king Yannai that there was an alleged conspiracy against him by the Pharisees, and advised him to crush them; all (?) the Sages were then killed. In *Ant. XIII*: 288ff a similar story appears, but with entirely different details and personalities. Hircanus is the relevant king instead of Yannai, and the evil one is Jonathan, a Sadducee; the intent of his scheme was to cause the king to become a Sadducee sympathizer, and he succeeded in influencing the king to annul the existing Pharisaic laws and adopt the Sadducean halakhic rulings. I do not intend to suggest which narrative is authentic; that is not our interest. For our purpose it suffices to observe that the Sages did not attribute

that rabbinic literature offers no indication of any separation by this group; our entire knowledge of a separatist group and the relationship between them and the Pharisees derives exclusively from Qumran writings and external sources, on which we must rely in our scrutiny.²⁵⁰ The critical analysis of these notable disparities and the reasons behind them should enable us to distinguish the fundamental character of the disputed halakhot that led to such different consequences.

I conclude that the specific characters of the two categories of disputes are as follows. Bet Shammai and Bet Hillel disputed on a great variety of halakhot, but not about those affecting the Temple celebrations. These disputes did not provoke any tension or struggle, due to the tolerance of diversity, and consequently the lack of fixed halakhot, as I have demonstrated in my earlier study.

Israelite society did not object to variant halakhot, as long as there was general acknowledgment of the essential Torah laws. The practice of one halakhah in one community and a different one in another community was tolerated and did not affect communal life. The Temple celebrations, in contrast, which were already highly institutionalized in the last period of the Second Commonwealth, could not be performed in different ways, dependent on opinions adopted by the respective priests.²⁵¹ The pluralism in legal theory and practice that dominated Israelite society at that period could not, for obvious reasons, be practised in the Temple. This is the reason, in my opinion, for the different consequences of each type of dispute.

The Sadducees may have disputed many Pharisaic interpretations of the Torah, if we accept Josephus' statement, including some recorded in rabbinic literature that we have noted above. These probably included some rules relevant to the Temple celebrations, such as the exact man-

to the Sadducees such a hostile act. Although we must assume that Yannai sympathized with the Sadducees, since his instructions were reversed only after his death by Queen Alexandra (*Ant.* XIII: 408), rabbinic literature does not even mention this fact, and does not hint that the Sadducees were involved in this repulsive affair.

²⁵⁰ There is no historical data from rabbinic literature on their day-to-day relationships with the Boethusians and the separatist group or groups. We can only speculate, as argued above, that the Boethusians, who are portrayed differently than the Sadducees, were the forefathers of the separatists. If the records in *m. Rosh Hash.* 2:1–2 are authentic (see n. 28) there was a hostile and defamatory attitude towards them; the absence of any collaboration or debate with them hints at disregard, leading to their separation.

²⁵¹ M. Hengel, 1994, p. 18, states that the cult requires an orderly and exact manner of performance, as decreed with all its minutiae in Leviticus, since the Lord is the God of order, as is evident from the orderly fashion of Creation portrayed in Gen chap. 1.

ner of the incense celebration on the Day of Atonement and others potentially relevant, such as the attainment of purity after immersion for the Red Heifer celebration. These disputes created some tension, but as we have noted the Sadducees were not provoked thereby to separation. Their High Priests likely acted, as far as they could,²⁵² according to their own tradition when they were in power,²⁵³ and according to the Pharisaic tradition when the latter were dominant. There is no hint whatsoever from any source that the Pharisees expelled Sadducees or any other dissident group when they were in power, nor did the Sadducees when they were dominant. The Sadducees may have been perceived as ‘dissidents’ when not in power, but not ‘separatists.’ We must thus distinguish, from many crucial aspects, the relationship and attitude subsisting between Pharisees and Sadducees, and those between Pharisees and the Qumran separatists; the divisions between each group and the ‘mainstream’ were of a different nature. The Temple issues were of great significance in the daily life of Israelite society and were intrinsically linked; whoever separated from the Temple cult had also to separate from society, and vice-versa. The available sources confirm that the Sadducees did not separate from either; they took part in political and cultic life.

The Qumran group, to reiterate my arguments above, did dispute a great number of issues related to the Temple cult, as we know from their writings; these issues were of such significance, including the different ritual calendar, that they were compelled to separate from both the Temple celebrations and society.²⁵⁴ Moreover, their faction was led and dominated by priests and their decrees were “written by priests, for priests and about priests.”²⁵⁵ These circumstances bestowed the utmost importance on the Temple issues, and provoked an irreconcilable rift and ultimately separation. The TS consists mainly of halakhot relevant to the Temple and priestly issues, indicating the central status of such issues²⁵⁶ and the universal impact of the sacrificial cult. Connected to

²⁵² I refer to Josephus’ record in *Ant.* XVIII: 17 that the Sadducees acted according to Pharisaic rules even when they were dominant; I assume that they attempted to behave according to their own beliefs, and only in some instances had to compromise.

²⁵³ We need not take literally the rabbinic narratives about the miraculous deaths of the Sadducean High Priests when they performed their ritual duty contrary to Pharisaic teaching.

²⁵⁴ See the comment of P. R. Davies in n. 160.

²⁵⁵ C. Hempel, 2000, p. 74, referring to the Damascus Scroll; she adds: “Priestly concerns lie at the heart of the halakhoth in MMT.”

²⁵⁶ A. Lange, 2003b, p. 315, writes that the TS’s world view perceives the Holy of Holies as the world’s most holy place, and the remainder of the cosmos is grouped

my previous postulate as to the slow development of their separate codex, I conjecture that Temple issues were the first ‘dissident’ disputes that provoked an irreconcilable disagreement of such force that it ultimately caused their separation and the subsequent formulation of an entirely divergent ideology and legal codex.

Further, their declaration of the separation in 4Q397 (4QMMT^d) Frags 14–21:7—“we have segregated ourselves from the multitude of the people”—seems from its context to be the effect of halakhic, not ideological, disputes, and primarily those regarding the Temple cult²⁵⁷ and intrinsically associated priestly issues.²⁵⁸ The MMT is the only Qumran writing that expressly²⁵⁹ announces and justifies their separa-

around this centre of the world in concentric circles of decreasing holiness. He also perceives this concept in the structure of the TS.

²⁵⁷ D. R. Schwartz, 1996, p. 76, adds: “They hardly serve to reflect popular practice.” The statement “they are to be segregated from within the dwelling of the men of sin to walk to the desert” (1QS VIII: 13) is not associated directly with the Temple, but with the correct fulfillment of the divine commands.

²⁵⁸ J. M. Baumgarten, 2003, explores both ideological and legal differences among Jewish movements of that period, but does not focus on the question I pose—that is, the primary elements that triggered the separation. Schiffman, 2003b, pp. 415–6, on the other hand, asserts that “the legal rulings which guided the Hasmonean Temple” were the specific objections of the MMT author, which caused the separation.

²⁵⁹ The narrative in 1QpHab XI: 4–8 about the Wicked Priest, who pursued the Teacher of Righteousness during the Day of Atonement, can at best be considered as an implicit result of the calendar dispute. In the absence of our knowledge about this disagreement, I doubt whether we would have reached the conclusion that it was related to the calendar dispute; various other speculations would have been proffered to reveal the motive for the assault on the Day of Atonement. In fact, A. Dupont-Sommer, 1950, assumed on the basis that the event occurred on the Day of Atonement that the narrative refers to the conquest of Jerusalem by Pompey in 63 B.C.E. S. Talmon, 1951, who promptly disputed this assumption and rightly recognized that it refers to the calendar dispute, founded his opinion on the writings in the “Books of Jubilees,” mentioned in the “Damascus Fragment” (Document), and therefore of high rank among the Qumran group (p. 555). The other main collection of halakhot, the CD, assumed to be an essential Qumran writing that implicitly suggests a separation, associates the dispute with the Zadokite priests and their Temple service. (The issue of whether the mention of “Damascus” in this writing actually means that city or symbolizes something else is debated; see n. 353 on this issue.) We read in CD-A: III: 21–IV: 1–2: “The priests and the Levites and the sons of Zadok who maintained the service of my Temple when the children of Israel strayed far away from me; they shall offer me the fat and the blood. The priests are the converts of Israel who left the land of Judah and those who joined them.” Sexual transgressions, though unassociated directly with the Temple, still defile the Temple (CD-A V: 6–11), and this indicates the overall significance of the Temple in the life of the community. I disagree here with P. R. Davies, 1982, who interprets differently the linkage between the two apparently separate topics (p. 289). Whatever an Israelite does has an impact on the pinnacle of society, the Temple, the people’s *raison d’être*. See Heger, 2003, p. 211. See also W. S. Green, 1978, p. 78, who speaks of the

tion because of halakhic disputes,²⁶⁰ and also contains the sole explicit mention of their solar calendar.²⁶¹ This notable and unique connection indicates the significance of the calendar, and offers a clear motive for separation. Even if we agree that a number of their members lived in mixed communities in cities and villages, as some scholars suggest,²⁶² we must assume that they were still isolated in such places,²⁶³ as quasi-‘separatists,’²⁶⁴ mainly because of the different calendar, the dispute that would have had the most shattering impact. Within the great zeal for faith and Torah precepts that prevailed in Israelite society in that period, one can imagine the tension that would have been created by people eating on the Day of Atonement of the other group, or having leavened bread on the Passover of the other group. The emphasis in 1QpHab XI: 4–8²⁶⁵ on the Wicked Priest, who pursued the Teacher of

Temple and its cult reflecting what is truly real; the Temple and its celebrations served as archetypes of human spirit and activity. We encounter already in Scripture a similar concept that the wrong behaviour of the Israelites had an impact on God’s dwelling. We read in Num 35:34: “Do not defile the land where you live and I dwell.” Similarly, idolatry defiles the divine sanctuary, as we read in Lev 20:3: “He has defiled my sanctuary and profaned my name.” Whether the CD group participated in the Temple cult or not (see P. R. Davies, 1982, on this issue) is not relevant for our purpose at this stage. It suffices to observe the utmost and overwhelming significance bestowed upon the Temple and its cult. This is also evident from the second accusation of defiling the Temple in XX: 23; although it is not clear how this act was carried out, its effect was the defilement of the Temple, which would bring punishment upon the perpetrators. The extension of complete holiness to the entire city of Jerusalem (CD-A XII: 1–2) is the consequence of the Temple’s holiness, as it is called “city of the Temple”; the city is subordinate to the Temple, which is its primary purpose of being. Hence we observe the overwhelming significance bestowed in Qumran on disputes with respect to the Temple.

²⁶⁰ The antecedent text of this fragment refers to halakhic disputes, and we read in the succeeding vv. 8–9: “... and from mingling in these affairs [listed above], and from associating with them in these things. And you know that there is not to be found in our actions disloyalty or deceit or evil.” The linkage between the halakhic disputes, the contents of the letter and the separation is evident. It is unreasonable to suppose that the original letter may also have included ideological issues; no hint of such conflicts is found in the many fragments of the writing, and therefore such an assumption can be discarded.

²⁶¹ See n. 143 for the substantiation of this statement. I do not consider *Jubilees*, since it is not perceived as a Qumran writing.

²⁶² See J. H. Charlesworth, 2002, p. 66.

²⁶³ J. Murphy-O’Connor, 1974, pp. 226–7, writes that for fear of demoralization, “they withdrew to more conservative rural areas where they hoped to preserve their heritage.”

²⁶⁴ Murphy-O’Connor, *ibid.*, p. 227, writes that they were admonished not to “associate with outsiders.”

²⁶⁵ See original text and translation in n. 336, p. 65.

Righteousness during the Day of Atonement, the day of fasting and inactivity, indicates the grave practical impact of the calendar dispute. We also have evidence of the tension created between rabbinic and Karaite communities living in close proximity in Constantinople, because of their different holidays.²⁶⁶

I would like to expand at this juncture my proposition that the Qumran ideology was engendered by the concrete and practical halakhic conflict, to justify it, rather than their distinctive ideology being the motive for the creation of different practical halakhot. In doing so, I do not take a position on the great divide between a general materialistic or idealistic outlook. I am only attempting to reveal, by textual analysis and logical conjecture, how the particular separation process of the Qumran group was plausibly initiated and evolved. It is evident that the ideological starting point of the process, the supremacy of the Torah, was not disputed. It is beyond the scope of this study to further the examination of this topic by questioning whether this ideological premise was the prime mover, or was the effect of previous circumstances and practical necessities.

The creation of conflicting ideologies and practical halakhot in the later stages of the process is of interest from the historical point of view. I perceive it as constituting an ongoing, indivisible process with reciprocal influences; ideology stimulates the creation of practical rules, and the circumstances created by the new rules stimulate the generation of appropriate justifying ideologies.²⁶⁷ At times, circumstances and practical considerations generate novel or altered rules, which induce subsequent ideological justifications; these, in their turn, generate the necessary adjustments of previous rules to adapt them to the altered ideology.²⁶⁸ At other times, a new ideology starts the process that subsequently proceeds in the same way of mutual influence. The exegetical method of “integrative interpretation”²⁶⁹ practised by the Rabbis is an example of pragmatic requirements, not ideology, creating the neces-

²⁶⁶ Zvi Ankori, 1959, p. 33.

²⁶⁷ P. R. Davies, 1990, p. 213, perceives this process with respect to the formation of the Essenes.

²⁶⁸ D. Flusser, 2002, pp. 12–14, perceives a similar development in Qumran. When the expected salvation did not materialize, they adapted their ideology to reality, and preached that the right time had not yet come; since the seizure of the Temple as declared in the War Scroll 1QM II: 4–5 was not achieved, they developed the idea of its replacement by a virtual Temple.

²⁶⁹ See chap. 2 nn. 97 and 434.

sity to change the law.²⁷⁰ Another example will demonstrate the blurred boundary between ideology and halakhah, and the difficulty of establishing the trigger that effected a particular change. The great privileges in status and financial benefits that were awarded to the priests in the Qumran group can be perceived as driven by a materialistic and narrow self-interest of the priesthood, or as a genuine ideological belief in their divinely established hegemony, whose practical consequences required the promulgation of the particular rules.

In our investigation, it seems to me that the practical consequences of the dispute regarding the correct calendar constituted the main and most significant issue that made impossible any co-existence²⁷¹ of the competing groups within the same religious community, and initiated the separation process.²⁷² As stated earlier, the Qumran group did not create the solar calendar on the basis of their cosmic theology; it must have previously been in use in Israelite society as the ritual calendar.²⁷³ When it was discarded by the authorities at a certain time, for reasons unknown to us,²⁷⁴ a conservative group²⁷⁵ contested the change, and

²⁷⁰ See, e.g., the discussion of the changes in the interpretation of the *lex talionis*, Chap. 2 n. 96.

²⁷¹ S. Talmon, 1951, p. 561, emphasizes “the ever-growing social importance of calendar calculations.”

²⁷² J. Ben-Dov and I. Horowitz, 2003, p. 11, state that the distinct calendar was one of the most noticeable elements identifying the separated group. See also H. Eshel, 2004, pp. 29–43, who, along with other scholars, states that although the Qumran group initiated its opposition in the period of Hellenization, the split occurred only after the introduction of the lunar calendar by King Jonathan about 150 B.C.E.

²⁷³ Eshel, *ibid.*, p. 25, records instances of the parallel existence of two or more calendar systems, each for a particular use—e.g. a civil calendar and a religious calendar. P. R. Davies, 1982, p. 298, writes: “The law and the calendar are both fundamental and ancient as CD presents them.” My thesis differs from his regarding the laws. I speculate that some may indeed have been ancient rules, accepted by all or by some elements of society before the institutionalization of the law, but others were created after the separation of the group.

²⁷⁴ J. C. VanderKam, 1998, p. 113, speculates that the change was due to Seleucid efforts to enforce the lunar calendar, used in Greece.

²⁷⁵ Cf. R. T. Beckwith, 1982, who alleges that the Pharisees were the conservatives and the Essenes and the Sadducees were the reformers. His thesis is founded *a priori* upon questionable data; we have no authentic documentation of the Pharisees’ and Sadducees’ halakhot, nor undeniable evidence of the identification of the Qumran group with the Essenes. But even if we assume that the rabbinic views represent Pharisaic halakhic decisions, and give credence to their data about the Sadducees, we must still reach the opposite opinion; there can be no doubt that the Rabbis were the ultimate reformers, utilizing their varied and selective exegeses to achieve their goals, even contrary to the simple meaning of the scriptural text. See examples in Chap. 2, subchapter 2.5.2.4. It is not within the scope of this study to elaborate further my arguments against Beckwith’s thesis on this issue.

created a complex ideology to justify their tenacious hold on the old calendar.²⁷⁶ I do not think it reasonable to assume that some Israelites, or priests, forefathers of the later-constituted Qumran group as Elior postulates,²⁷⁷ had an all-embracing cosmic ideology underlying the solar calendar; this system probably came into use in the region²⁷⁸ as a result of Persian influence.²⁷⁹ Nor did those elements of Judean society who introduced the lunar calendar have an opposing overall theology. Only the institution of a different calendar compelled those who ardently adhered to the old system to create an ideology to legitimize their stance,²⁸⁰ both for internal use and as a polemic device. Those who introduced the lunar calendar were part of the institutionalized authority

²⁷⁶ Cf. R. Elior, 2004, p. 11, who maintains that the Zadokite priests used the solar calendar, because this was the ancient priestly tradition, founded upon their theology of Sacred Time on the cycles of seven and the total exclusion of human participation in establishing the dates of the holidays. She juxtaposes this view against the rabbinic dependence on human observation. There are, in my opinion, too many logical questions that contest such a proposition. It would result that king Jonathan, who introduced the lunar calendar, acted in tandem with Pharisaic theology, a proposition that does not seem plausible and has not been suggested by scholars. Since Elior equates Pharisees with rabbinic Sages and Sadducees with Zadokites (p. 12), one should also question why Hyrcanus, who re-introduced the Zadokite/Sadducean rules (*Ant.* XIII: 296) did not reverse Jonathan's decision and reintroduce the Zadokite solar calendar. The equation of Sadducees with Zadokites poses another stumbling block: why would a Hasmonean king introduce laws cherished by the Zadokites, the Hasmoneans' arch enemies? Moreover, we do not possess any indication of the Pharisaic attitude and theology at this time so as to be able to posit the calendar issue as a theological dispute between the two factions. It is also difficult to comprehend how the Zadokite priests, who created and believed in such a sophisticated and lofty theology, turned out to be (Jason) the most active Hellenizers, before the Hasmonean revolt, and who, after being deposed from their high status in the Temple hierarchy because of this conduct, turned again to such elevated theology and remarkable piety. It is also odd that we do not encounter any Zadokite priests, the bearers of the sacred traditions, among the priests who opposed the Hellenizing process. Elior, like Schiffman, divides the Zadokites into two strains, one consisting of Hellenizing aristocrats and another composed of pious priests, who seceded from the Temple service (Elior, p. 26). I have already commented on this expedient, created to sustain the theory that the Essenes were identical with the Sadducees. I think that Elior did not attempt to harmonize the historical circumstances with her theologically founded proposition.

²⁷⁷ See antecedent note.

²⁷⁸ J. Ben-Dov and I. Horowitz, 2003, who assert that the solar calendar of 364 days was well-known in Babylon and to the Israelite exiles at that period, and was then conveyed to Judah (p. 8). But J. C. VanderKam, 1998, p. 32, notes, along with other scholars, that in Babylon the lunar calendar with intercalations was used.

²⁷⁹ Persian influence on Qumran is manifested also with respect to dualism and the six thousand year *eschaton*.

²⁸⁰ Murphy-O'Connor, 1974, p. 227, writes: "Members (of the Essene group) needed assurance that, even though they were in the minority, they were still in the right."

and did not need to justify it by a complex theology.²⁸¹ The rabbinic theology justifying human participation in all aspects of the interpretation of Scripture was the outcome of extended deliberations and practice, not particularly related to the lunar calendar. I thus deduce that the complex Qumran ideology was the result of the change from the solar calendar, not the primary motive for this calendar.

In view of the crucial distinction in the nature of the conflicts between the Sadducees and Pharisees and Qumran and the Pharisees (and possibly also between Qumran and the Sadducees),²⁸² I will limit my further examination to the motive for separation of the Qumran group. Despite the halakhic and social conflicts between the Sadducees and Pharisees, we must not perceive these conflicts as a rift, in contrast to the conflicts with the Qumran group.²⁸³ I reiterate that since we possess no authentic Sadducean writings, every comparison with rabbinic halakhah for the extrapolation of their fundamental philosophy/theology is highly speculative, due to the questionable dependability of the rabbinic records relating to the Sadducees.

²⁸¹ We encounter in *b. Hul.* 60b a dialogue between the moon and God in which the moon complains of being degraded to the lesser light. In the course of the debate, God compensates the moon, saying that the Israelites will establish the holidays according to the lunar calendar. This homily, though it seems like a justification for the institution of the lunar calendar (and forms an interesting basis for deduction of further philosophical/theological ideas), was actually intended to harmonize the apparent contradiction in Gen 1:16: "And God made two great lights; the great light to rule the day and the small light to rule the night." In the first part of the sentence, both lights are called great and seem equal, but subsequently one is called great and the other small. We must consider this and similar homilies within their limited perspectives, not as a basis for the creation of practical legal rules. This homily was definitely formulated much later than the introduction of the lunar calendar, and was not perceived as a justification for it.

²⁸² We observe in 4Q171 Col II: 18: "Its interpretation concerns the wicked of Ephraim and Manasseh who will attempt to lay hands on the Priest and the members of his council"; this is an accusation against both Pharisees and Sadducees, assumed to be concealed under the names Ephraim and Manasseh.

²⁸³ A. I. Baumgarten, 1994, labels as a "party" a group that tolerated higher degrees of conflict with the mainstream, and as a "sect" a party that reacted in an extreme way on every dispute. On the basis of this classification, and my postulates, the Sadducees were a "party," a group that did not separate from the mainstream, because the character of their disagreements permitted a shared communal life. The disagreements with the Qumran group were of such significance that communal life was excluded; they were thus a separate "sect."

4.3.4 *Significance of the Temple Cult in Israelite Society*

The celebrations of the public sacrifices and the individual offerings²⁸⁴ in the presence of the people²⁸⁵ were the motivating elements behind the pilgrimages to Jerusalem, and there is historical evidence²⁸⁶ of the great number of people who convened there at the holidays. In that period the Temple cult enjoyed the greatest significance as the loftiest form of divine worship;²⁸⁷ its ceremonies were believed to generate beneficial

²⁸⁴ We read in Deut 16:16: “Three times a year all your men must appear before the Lord your God at the place he will choose”; the people are exhorted: “No man should appear before the Lord empty-handed.”

²⁸⁵ We read in *b. Hag.* 26b: “[On the three yearly pilgrimages] they used to raise [the table] and show the Showbread to the people, telling them: Look how God loves you, the bread is as fresh when it is removed [on the seventh day] as when it was placed.” We observe from this story, as well as from the fact that the Temple’s furnishings could become unclean during the holidays (*m. Hag.* 3:8), that the people were encouraged to come and see the ceremonies. We also read in *m. Tamid* 7:2: “[After the celebration of the perpetual daily sacrifice] the priests blessed the people.” We may obviously have some hesitation about the authenticity of narratives recorded long after their alleged occurrence. However, Luke recounts (1:10) that at the time of the daily incense celebration πάν τὸ πλῆθος “the whole multitude” prayed outside in the Temple Court. It does not result from this text that the event narrated occurred on a holiday; this demonstrates that a great number of people came daily to the Temple to assist at the services.

²⁸⁶ See Philo, *Spec. Laws* I: 69 - 70; *Ant.* XIV: 337, XVII: 214, XX: 106; *JW* I: 253, II: 40 on השבועות חג; *JW* II: 10, VI: 423-425 on פסח; and *JW* II: 515 on the Feast of Tabernacles. While some accounts seem exaggerated, the narratives do demonstrate the great number of people who came as pilgrims for the three holidays. We read in *b. Pesah.* 64b: “Once, King Agrippa wanted to know Israel’s population. He asked the High Priest to make his estimate from the Passover offerings. He took one kidney from each and [counting them] they found six hundred thousand pairs, that is, double the number of men who left Egypt [Exod 12:37]. . . .” (In fact the number of kidneys would indicate more than double the number of the Exodus, since one Passover sheep was brought for a group, not for each individual. It seems that the narrator was aware of the great exaggeration, and therefore saw no point in increasing the number.) But another narrative on the same page may be authentic. We read there: “No one was ever crushed in the Temple’s Court [despite the great masses] except on one Passover in the period of Hillel, when an old man was crushed. And they nicknamed it ‘the Passover of the crushed.’” In *JW* VI: 422-425, Josephus also records a census by means of Passover offerings with less spectacular results, but indicating an enormous number of pilgrims at the occasion of this festival. See details in n. 4.

²⁸⁷ I disagree with S. Cohen’s allegation that the Temple “especially after the Maccabean period, had serious ideological weakness” (1987, p. 132), and that this was the trigger for the creation of the Qumran sect. The alleged deficiencies mentioned by Cohen, such as the Temple being built by a gentile king (Cyrus?), the profanation by a gentile monarch, the fact that it was rebuilt by a “half Jew,” (Herod) and the Maccabean High Priests’ want of a noble genealogy, had long been disregarded by or consciously driven out from collective memory. The different attitudes toward the rebuilding of the Temple in the early Persian period did not lead to the creation of sects, as Cohen alleges, and were not relevant in the Maccabean period, the assumed period of the creation of the sects. The belittling talmudic statement that five significant items were missing in

consequences for all aspects of individual and public life,²⁸⁸ in Israel and for the destiny of the entire world,²⁸⁹ on earth and in heaven.²⁹⁰ Great efforts were therefore undertaken to regularly continue the offerings even under the direst conditions, during wars,²⁹¹ times of famine and

the Second Temple (*y. Ta'an.* 2:1, 65a), is emphatically corrected and adjusted by the declaration that ten miracles happened in the Temple (*b. Yoma* 21a), referring to both Temples. The people's belief in the theophany in the Holy of Holies, the greatest and loftiest miracle, at the incense ceremony on the Day of Atonement, is attested in the Talmud; furthermore, prophecy, a divine communication at this daily ceremony, is mentioned by Josephus (*Ant.* XIII: 282) and in Luke 1:8–20. I need not provide additional substantiation of the overwhelming reverence for the Temple and its ceremonies in this period, since Cohen himself states this at length in his above study. The opposition of the dissident group was not the result of doubt as to the eminence of the Temple or its legitimacy, but was rather due to their opinion that the corrupt priests and wicked leadership polluted its supreme sanctity with their behaviour.

²⁸⁸ In *b. Meg.* 31b a narrative relates that Abraham asked God whether God would punish the Israelites, when they sinned, with calamities like the flood and the Tower of Babel. God assured him that this would not occur because He granted them the possibility of bringing offerings and being forgiven. In *b. Ber.* it is stated: "As long as the Temple stands, the altar [with its offerings] atones for Israel [']s sins]." In *Midr. Cant parshah* 1, it is said that the Tamid, the perpetual daily morning offering, atoned for sins effected during the night, and the offering of the evening pardoned those sins effected during the day; thus nobody who slept in Jerusalem had any sin on his conscience. There is similar evidence from contemporary writers such as Josephus and Philo as to the significance of the sacrifices. Josephus, for example, states (*Ant.* I: 58) that Cain brought another sacrifice and therefore God spared him from the capital punishment he would otherwise have deserved. He similarly records (*Ant.* I: 164) that Pharaoh offered a sacrifice to be saved from the afflictions due to him because of his behaviour with Sarah. In neither instance does Scripture indicate any offerings by these two personalities. In *Ant.* III: 236, Josephus writes: "Other sacrifices are offered for escape from sickness"; he is likely referring to the Thanksgiving offering (*Lev* 7:12). See also Philo, *Spec. Laws* I: 168, 195, 257.

²⁸⁹ We read in *b. Sukkah* 55b: "These seventy bulls [offered during the week of Tabernacles]—what does this number symbolize? [A.] It means [the seventy bulls are offered for the sake of] the seventy nations [a common way of referring to the entire world]." We read in *Avot Rab. Natan*, Recension A, chap. 4: "As long as the [sacrificial] celebrations are performed at the Temple the world and its inhabitants are blessed, rains are in their [appropriate] time" and other favourable conditions occur. Josephus (*J. W.* IV: 324) writes that the Temple "ceremonies are of world-wide (cosmic) significance." See also Philo, *Spec. Laws* I: 97 and 168 in which he stresses the peculiar character of the Jewish prayers and sacrifices, offered on behalf of all mankind (168), and also for the elements of nature: earth, water, air, and fire (97).

²⁹⁰ Tractate *Sem.* 1:1 goes a step further, introducing a mystical concept and portraying the Temple on earth as a model for the one in heaven. We read there: "As long as Jerusalem and the Temple existed down [on earth] and a High Priest of Aaronite lineage stood and celebrated offerings before the Holy One blessed be He, Michael, the Archangel, the patron of Israel, appointed as a High Priest, stood and celebrated offerings up [in heaven] before the Holy One blessed be He. But from the day that the offerings down [on earth] were cancelled, there were [also] no offerings up [in heaven]."

²⁹¹ We read in *b. Sotah* 49b: "When the Hasmonean kings besieged one another [in

extreme lack of provisions.²⁹² The importance of the most meticulous and continuous performance of the Temple rituals²⁹³ was enhanced by two significant factors. It was then a commonly assumed belief²⁹⁴ (as it is today)²⁹⁵ that the sacrifices, or any cult ritual performed within the ambit of the relationship between human and Deity, were more important and consequential to human fate and well-being than the fulfillment of other divine precepts that affected only the relationships between humans. Further, the Temple ceremonies were performed in public with

Jerusalem] Hyrcanus was outside and Aristobulos inside [the city, and there were no lambs for the Tamid, the daily perpetual offering], they lowered money by a rope [from the wall], and hoisted up the lambs for the offerings." The narrative then records that a man of Greek culture told the besiegers: "As long as they continue the offerings, you will not succeed in subduing them." They then delivered a pig instead of the lambs. This narrative, with different details, also appears in *Ant.* XIV: 26–28. We observe the supreme belief in the significance and efficiency of the offerings and the efforts undertaken to perform the celebrations.

²⁹² According to *J.W.* VI, it seems that despite the terrible famine in the last days of the besieged city of Jerusalem the perpetual daily sacrifice was offered until the seventeenth of Tamuz, shortly before the Temple's destruction. In *m. Ta'an.* 4:6 the identical day is given for the suspension of the Tamid. Josephus, attempting to convince the rebel leader Yohanan to give up the fight against Rome by listing the beneficial consequences, stressed the fact that the Romans would allow the renewal of the offerings at the Temple. He admonishes him that by continuing his resistance he will deprive the Deity of its eternal pleasing offerings.

²⁹³ James D. G. Dunn, 1995, p. 252, writes: "It was precisely because the Temple was so important that disputes about its correct function were so important." The term "ritual" suggests a continuously recurring and exact performance of devotional liturgies of all kinds.

²⁹⁴ This belief subsisted despite prophetic and rabbinic criticism. The prophet Isaiah already preached against this human perception (1:11–16) and emphasized God's preference for social justice among humankind; Hillel stressed the absolute significance and priority of the social justice aspect of the Torah. We read his renowned dictum in *b. Shabb.* 31a: "What you do not like, do not do to your neighbour. This is the entire [essence of the] Torah, and the rest is interpretation." Despite these clear utterances by prophets and the Rabbis, bestowing primary significance on the social justice aspect of the Torah and only secondary importance on the ritual commands, it seems these admonitions had no effect. Although the Hillel narrative displays certain characteristics of legend, and one may dispute the authenticity of various of its details, it nonetheless gives an indication of the rabbinic attitude; the editor presumably wished to attribute this ideology to a highly respected personality, thus enhancing its acceptance by the people. Evidence of the 'wrong' attitude is found in *b. Yoma* 23a, in a strange narrative concerning a (in my opinion, theoretical) murder: "[The narrative] indicates that rendering the Temple's furnishings unclean seems to them more iniquitous than the spilling of blood [i.e. the killing of a person]."

²⁹⁵ There is no evidence that people who consider themselves 'religious' according to the general understanding of this term (that is, observing all ritual obligations) behave in a more generous and honest manner toward other humans.

great fanfare and majestic pageantry,²⁹⁶ in contrast to the observance of the other laws that were of a more private nature. It is obvious that impressive rituals exercise a great impact on the human psyche, and consequently magnify the devotional exaltation and the significance of every detail in the minds of the people. These two crucial factors cause the masses to be alert to any deviations from the established, 'correct' performance of the rituals, and may cause significant tension.

The great significance of the Temple is also evident from another aspect of Jewish religious life. Four fast days for mourning are established in the Jewish calendar,²⁹⁷ all related to historical calamities which befell the Jewish people on these days.²⁹⁸ The most severe rules regarding the mourning procedures²⁹⁹ and the fast³⁰⁰ were established for the Ninth of Av (Tishah beAv), when the Temples (First and Second)³⁰¹ were allegedly destroyed. Although many grievous disasters happened on the seventeenth of Tammuz³⁰²—the breaking of the tablets,³⁰³ the suspension of the daily perpetual offering, the breach of the walls of Jerusalem,³⁰⁴ the burning of the Torah by Apastemus³⁰⁵ and the placing

²⁹⁶ See *Letter of Aristeas*, 84–99. We read in *b. Sukkah* 51b: “Whoever has not seen the Water Feast [in the Temple at Sukkot] has not seen a real feast in his life. Whoever has not seen Jerusalem in its glory, has not seen a delightful city in his life. Whoever has not seen the Temple has not seen a magnificent building in his life.” In *m. Bik.* 3:2–6 (see text in n. 216) there is a vivid portrayal of the public ceremony at the bringing of the first fruits to Jerusalem; great masses of people participated, from the departure from the villages to the arrival in Jerusalem. See also Philo, *Spec. Laws* I: 71–72, concerning the Temple’s magnificence.

²⁹⁷ These are the third of Tishre, tenth of Tevet, seventeenth of Tammuz and ninth of Av. There is an additional fast day, the thirteenth of Adar, but this is of a lower rank and is not counted among the four primary fast days. The Day of Atonement is also a fast day, but not a day of mourning related to historical calamities.

²⁹⁸ For our purposes it does not matter whether the dates are historically correct; this is how they were established in Jewish memory, and commemorated with appropriate rituals.

²⁹⁹ One is prohibited from wearing shoes on this day, as when mourning the death of a close relative, and one must not wash oneself. Even the study of Torah is forbidden until the afternoon, since this activity is deemed to cause great joy.

³⁰⁰ Of the four mourning days, it is the only one in which the fast starts on the prior evening at sundown. The fast on the other three days starts only in the morning, and one is allowed to eat during the preceding night until sunrise.

³⁰¹ *ḥ. W.* VI: 268 and *m. Ta’an.* 4:6 cite this fact.

³⁰² The calamities that occurred on the seventeenth of Tammuz are listed in *m. Ta’an.* 4:6, and, *b. Ta’an.* 28b provides the evidence.

³⁰³ See the narrative of the golden calf in Exod 32:19.

³⁰⁴ These two events occurred during the siege by the Romans. See *m. Ta’an.* 4:6.

³⁰⁵ This individual is unknown. I assume the name is a corruption of that of a Hellenistic commander who was involved in the conquest of Jerusalem before the Hasmonean rebellion.

of an idolatrous statue in the Temple³⁰⁶—it was the date of the Temples' destructions that became a most sorrowful day of mourning³⁰⁷ demanding the harshest afflictions. The sacrificial celebrations were the Temple's *raison d'être*, and mythology added to the Temple's sanctity an aura of primordial origin³⁰⁸ and eternity.³⁰⁹

4.3.5 *The Utter Significance of the Temple Cult in Qumran*

The significance of the Temple cult, the high rank of its clerics, the priests, the extreme holiness of Jerusalem³¹⁰ and the strict purity rules³¹¹ are prominent in the Qumran writings,³¹² particularly in their polemics against their opponents, presumed to be the Pharisees. The extreme rules regarding personal purity³¹³ and the elimination of every conceivable polluting element from the entire city of Jerusalem³¹⁴ demonstrate

³⁰⁶ This event is amply corroborated by Josephus in *Ant.* XVIII: 261–309 and by Philo in *Embassy* 188–373. But according to them, Gaius' command to place his statue in the Temple did not materialize because he was killed before this was accomplished.

³⁰⁷ The book of Lamentations is read in the synagogues on the ninth of Av.

³⁰⁸ We read in *Pesiqta Rabbati parshah* 43 that Solomon built the Temple on the site where David built the altar on Araunah's threshing floor (2 Sam 24:18 and 1 Chr 22:1), and where Adam, Noah and Abraham offered sacrifices. The association of Araunah's threshing floor with Solomon's Temple is based on 1 Chr: "Then David said: The house of the Lord God is to be here [and this refers to the house of the Lord to be built by Solomon]."

³⁰⁹ We read in *b. Zevah.* 62a: "Three prophets came up with them [the returnees] from the exile; one gave witness to them as to the [size] of the altar, one gave witness to them as to the place of the altar, and one gave witness to them that one may offer sacrifices although there is no Temple." Ezra was thus able to build the altar and the Temple on the same spot on which the First Temple stood. It is the belief among (some) Jews that the Third Temple will also be built on the same spot.

³¹⁰ Florentino García Martínez, 1992, pp. 203–4, writes: "In Qumran the subject of the city, of Jerusalem, is a secondary one . . . while, on the contrary, the theme of the temple and the cult are essential and fortunately present at least two elements which are peculiar and exclusive to the thought of the sect, and in which the Qumran group stands out against all other contemporary groups."

³¹¹ H. K. Harrington, 2000, lists the Qumran writings concerned with a broad range of purity matters; purity is connected with Temple issues.

³¹² I do not think it necessary to corroborate these assertions by extensive citations from primary or secondary sources; these are by now universally acknowledged facts, as a result of fifty years of research on the desert scrolls. I may quote as representative the opinion of H. K. Harrington, 1998, p. 162: "The Temple and its cult were at the heart of their [the sectarian] belief system."

³¹³ H. K. Harrington, 2000, p. 79, deduces the obligation to bathe before the meal from 1QS V:13.

³¹⁴ 4Q394 MMT Frag 3–7:16:17 extends the same holiness of the Temple to all of Jerusalem. CD XII: 1–2 forbids, for example, sexual intercourse in Jerusalem.

their extreme concern with the Temple and its cult.³¹⁵ According to Qumranic belief, inappropriate sexual behaviour by the priests led to the defilement of the Temple,³¹⁶ and questions of priestly defilement seem to lie behind many of their accusations.³¹⁷ According to Scripture, sexual misconduct³¹⁸ pollutes the land,³¹⁹ God's dwelling, and consequently the Temple.³²⁰ Qumran extended the range of this misconduct,³²¹ and asserted that the Temple ritual atoned for the land.³²² The greatest part

³¹⁵ The great array of purity rules in Qumran writings and their utmost stringency are associated with the holiness of the Temple.

³¹⁶ We read in CD-A V: 6–8: “And they also defiled the Temple, for they did not keep apart in accordance with the law, but instead lay with her who sees the blood of her menstrual flow. And each man takes as a wife the daughter of his brother and the daughter of his sister.” The text shows some grammatical irregularity, but at any rate indicates that the main concern was personal misbehaviour that led to the defilement of the Temple. The author does not specify which menstrual rules their opponents transgressed, but since rabbinic opinion extended these rules much beyond the scriptural decrees, we must assume that the group that practised according to the CD rules had even stricter regulations than the rabbinic/Pharisaic law. It seems inconceivable that they would accuse the Pharisees of simply ignoring the biblical rules of menstrual purity.

³¹⁷ We observe from their writings that incorrect interpretation and observance of the Torah laws defiled the priests and precluded them from celebrating the sacrifices at the Temple. We read in CD-A VI: 12: “... shall not enter the Temple to kindle his altar in vain.” This applies to those who do not fulfill the Law “... according to its exact interpretation [v. 14].” The purpose of the correct fulfillment of the Torah laws is to enable faultless sacrificial worship, and incorrect fulfillment of the Torah's precepts renders the priests ineligible for the celebrations. Such failure is crucial, as the Temple celebrations were considered to be at the apex of the divine commands.

³¹⁸ They often used the term זָנָו “fornication” in their writings, in different grammatical forms, as a general indication of wicked deeds unrelated to sexual issues. See e.g., CD VIII: 5: “... have defiled themselves in paths of licentiousness, and with wicked wealth, avenging themselves.” There was such extreme repugnance for sexual misconduct that it was utilized as a stereotype to express the height of wickedness.

³¹⁹ We read in Num 35:34: “Do not defile the land where you live and where I dwell, for I, the Lord, dwell among the Israelites.”

³²⁰ We read in CD-A V: 6: “And they also defile the Temple”; the succeeding vv. 7–11 list the sexual misdeeds that defile the Temple: they do not follow the menstrual laws and they marry their nieces, which was a transgression according to their interpretation of the law in Lev 18:12. Intercourse with a menstruating woman makes a man impure for a week (Lev 15:24) and he must not enter the Temple or perform sacrifices. According to the scriptural principle that sexual misbehaviour, including marrying a niece, defiles God's dwelling, Qumran asserted that the priest who transgressed this rule defiled the Temple. Wachholder, 1983, p. 126, understands the text to also indicate that marriage with a niece caused defilement of the Temple.

³²¹ For example, they prohibited polygamy (CD IV: 20–V: 3), intercourse with a pregnant woman (CD 4QD^c Frag. II 2:16) and marrying a divorced woman (CDIV: 20–21).

³²² See the Rule of the Community 1QS VIII: 4–10 in which the significance of the Temple and its rituals in the *eschaton* are emphasized. These ceremonies will “atone for the land” (v. 6).

of the writings composed in Qumran relate directly to all aspects of the Temple cult, or to purity issues indirectly affecting it,³²³ including numerous accusations³²⁴ against their opponents for defiling the Temple or the altar. On the other hand, I do not see eye to eye with E. Regev's assertion³²⁵ that all these and other accusations in Qumran literature against the dominant group that led the Temple cult should be bundled together and perceived as an issue of purity versus impurity. We must discern between Qumran's extremely rigorous purity rules and other transgressions of various characters that in their opinion made the sinners unfit to serve in the Temple. An impure priest was unfit to serve in the Temple and hence defiled it; an incorrect performance of the cult, such as, for example, eating the offering after its prescribed time limit, was sacrilegious and equally defiled the Temple (Lev 19:8).³²⁶ Eating the offering after its prescribed time limit, however, has no connection in Leviticus to impurity,³²⁷ as Regev assumes, nor do the other misdeeds he cites;³²⁸ the term **טמא** "polluting/defiling" does not appear in Scripture, nor in Qumran literature, in connection with the Temple or the altar.³²⁹

³²³ H. J. Fabry, 2000, pp. 74–5, stresses the utmost importance and centrality of Leviticus in Qumran; 80 citations of this book appear in their writings.

³²⁴ See e.g., CD-A: IV: 17–18; V: 6–7; VI: 11–13; XI: 19–20 and CD-B XX: 23.

³²⁵ Eyal Regev, 2003.

³²⁶ We read there: "He has desecrated what is holy to the Lord." In contrast to English, biblical Hebrew has only two germane expressions for impurity, uncleanness, pollution, defilement, desecration: **טמא** and **חלל**. Both are used in relation to ritual impurity and defilement, and represent different classes of conditions that desecrate the holy entities.

³²⁷ The term **טמא** is not mentioned

³²⁸ See Regev, 2003, pp. 247–248, under numbers 9 to 17. The consumption of the meat and bread of an offering after the prescribed time limit (number 10, p. 247 in Regev's list) is mentioned in 4QMMT, Frags. 3–7 I 12–16. There is no hint to a purity problem in connection with this transgression, nor is it mentioned in its assumed parallel in 11QT XX: 13, further, the biblical term **פגול** *pigul* is not mentioned. Though in 11QT XLVII: 17–18, "You shall not defile my temple and my city with your profane skins," the terms **פגול** and **טמא** are associated, this does not serve as evidence for Regev's theory that all transgressions invoke impurity. I postulate that Qumran uses the term **פגול** as a general term for all types of iniquitous acts, as in Isa 65:4: "who eat the flesh of pigs, and whose pots hold the broth of unclean meat," and in Ezek 4:14, in which the term is also used with the generic meaning of "abominable food." The author of the TS used the expression from Ezekiel to include all types (the term is in plural) of iniquitous acts connected with the Temple rituals.

³²⁹ I shall elaborate on this issue with a number of citations. The term **טמא מקדש** "defilement of the Temple" appears in CD-A IV: 18, where it refers to all the Israelites; it does not indicate precisely the act or the type of act that pollutes the Temple. This lemma juxtaposes three sinful acts, of which the first two, **זנות** (translated by Martínez as

In contrast, the accusation in CD-A V: 6–8³³⁰ uses the term **טמא** since it refers explicitly to a concrete impurity, intercourse with a menstruating woman. (It is not within the scope of the study to elaborate on the issue of moral impurity³³¹—that is, whether sin really defiles the sinner, as, for example, Mary Douglas³³² maintains, or this is merely a metaphor, as Neusner³³³ contends; moreover, Qumran was not aware of Mary Douglas' theory of moral impurity.) At any rate, moral misbehaviour would not make a person impure; it would merely disqualify a priest from serving in the Temple, and as I have demonstrated it did not constitute the cornerstone of Qumran halakhah. The term **טמא** is used in Scripture indeterminately, to describe, for instance, the status of a person touching a corpse (as in Lev 7:21), for a married woman who has had intercourse

“fornication,” though in Qumran literature it is an indefinite term used for several kinds of mischief) and possessing wealth, do not defile the Temple; only the third, undefined act defiles the Temple. In this lemma, even grave misbehavior by Israelites does not defile the Temple. We must assume, therefore, that the third sinful act refers to a concrete ritual, not moral impurity of the type cited in v. 6, which refers explicitly to intercourse with menstruant women and subsequent defilement of the Temple by entering it, or that in CD-A XI: 19–20. It is only the priest who by acting improperly is disqualified from serving at the Temple, and who by performing the sacrifices defiles Temple. The term **טמא** in Scripture and in Qumran literature expresses a range of nuances. In some instances the term has an association with impurity; in others it may mean a disqualification (for example, the prohibitions against eating unclean animals, as in Lev chap. 11, where simply touching the animal does not cause impurity); and in others it is purely metaphorical, as in Deut 21:23, referring to the earth, and in the phrase: “they defiled their holy spirit” in CD-A: 5:11. In this instance the pollution of the spirit starts a new topic and refers to the subsequent misbehaviour: “they have opened their mouth against the statutes.” Both the context and the literary style—beginning with “and also”—serve as evidence that this is a metaphorical sense of the term. CD-A XII: 1, 11QT 19 XLV: 11 and 11Q20 XII: 4–5 refer to intercourse in the city of the Temple. Intercourse causes impurity for one day (Lev 15:18) and one must not enter the Temple in a state of impurity. Qumran extended the boundary of holiness from the Temple to the entire city, but this impurity is a real one, not a moral one. QpHab XII: 9 lists pollution of the Temple at the top of a list of various abominations; it does not specify the nature of the pollution. Since Qumran accused their contenders of transgressing the menstrual rules, it is plausible that this pollution refers to a concrete act; similarly, the text of 4Q390 II: 9, 11QT 19 XLV: 10 and its parallel 11Q20 XII: 4 refer explicitly to ritual impurity. Disrespect to the Temple in 11QT19 XLVI: 10–11 (11Q20: XII: 22), and entering the Temple not dressed in the sacred vestments in 11QT 19: XXXV: 7, which is punishable by death, are not termed **טמא**, but **חלל**. In conclusion, we must not be led astray, and construct a concept of moral impurity, by the fact that both Scripture and Qumran use the term **טמא** for a great variety of situations for want of distinct terms for the different categories.

³³⁰ See text in n. 316.

³³¹ See J. Klavans, 2000.

³³² Mary Douglas, Appendix to Neusner, 1973, pp. 137–142.

³³³ J. Neusner, 1973, p. 108.

with another man (as in Num 5:14), and for persons involved in sexual misbehaviour (as in Num 34:35). These different kinds of deeds obviously cause different categories of uncleanness, but Scripture does not have many clearly defined terms for these distinct types. Further, the term **נִמְט** describing the pollution of the land is used metaphorically,³³⁴ and is utterly different from the actual impurity caused by touching a corpse;³³⁵ each type of impurity is conveyed differently or annulled differently.³³⁶ Therefore, the use of the term **נִמְט** in Scripture and by Qumran, whose writings rely on the relevant scriptural verses, does not

³³⁴ It is also used metaphorically in Qumran literature. We read in 4Q396, 4QMMT^c Col. IV: 10, for example, “and defile the holy seed.”

³³⁵ The LXX translates the term **נִמְט** as ἀκαθάρτος “unclean” when it relates to unclean animals, touching corpses, a woman after giving birth, sexual discharges and a menstruating woman (Lev 5:2; 7:19; 12:2; 15:2; 15:19). In contrast, it uses the term μιαινόω “defile” in the instances related to defilement unconnected to impurity, as, for example, Dinah’s rape, sexual misconduct that defiles the people and God’s dwelling, the suspected unfaithful wife, the uncleanness of the Nazirite, the burial of the rebellious son who has been hanged, and marrying one’s divorced wife after she has been married to another man (Gen 34:5; Lev 18:24, 25; Num 5:13, 27; 6:12; Deut 21:23; 24:4). The great attention paid by the LXX to precise nuance is demonstrated by the use of the two distinct Greek terms in the same sentence to translate the term **נִמְט**. When Scripture declares in Lev 13:15 that the leper is **נִמְט** “unclean”, the LXX translates it as ἀκάθαρτός, but when the priest declares him “unclean,” this is translated by the term μιαινόω “defile.” I conjecture that because the priest’s ruling has a ritual connotation, the term “defilement” is used. Modern translations such as the NIV also use various terms for the translation of **נִמְט** according to the context, such as “unclean,” “ceremonially unclean,” “defile,” “desecrate,” “profane” and “impure.” *Tg. Onq.*, on the other hand, follows the biblical usage and translates all instances of **נִמְט** by the term **בִּטְמָא**, “soil, defile, make unclean, unfit for sacrifice” (Jastrow).

³³⁶ The impurity that results from touching carcasses of unclean animals or dead insects recedes at the end of the day (Lev 11:24, 26, 27); but whoever carries them must also wash his clothes (Lev 11:25, 28). After touching the carcass of a clean animal, one is pure at the end of the day, but the one carrying or eating it must also wash his clothes (Lev. 11:39, 40). One who enters a house with mildew becomes clean at the end of the day, but if he sleeps or eats in it he must also wash his clothes (Lev 14:46–47). After a discharge of semen, a man must wash his body and wait until the evening, and if his clothes are soiled by semen he must wash them (Lev 15:16–17). After childbirth, a woman must wait seven days, but does not have to wash her body and clothes (according to Lev 12:2). A person with a bodily (unhealthy) discharge, the **צִד**, is unclean seven days and must wash his body and clothes, but does not require sprinkling with cleansing water (Lev 15:13). A person touching him and carrying objects that were in contact with him must wash his body and clothes, and wait until the evening. Someone touching objects that were in contact with the impure person is impure until the evening, but Scripture differentiates between the types of objects; for some he becomes pure at evening, and while for others he must also wash his body and clothes (Lev 15:9–10). We observe that the various degrees of impurity are linked with specific types of termination. None of these, however, is applied to the transgressions listed by Regev, which he classifies as moral impurity.

unequivocally describe the precise consequences of the acts in the scriptural quotations. Just as it is unclear from the biblical texts what is the precise effect of defiling the land, we cannot determine what is intended by the expression “defiling the Temple” in Qumran writings; the latter may express an abstract concept, like the biblical defilement of the land, God’s dwelling.

I do not categorically deny that Qumran might have believed that Temple service by a wicked priest, or incorrect performance of the sacrifices, would defile the Temple, just as they extended the rules relevant to the Temple to the larger city,³³⁷ but these misdeeds have no connection to impurity. It is noteworthy that in connection with a great array of mischiefs listed in CD-A VI: 14–20, the antecedent v. 13 states “not to kindle my altar in vain,” with no indication of the use of the term **אָמֵט**. The intention was rather to declare the offerings performed by sinful priests invalid. Purity issues were indeed an important element in Qumran’s codex, due to their impact on the Temple and its cult, but the utmost significance of the Temple and everything directly or indirectly connected to it should not lead us to consider every act that defiled the Temple as due to impurity. The defilement of the Temple was caused by impure priests or laics entering its precincts, but also by the service of priests who became inappropriate for this work because of transgressions of a different character than impurity. Sacrifices carried out by an unfit priest, for example one with defects (as in Lev 21:17) also defiled the Temple (Lev 21:23), but there is an essential difference between an unfit, ‘defective’ priest and an impure priest. Moreover, we can certainly not attach a concept of impurity or even defilement to those transgressions with respect to which the imprecise term **אָמֵט** is not mentioned; this would include disobeying the Qumran rules (4Q395 MMT Frag. 8 IV: 12–13) to grant the priests the fruits of the fourth year and the tithes of the animals, though Regev lists these among impurities.³³⁸

It is thus obvious that halakhic disputes about the Temple cult and all its ramifications, including the priestly privileges and remuneration and the holiness of Jerusalem, rendered imperative the segregation of the Qumran group/s from the general public. One must assume that

³³⁷ For example, the extension of the Temple’s holiness rules to the entire city.

³³⁸ Regev, 2003, paragraphs 13 and 14, p. 248. The term **אָמֵט** is not mentioned in Scripture or in Qumran in this case. The “holy purity” in the subsequent verse 15 is associated with the physical contamination of the leper.

the priestly foundation³³⁹ and leadership of the Qumran group contributed significantly to the process of enhancing the status of the cult and its clerics, and were plausibly the driving force behind the separation process.³⁴⁰ The calendar dispute was probably the most crucial cause of the alienation of the separatist group/s.³⁴¹ In addition to its impact on the ritual life of the community,³⁴² there would be momentous implications for the sacrificial cult in the Temple. The most important aspect of the holidays was the celebration of the sacrificial ceremonies in the Temple, on the dates and in the manner commanded by the Bible.³⁴³ Thus in contrast to other halakhic disputes that had to do mainly with the private domain, the Temple and calendar issues were really the only public subjects that could instigate disputes within a broad segment of society.

R. Elijor³⁴⁴ attaches further significance to the Temple cult. As mentioned above, she asserts that the Qumran solar calendar was founded upon the cosmic cycles, and the pertinent offerings at the appropriate times ensured the regular occurrence of these cycles and maintained the world order; incorrectly offered sacrifices could have cataclysmic effects. The Rabbis did not believe in the quasi-Gnostic doctrine that human behaviour influences cosmic events. God promised to uphold the world's natural cycles, independently from human mischief. We read in Gen 8:21–22: “I will never again curse the ground because of humankind, for the inclination of the human heart is evil from youth;

³³⁹ R. Elijor, 2004, p. 11, asserts that the literature created in Qumran was the work of displaced Zadokite priests; it was intended as a fight for their position and authority, and for the continuance of their ancient priestly tradition, violated by a rival priestly house.

³⁴⁰ F. García Martínez, 1990, p. 539, asserts that the formative period of the Qumran group's break-up from the Essenes was during Jonathan's kingship; Jonathan was the High Priest who introduced the solar calendar, and hence the calendar issue was probably the motive for the group's separation. See also nn. 84 and 276 on the calendar issue.

³⁴¹ Cf. A. I. Baumgarten, 1997, p. 78, n. 130, who writes that “differences of calendar are hardly the reason for secession.” I am amazed at this statement that does not recognize the significance of the calendar for the entire cult system and social life.

³⁴² See 1QpHab XI: 4–8: “. . . the Wicked Priest who pursued the Teacher of Righteousness to consume him. . . during the rest of the Day of Atonement, he appeared to them, to consume them and make them fall on the day of fasting, the Sabbath of their rest.” The Day of Atonement of the separatists, according to their ritual calendar, was not a holiday for the established community.

³⁴³ We read in Lev 23:37: “These are the Lord's appointed feasts, which you are to proclaim as sacred assemblies for bringing offerings made to the Lord by fire—the burnt offerings and grain offerings, sacrifices and drink offerings required for each day.” The purpose of the assemblies is the bringing of offerings.

³⁴⁴ R. Elijor, 2004, p. 3.

nor will I ever destroy every living creature as I have done. As long as the earth endures, seedtime and harvest, cold and heat, summer and winter, day and night, shall not cease.”

The significance of sacrifices and of the solar calendar for the Qumran community may also be deduced from the earlier writings that were rejected or ignored by the Rabbis. The author of the book of *Jubilees* added sacrifices into his narratives that referred to biblical occurrences in which sacrifices are not cited. For example, Abraham is reported in *Jub.* 13:5 to have built an altar and offered sacrifices; the biblical text (Gen 12:7) gives no indication of offerings, but records only the building of an altar as a memorial of the theophany that took place there. Similar additions of sacrifices occur in *Jub.* 13:16 (versus Gen 13:4), 16:22–24 and other instances. The sacrificial rituals, their rules, the appointments of Levi’s descendants as their celebrants, and the priestly remuneration are attributed to the Patriarchs, thus stressing the primeval origin of the unique priestly status and privileges, engraved on heavenly tablets (21:6–16; 32:3–15).

The utmost importance of the Temple and the zeal to safeguard its sanctity and purity may also be deduced from the different literary styles of the CD and the MMT. Both writings refer to rules regarding purity and impurity pertinent to the Temple, other Temple issues, accepting sacrifices from gentiles, the holiness of Jerusalem and priestly remuneration. Both contain some laws that differ from the mainstream rules and others that perhaps were not in dispute.³⁴⁵ From this point of view, there is no noticeable distinction between these two writings that would explain the dramatic contrast in style between them. The harsh, condemning language of the Damascus Document is absent in the MMT, which employs an almost cordial, exhortative manner of discussion, even when it refers to issues of purity and impurity that affect the Temple. It is possible that the different styles may be due to historical developments, and/or to the fact that the CD was addressed to its own group members with the aim of exacerbating their sense of alienation and promoting their separation from society.³⁴⁶ I suggest yet another

³⁴⁵ For example, the start of the Sabbath earlier on Friday evening, as appears in CD Col. X: 15–16. See the scholarly debates in L. Schiffman, 1993, pp. 93ff., concerning this and other Sabbath rules that are identical or similar to rabbinic dicta. We must also consider that the rabbinic rules of the Mishnah and *Gem.* do not necessarily completely coincide with pre-70 Pharisaic laws.

³⁴⁶ A. I. Baumgarten, 2000, declares that the aim of the writing was to create a

motive. Although both writings demonstrate the same reverence and utmost concern for the Temple's holiness, only the Damascus Document accuses its opponents of the serious crime of defiling³⁴⁷ the Temple and the altar,³⁴⁸ including the transgression of rules unrelated to the holiness of the Temple or its sacrificial celebrations.³⁴⁹ Thus its accusations were expressed in a negative style,³⁵⁰ whereas the MMT employed a positive, constructive manner of expression.³⁵¹ It is plausible, in other words, that the accusations regarding the defilement of the Temple in the CD induced its spiteful style.

The disputes about the Temple cult and its ramifications were thus the key element that provoked the conclusive split between the group/s and the majority,³⁵² the introduction of offensive debate, and the most radical step, the physical split from general society and the exodus to Damascus³⁵³ or to Qumran.³⁵⁴ These disputes provided fertile ground for the exacerbation of other halakhic arguments, which would not in themselves have provoked such a drastic split.

boundary, to distinguish insiders from outsiders in various aspects, and to restrict contact with outsiders, even Jews.

³⁴⁷ Though the concept of defilement is expressed in the MMT, it relates to persons, not to the Temple; see e.g. "and defile the holy seed" in 4Q396, 4QMMT^c Col. IV: 10.

³⁴⁸ We read in: CD-A, Col. IV: 18: "defilement of the Temple"; in CD-A, Col. XI: 20: "to defile the altar"; in CD-A, Col. XII: "defiling the city of the Temple [having sexual intercourse in Jerusalem]."

³⁴⁹ We read in CD-A, Col. V: 6: "And they also defiled the Temple" with their illicit sexual practices, unrelated to Temple issues.

³⁵⁰ See the accusations cited in n. 316 that employ the term **טמא**, stressing the idea of defilement.

³⁵¹ For example: "to be pure" (4Q395, 4QMMT^b:10), or "they should not enter {the pure} a place with holy purity" (4Q396, 4QMMT^c Col.III: 5). In Collins and Kugler, 2000, p. 95, is it speculated that the MMT constitutes an early document, not a sectarian one, when issues could still be discussed. Such a supposition seems to me to conflict with the explicit statement in 4Q397 (4QMMT^d) Frags 14–21:7 that they *had* separated—that is, already in the past.

³⁵² A. I. Baumgarten, 1997, p. 12, writes that "the pre-eminent character of the Qumran community was its close to total rejection of everything connected with the way the Temple of its day was being run."

³⁵³ The question whether the term Damascus, cited in the Damascus Document, is indeed the actual city of Damascus, or is a symbol for something else, is debated by scholars. See, e.g. P. R. Davies, 1990, who speculates that it may be Babylon; and S. H. Steckoll, 1967, who speculates that the "Land of Damascus" may symbolically be Egypt

³⁵⁴ B. Z. Wacholder, 1983, p. 86, writes: "The sacrificial ritual was the pivotal point of religious observance."

4.3.6 *Interim Conclusions*

To summarize my analysis so far:

- a) There is a marked difference between the relationship between the Pharisees and Sadducees, and that between both groups and the Qumran group/s. The Pharisees did not separate from Israelite society in the period of Sadducean domination of public life in Judah; nor did the Sadducees separate when they lost supremacy to the Pharisees. Only the Qumran group/s, assumed to be the Essenes (as portrayed by Josephus, Philo and Plinius), separated from mainstream Israelite society.
- b) Most scholars³⁵⁵ maintain that halakhic, not ideological, differences³⁵⁶ were at the core of the split³⁵⁷ between Qumran and the ‘mainstream.’

³⁵⁵ See. E.g., Y. Sussmann, 1990, p. 36. M. Kister, 1992, p. 571, states: “The halakhah was one of the central foci, if not the central focus of interest in the Dead Sea Sect.” L. H. Schiffman, 2003, p. 11, states that the Qumran texts show beyond doubt that matters of religious practice were at the very heart of the disagreements. B. Nitzan, 1999, p. 178, writes that the dispute of the desert scroll sect with the other Jewish groups centered on the correct interpretation of Scripture and accurate halakhah. A. I. Baumgarten, 1997, argues against Shaye J. D. Cohen’s assertion, 1987, p. 134, that “the variety of interpretation of the writing of Moses and the saying of the prophets was one of the major factors that caused Jewish sects to come into existence.” He does not consider this statement as satisfactory, since the sects were not the first to discover the gaps in Scripture, and corroborates this assertion by declaring that “traditional interpretation existed as well to cope with these difficulties,” quoting the books of Chronicles as evidence. I think that the comparison to Chronicles is not applicable; it is a comparison between apples and oranges. The editor of Chronicles did not interpret the details lacking in the scriptural commands; he simply added data to fill in real or assumed factual lacunae in previous biblical records, or to reconcile previous records with current circumstances, and omitted some scriptural data to resolve contradictions. There are no halakhic details in Chronicles. See Chap. 2 pp. 119ff. Qumran writings and Pharisaic halakhot (presumed to be identical or similar to rabbinic halakhic decisions) dispute about the correct halakhah to be deduced from interpretation of vague and contradictory scriptural texts.

³⁵⁶ J. M. Baumgarten, 2003, states that theology was not yet discussed/conceptualized in this period. I conjecture that the Pharisees, the forefathers of the Rabbis, had a conceptualized theology, but intentionally decided not to discuss it for many reasons, like the Rabbis and most of their followers. It is not within the scope of this study to elaborate on the motive for this decision. On the other hand, the Qumran community did vehemently contest the dogma regarding the authentic interpretation of the Torah received by tradition from generation to generation (see *m. Avot* 1:1–12). Although this study does not refer to current sectarian problems in Jewish society, a brief reference to contemporary circumstances may serve to elucidate the similar situation in the past. The Conservative movement, for instance, believes that it fulfills in principle the divine commands of the Torah and the rulings of the Sages; it disputes the absolutism of the orthodox interpretation, which may be perceived as similar to the Qumran leader’s assertion of his ultimate understanding of the divine intention.

³⁵⁷ We must consider the distinction between disputes on halakhic and ideological issues, which existed between the Pharisees and Qumran, but did not provoke the

I did not, therefore, elaborate upon this proposition, which coincides with my own. I focused more narrowly on the proposition that it was specifically the halakhic issues associated with the Temple and its ritual celebrations³⁵⁸ that were the trigger for the separation. As I have demonstrated, it is most unlikely that disputes on other halakhic issues, as cited in rabbinic literature (whose authenticity I questioned), would have provoked such drastic consequences as the vicious enmity displayed by Qumran writings, their total separation, and their possible relocation outside the holy land of Israel, or to an isolated desert location. The disputes between the Sadducees and Pharisees on Temple issues were not of such critical significance as to compel separation, and the disagreements among the Pharisees themselves, between Bet Shammai and Bet Hillel, did not include Temple cult,³⁵⁹ and had no impact at all on shared communal life. The pluralistic environment prevailing in Israelite society before 70, as I have postulated in my previous study, supported a tolerant attitude towards diversity, except regarding disagreement about crucial rules of the Temple cult. These, by their nature, must be constant and invariable.³⁶⁰ Disagreement over these rules was the critical issue that led to separation.

separation, and those halakhic disputes that did. I do not disagree with J. M. Baumgarten's assumption in 2003, p. 34, that "seeks to explore both ideological and legal differences among Jewish movements of that period." It is my thesis that the ideological differences were not the motive for the separation of Qumran.

³⁵⁸ I. Knohl, 1992, declares that there were serious disputes between the Pharisees and "dissidents" (the talmudic text mentions the Sadducees, but, as I argue, the identification of the various opposing groups is questionable) with respect to practices in the Temple during the pilgrimages. Such disputes, he stresses, referred in particular to the removal of certain holy vessels from the interior of the Temple for display to the people (*m. Hag.* 3:8), and the relaxation of certain restrictions to allow "the people to experience proximity to the holy" (p. 602). The Qumran group would definitely perceive such practices as a defilement of the Temple, a grave transgression.

³⁵⁹ Cf. I. Ben Shalom, 1993, pp. 242ff., who maintains that there were two different courts in Jerusalem, one under the jurisdiction of Bet Shammai and the other under that of Bet Hillel. The Temple ceremonies were performed according to the decisions of Bet Hillel. At any rate we do not encounter disputes about these issues in the rabbinic literature, except the alleged long-standing controversy about the "laying of hands," whose character and authenticity are more than questionable.

³⁶⁰ See the comments of M. Hengel, n. 251, regarding cult and order. F. G. Martínez, 1992, p. 206, writes that when Temple and cult do not correspond to the norm, any compromise is impossible.

4.4 *The Relationship Between Qumran and the Temple Celebrations*

4.4.1 *Did the Qumran Group Participate in the Temple Cult?*

This issue has caused many a headache to scholars. The various textual ambiguities have created a complex dilemma and consequently a host of suggestions on how to disentangle the Gordian knot. Josephus' record in *Ant.* XVIII: 19 is confusing; in addition, the different MSS lend themselves to completely divergent interpretations.³⁶¹ Further, Josephus refers to Essenes, and the relationship between them and the Qumran texts in our possession has not been definitely ascertained. The Qumran texts referring to the Temple cult are similarly problematic. They utterly disapprove of the Temple in derogatory language that seems to deny its legitimacy, and hence the legitimacy of participation in the sacrificial celebrations; on the other hand, the laws of the CD with respect to the sacrifices and their ramifications appear to be concrete rules for participation in the sacrificial ceremonies. As a result of these problems a number of questions arise:

- a) Can one compare Josephus' record of Essenes with the group/s of the Qumran writings, or do they represent two different entities?
- b) What is the meaning of Josephus' vague report?
- c) Is it possible to resolve these apparent discrepancies in the Qumran writings?
- d) Did the apparent denunciation of the Temple and its sacrifices, and the proposed surrogates, constitute a definitive and final rupture with the sacrificial cult, or were they merely a temporary stipulation until a legitimate Temple came into being?
- e) What was the specific relationship between Qumran and the Temple's sacrificial cult in the interim period? Did the group/s, or individual members, participate in the cult as it was regularly practised, or participate separately according to their particular requirements? Or does Josephus' term *anathema*, used to describe the Essenes'

³⁶¹ We read there (Loeb's edition): εἰς τὸ ἱερόν ἀναθήματα στέλλοντες θυσίας ἐπιτελοῦσιν διαφορότητι ἀγγελῶν, ἅς νομίζουσι, καὶ δι' αὐτὸ εἰργόμενοι τοῦ κοινοῦ τεμενίσματος ἐφ' αὐτῶν τὰς θυσίας ἐπιτελοῦσιν "They send votive offerings to the temple, but perform their sacrifices employing a different ritual of purification. For this reason they are barred from those precincts of the temple that are frequented by all the people and perform their rites by themselves."

participation, indicate donations to the Temple of a separate kind than sacrifices?

- f) What was the main motive that compelled the Qumran group to go into exile?

I will briefly summarize several scholarly propositions on these issues.

G. Klinzing,³⁶² following Gärtner,³⁶³ alleges that Qumran effected a spiritualization of the sacrifices. He perceives an interesting difference between the later rabbinic replacement of sacrifices and the Qumran solution. In his opinion, the sacrifices at Qumran were not replaced by the pious life and hardships of the entire community; rather, the community attained atonement by their virtuous behaviour, instead of through sacrifices.³⁶⁴ The cult was not abolished; its importance subsisted, but its concrete character was reinterpreted, with the life of the entire community perceived as cult.³⁶⁵ Klinzing refers only to Qumran literature, dismissing as erroneous Josephus' record that the Essenes performed their sacrifices separately.³⁶⁶ Although he does not declare it explicitly, it seems that in his opinion this spiritualization constituted a final change and a practical abolition of the sacrifices; hence Qumran did not offer sacrifices at the Temple, or in other places, as some scholars have suggested.

Francis Schmidt³⁶⁷ criticizes the above proposition, perceiving it as reflecting a Christian-centered perspective. Adherence to the law would not permit the abolition of the sacrificial cult. Schmidt therefore perceives the suspension of the sacrifices as a temporary provision, during the profanation of the Temple. The period of the exile, without a Temple and with a temporary suspension of the sacrifices, served the group as a model for their own period³⁶⁸ during the 'absence' of a legitimate Temple. He perceives a second model in the conditions prevailing in the desert, when there was no Temple; the community was a "temple of men," organized around the "camp of the Shekhinah." He

³⁶² G. Klinzing, 1971, pp. 90–106.

³⁶³ B. Gärtner, 1965.

³⁶⁴ Klinzing, 1971, p. 95.

³⁶⁵ *Ibid.*, p. 105.

³⁶⁶ *Ibid.*, pp. 48–9.

³⁶⁷ F. Schmidt, 1994, pp. 130–188.

³⁶⁸ S. Talmon, 2000, p. 44, states that the writings of the "Covenanters" reflect the attitude that contemporary events were conceived as a reenactment of Israel's most fundamental historical experience.

admits that the existing evidence does not permit a definite answer as to whether and in what form Qumran offered sacrifices in this interim period; referring to Josephus' record, he does not exclude the possibility that they brought individual offerings to the Temple in Jerusalem, in a form that did not contravene their particular halakhah with respect to appropriate times and purity rules.³⁶⁹ He does not enter into exact details about the type of offerings, nor about the most critical issue of who the officiating priests were—that is, were they the regular priests or Qumran members, and why in any event would the dominant priests permit them to bring offerings in their particular way, incompatible with institutionalized ritual? According to one reading of Josephus the Essenes were barred from the precincts of the Temple.

P. R. Davies³⁷⁰ discusses the apparent inconsistencies in the Qumran writings. He questions the comparison to Josephus' record of the Essenes, and sides with Stegemann, who stated that the CD community participated fully in the Temple cult.³⁷¹ Quoting a number of passages from the CD, he concludes: "Offerings were made at the altar, or could be sent."³⁷² He further states that although Israel was without the law and defiled the Temple, and "might light the altar in vain . . . it could still be lit by those who observed the law exactly."³⁷³ But he fails to indicate whether sacrifices were individual or public, and to explain how this was technically and politically possible. If the priests performing their sacrifices defiled the Temple, what merit had their offerings; further, it seems unlikely, due to the hostile relationship between the priests and the Qumran group that the priests would allow the Qumran clergy to celebrate their particular offerings. Regarding Josephus' record and the two Qumran MSS, Davies writes that one can only speculate on the exact meaning of the text, and that "a definite solution lies in the last possibility: textual corruption or emendation."³⁷⁴

J. M. Baumgarten,³⁷⁵ preferring one particular reading of Josephus, attempts to harmonize this record with the Qumran writings; due to the many difficulties he offers his postulate as an alternative, not as a

³⁶⁹ Schmidt, 1994, p. 187.

³⁷⁰ P. R. Davies, 1982.

³⁷¹ Stegemann, 1971, p. 225.

³⁷² Davies, 1982, p. 292.

³⁷³ *Ibid.*, p. 298.

³⁷⁴ *Ibid.*, p. 296.

³⁷⁵ J. M. Baumgarten, 1977.

definitive answer. In his opinion the Essenes were not excluded from the Temple, and could bring offerings.³⁷⁶ He does ask the practical question of the type of sacrifices they could bring, since they had a different calendar, and suggests that the offerings mentioned by Josephus would relate to individual voluntary sacrifices, which had no fixed time. But he glosses over the critical question of whether the ministering priests were those who according to the CD defiled the Temple and the altar, stating that they would “offer them upon the altar in the proper manner.”³⁷⁷ Yet the CD accuses the priests of defiling the Temple and lighting the altar in vain, and thus their celebrations would undoubtedly invalidate the offerings. Baumgarten suggests that the Essenes could “consume the meats in a segregated area” according to their stricter rules; yet how could they ensure that the priests would consume their share of the offerings during the shorter time limit, a violation of which, according to the MMT, led the people into sin?³⁷⁸ Baumgarten embraces Safrai’s proposal of differences at Qumran between an earlier, stricter, and a later, more lenient halakhah; yet this relates to the place where the offering was to be consumed, but not to rules relating to the priestly elements of the celebrations, as for example, the vessels in which they cooked the Sin offering.³⁷⁹ Concluding, Baumgarten discards the opinion that the Essenes completely rejected the sacrifices and the centrality of the Temple, as well as the suggestion that they offered sacrifices at a site in Jerusalem other than the Temple.³⁸⁰

A. I. Baumgarten,³⁸¹ referring to the ambiguous Josephus record, prefers the MS stating that the Essenes were barred from the precincts of the Temple, but considers the issue recorded by Josephus as relating to the Red Heifer celebration. He speculates that the *Ant.* passage envisions the following scenario. The Essenes opposed the degree of purity practiced by the mainstream with respect to the Red Heifer, and performed a separate Red Heifer ritual according to their own halakhah. However, their Red Heifer rite was not recognized as valid by the dominating priests; in their state of purity they could enter only the areas

³⁷⁶ *Ibid.*, p. 64.

³⁷⁷ *Ibid.*, p. 65.

³⁷⁸ Frags. 3–7:12–15. I have mentioned only one of the disputed rules related to the priests, which if transgressed would affect the validity of the offerings.

³⁷⁹ 4QMMT, Frags. 3–7:9.

³⁸⁰ J. M. Baumgarten, 1977, pp. 73–4.

³⁸¹ A. I. Baumgarten, 1994.

of the Temple Court accessible to gentiles. Therefore, Baumgarten interprets Josephus' statement that they offered "sacrifices according to their own standards, elsewhere, for which the Essenes were excluded from the Temple"³⁸² to refer to the Red Heifer offering, which was performed outside the Temple. Although Baumgarten does not declare this explicitly, it seems that in his opinion the Essenes did bring offerings to the Temple, and it was only their Red Heifer rite in which they differed. He maintains that the dispute regarding טבול יום, the obligation to wait until sunset to become pure, may have been the Essenes' motive for invalidating their opponents' Red Heifer ritual. Implicitly he does identify them with Qumran, as he suggests that they opposed the Pharisaic/rabbinic position on this issue. He thus attributes the rabbinic narrative about the *tevul yom* to Qumran, though the Sadducees are recorded there as the opponents.

He does not attempt to explain the motive of the Pharisees/Rabbis to disqualify the Red Heifer ritual of the Essenes/Sadducees. According to rabbinic literature the Sadducees were definitely stricter with respect to *tevul yom* than the rabbinic halakhah. The Rabbis insisted that the High Priest wash himself and perform the service of the Red Heifer immediately, without waiting for the evening; as we have seen; their insistence on that procedure was solely for political reasons. But there is no doubt that the High Priest was not disqualified from the service if he waited until the evening, as Qumran/Essenes/ Sadducees required. We can agree that Qumran did not accept the rabbinic Red Heifer service, since it might have been performed by an impure priest if he began before evening; but there is no reasonable motive for the Rabbis to invalidate the Red Heifer service of the Essenes/Qumran. Baumgarten does also does not attempt to resolve the dilemma of whether the Essenes/Qumran would have had their offerings performed by corrupt priests and on a defiled altar.

It seems to me that none of the above propositions offers an incontestable solution to the problems. Before putting forth my own proposition, I wish to draw attention to a general methodological flaw in the above studies. There is a failure to discern between sacrifices and Temple, two distinct concepts, as well as a failure by the scholars to consider the practical consequences of their solutions, as I have hinted above. Since the MMT declares explicitly that the group separated, we must assume

³⁸² Ibid., p. 181.

that they did not bring sacrificial offerings to the Temple.³⁸³ How could they participate in the offerings performed in an incorrect manner, on the wrong dates,³⁸⁴ in a defiled Temple? How could they participate and be separated at the same time?

The problem at hand consists, in my opinion, of two distinct issues: the replacement of the Temple and the replacement of the sacrifices.³⁸⁵ As to the Temple, they did not reject this institution commanded by God, but created through exegetical methods the **מקדש אדם** “Community Temple,” an abstract, exalted and temporary substitute.³⁸⁶ We must now attempt to define the practical and legal consequences of the separation from the Temple cult and how it affected priests and laypeople.

4.4.2 *No Individual Obligation to Bring or Perform Offerings*

Though the sacrificial cult for both individual and public offerings was performed by the priests, there was no obligation on any individual priest to serve at the Temple. The law required only that no one other than a priest celebrate the sacrifices. Thus the priests among the Qumran group, who believed that the Temple was defiled and that the cult celebrations performed there were contrary to their halakhic requirements, could simply have avoided serving at the Temple. By so acting they would not have transgressed or failed to perform any scriptural precept. Moreover, we may assume that this avoidance was in fact the case; likely the Pharisees or the Sadducees, in their respective periods of political domination, would not have encouraged Qumran priests to perform sacrifices at the Temple, whether individual offerings, performed in a manner different than the official cult, or public offerings, incorrectly celebrated on the wrong dates. If we grant some credence

³⁸³ See R. A. Kugler, 2000, p. 90, who writes that although the Qumran group revered sacrifice (he indicates the relevant quotations), they separated from and did not take part in the sacrificial cult. L. H. Schiffman, 2003, p. 18, also writes that the prayers in Qumran replaced Temple worship before the Temple’s destruction.

³⁸⁴ See H. Lichtenberger, 1980, p. 166.

³⁸⁵ Klinzing, 1971, p. 106, conjectures, for example, that a spiritual understanding of sacrifice preceded that of the Temple, and led to it.

³⁸⁶ Qumran texts are interpreted by a number of scholars as pronouncements that their community was deemed to be the Temple in that period in which the Temple did not function properly; see, e.g., E. Qimron, 1992, p. 293, who argues that that the Yahad replaced the Temple and cites quotations from Qumran literature to substantiate this thesis. D. Dimant, 1986, pp. 185–6, states that the “Community Temple” was not a substitute for the Temple, but only a temporary and complementary institution.

to rabbinic narratives describing their relationship with the dissident groups, we observe that the Pharisees/Rabbis acted deliberately, at times, to demonstrate their opposition to and contempt for the rules of their opponents.³⁸⁷ One such example is the intentional contamination of the Sadducean High Priest before the burning of the Red Heifer.³⁸⁸ Rabbinic halakhah did not require this contamination; it was simply for demonstrative effect, and indicates the unlikelihood that Qumran priests would have been allowed to celebrate offerings at the Temple that deviated in any way from the official cult.

Similarly, laypeople were not obligated to bring individual voluntary offerings. The only obligatory offerings in Scripture are the public, non-individual offerings, those offered daily and those for the Sabbath and various festivals.

Consequently, we must question the reference in 4Q397 (4QMMT^d) Frags 14–21:7 to the separation of the Qumranites. From what activity did they in fact separate, and why did they feel compelled to leave Jerusalem? They could simply have avoided active participation in the cult celebrations and otherwise remained a part of society.³⁸⁹ Of course a problem would have arisen if an individual became liable to bring a Sin or Guilt offering to atone for some unintentional transgression. This should not have occurred often, as a result of their extremely frugal life, and the constant supervision by the Inspectors and by all members of the community to ensure that everyone complied with the divine commands and communal obligations. They would have been extremely careful to avoid the harsh penalties due for the slightest offense, but we nevertheless cannot exclude the possibility that such situations may have occasionally occurred. As I have mentioned, however, they would likely have questioned the validity of any individual offerings that were performed on a defiled altar, by corrupt priests, and in a manner conflicting with the group's halakhah. As with the Temple issue, they likely

³⁸⁷ The narratives refer to "Sadducees." See my previous deliberation on the authenticity of this identification (subchapter 4.2.1.4.); I have therefore used here the indefinite term "opponents."

³⁸⁸ We read in *m. Parah* 3:7: "And they declared the priest who burnt the Red Heifer impure, [and then he bathed and immediately performed his duty, to demonstrate the authority of their halakhah] against [that of] the Sadducees, who said that one must wait for evening for this celebration." In *t. Parah* 3:8 the narrative speaks of a High Priest, and states that it was Rabban Yohanan ben Zakkai who declared him impure.

³⁸⁹ F. G. Martínez, 1992, p. 205, states that the rupture with the Temple and the existing cult in Jerusalem guided the sectaries to the desert.

found, through appropriate exegesis, a method to attain atonement in these particular occurrences, as well as a method for complying with the exhortation to bring voluntary offerings.³⁹⁰ This method is similar³⁹¹ though not identical to the later rabbinic method.³⁹²

In conclusion, I postulate that the Qumran group did not³⁹³ and could not participate in the Temple cult in any way, as some scholars have suggested. The harsh criticism of the priests in the Qumran writings suggests that the group did not bring offerings to a defiled Temple and their priests did not participate in the sacrificial service. The incorrect manner in which the offerings were performed and the wrong dates³⁹⁴ established by the dominant power, and the consequences with respect to the Temple cult's validity, would not permit such participation.³⁹⁵ Nor did the group celebrate offerings in another location; this would have been against the explicit biblical decree establishing a single site chosen

³⁹⁰ We read in 1QS IX: 4–5: "... to atone for the guilt of iniquity and for the unfaithfulness of sin, and for approval for the earth, without the flesh of burnt offerings and without the fat of sacrifices—the offering of the lips in compliance with the decree will be like the present aroma of justice and the perfection of behaviour will be acceptable like a freewill offering." This statement seems to absolve the individual of bringing offerings. Another assertion in 1QSa I: 3 refers to atonement for the entire Israelite community: "... the men of his counsel who have kept his covenant in the midst of wickedness to atone for the earth." This statement refers to the *eschaton*, but demonstrates that the correct behaviour of the faithful before the *eschaton* atoned for the entire Israelite community, though they did not offer sacrifices. In 1QS XI: 14–15 and in 4Q264 1–2, for example, atonement is achieved by goodness and mercy. Repentance and confession are other methods to attain forgiveness of sins (see 4Q266 Frag. 11:1–5 and CD-A XV: 4).

³⁹¹ We read in *b. Yoma* 86b, with respect to the man who repents and prays to God: "And moreover, Scripture tells him that he will be deemed to have offered oxen [as a Sin offering], as is written [in Hos 14:3, of the penitent:] 'so will we render the calves of our lips.'" ³⁹²

³⁹² In my opinion, prayer did not replace sacrifice in Qumran, as it did in the rabbinic viewpoint cited in the antecedent note. I have written a separate study on this topic in *RevQ* 86/22 (2005) 213–133, distinguishing between public, obligatory sacrifices and individual sacrifices, as well as noting the distinctions between rabbinic and Qumran opinions on this issue. See also Klinzing's understanding (1971) of a subtle difference between the rabbinic and Qumran theories, which partly concurs with my opinion.

³⁹³ F. G. Martínez, 1992, p. 205, writes: "For the members of the Qumran community, participation in the cult of the existing temple is out of the question." L. H. Schiffman, 1987, p. 34, states that the Qumran group did not take part in the Temple celebrations; synagogue and prayer replaced sacrifices.

³⁹⁴ L. H. Schiffman, 1994, p. 116, states that in the opinion of the Qumranites, God's name would dwell in the Temple only if the sacrifices were conducted according to the TS calendar.

³⁹⁵ G. Vermes, 1968, p. 103, interpreted CD VI: 11–14 as prohibiting adherents from entering the Temple.

by God for this purpose.³⁹⁶ Those scholarly arguments offering theoretical solutions to the many difficulties encountered in the relevant texts have not considered the suitability of these theories from the practical aspect. The Qumran group did not reject the sacrificial system,³⁹⁷ or the institution of the Temple commanded by God; as we read in 1QS and particularly in IX: 4–5, they did reinterpret³⁹⁸ Scripture to justify their decisions.³⁹⁹

The various rules in the CD referring to the sacrificial system should be perceived as theoretical,⁴⁰⁰ similar to the many rabbinic halakhot dealing with sacrifices at the Temple; these were redacted and vividly debated centuries after the Temple's destruction as if they were still relevant.⁴⁰¹ Such a proposition would resolve the apparent contradictions in Qumran writings and would also concur with Philo's description of the Essenes' attitude toward the sacrifices.⁴⁰² Their separate Red

³⁹⁶ I reject, therefore, Charlesworth and Olson's supposition, in their Introduction to "Prayers for Festivals" (Charlesworth, Rietz, et al., 1997, p. 49), that Qumran prayers were accompanied by rituals of non-animal offerings or sacrifices such as meal offerings, including grain, new wine and oil. From the point of view of the exclusivity of Jerusalem and the Temple for the performance of offerings, there is no difference between offerings of animals or grain. It is possible that these scholars derived their conjecture from the Elephantine Papyri, in which it is stated that the Israelite members of the military garrison wanted to rebuild their destroyed Temple in order to offer grain offerings. The practices of people who were probably Israelites originating from the Northern Kingdom in the fifth century B.C.E. cannot serve as evidence for the regulations that were valid in Judah in the first century B.C.E. or later. Moreover, we observe in Jer 41:5 that eighty men from the previous Northern Kingdom were still going to Jerusalem to bring "grain offering and frankincense to the House of the Lord."

³⁹⁷ We observe this, for example, in 1QM, II: 5: "These shall take their positions at the (Jerusalem) holocausts and the sacrifices, in order to prepare the pleasant incense for God's approval, to atone for all his congregation"; and in 1QS VIII: 9: "to offer a pleasant aroma."

³⁹⁸ R. A. Kugler, 2000, uses a different term, stating that they rewrote and defined the sacrifices through exegesis (pp. 91–92).

³⁹⁹ E. G. Chazon, 2000, p. 217, seems to have a different understanding of Qumran's replacement of both the Temple and its cult; in her study of Qumran prayers and songs and their relationship to the Temple cult, she conjectures that the songs engendered the virtual experience of being present in the heavenly Temple.

⁴⁰⁰ See C. Hempel, 1998, p. 37, who states that the sacrificial laws did not relate to contemporary circumstances in the author's period, but represented the general regulations. I do not accept P. R. Davies' flat and unjustified statement that such a proposition, suggested by another scholar, "is quite unrealistic" (1982, p. 294).

⁴⁰¹ See, e.g. *m. Tamid* 7:3 (6:6 according to another MS), one of the concluding mishnayot of that tractate, which declares: "This is the ordinance of the Tamid for the service of the House of our God; let it be the will [of God] to be built soon in our days, Amen."

⁴⁰² He states that they express their devotion to God, not by offering sacrifices, but

Heifer ceremony as proposed by J. M. Baumgarten⁴⁰³ and J. Bowman⁴⁰⁴ would fulfill purity requirements⁴⁰⁵ for all their members, including lay-people, and would not affect the question of whether they offered sacrifices at the Temple.

4.4.3 *What was Josephus' ἀναθήματα, the "Votive Offering" Sent to the Temple by the Essenes?*

With respect to this report by Josephus, I prefer the MS stating that the Essenes were barred from the Temple; this would concur, if not exactly,⁴⁰⁶ with the contents of the Qumran texts. With respect to the question of what is meant by the ἀναθήματα "votive offering" that was sent to the Temple, there are in my opinion two possibilities.⁴⁰⁷ Josephus, as we know, was not overly concerned to transmit the most accurate details at all times. Just as he was biased against the Sadducees in his writings about them, he was definitely prejudiced favourably in his portrayal of the Essenes. But in presenting them to the official and foreign readership, he may have considered that affirming their overall opposition to the sacrificial cult might be reprehensible in the eyes of the Hellenistic and Roman societies, who bestowed great significance on sacrificial ceremonies. By choosing an indefinite term he elegantly avoided the dilemma; without writing an outright deception, he still avoided having to assert that the Essenes did not participate in sacrificial ceremonies. A second possibility, which seems to me more than plausible, was that Josephus was referring to the Essenes' payment of the half-sheqel⁴⁰⁸ to

by resolving to sanctify their minds (*Good Person* 75). This statement is in line with the context of the antecedent and succeeding text of 1QS IX: 4–5 cited above (n. 390).

⁴⁰³ J. M. Baumgarten, 1995.

⁴⁰⁴ John Bowman, 1958.

⁴⁰⁵ See J. M. Baumgarten, 2000, p. 481.

⁴⁰⁶ According to CD VI: 11–16 the Qumran members were not permitted by their leaders to enter the Temple; but according to Josephus they were barred by the authorities. On the other hand, the one does not exclude the other; it is possible that for political or other motives the dissidents were punished and excluded from entering the Temple.

⁴⁰⁷ Murphy-O'Connor, 1974, p. 228, suggests that they did not participate in the sacrifices, but brought First Fruits to the Temple.

⁴⁰⁸ According to Exod 30:13 and 38:26 half a sheqel had to be paid by each adult male. Nehemiah ordered the payment of one-third of a sheqel every year (Neh 10:33). The Rabbis harmonized this apparent discrepancy, stating that Nehemiah's third of a sheqel does not refer to the regular holy sheqel (twice the value of the regular sheqel), but to a greater coin, the *darcon*; a third of the *darcon* was really more than one half of the regular sheqel (See *m. Sheqal.* 2:4). Because of the smaller number of people in this period, they had to donate a greater amount to satisfy the requirements of the Temple,

the Temple. In contrast to the individual offerings that were voluntary, this donation to the Temple was mandatory; the Qumran group perceived it as an unconditional obligation,⁴⁰⁹ independent of whether the Temple was temporarily defiled or not. The fulfillment of the precept had no bearing on the group's acknowledgment of the Temple's legitimacy at that moment, as A. I. Baumgarten suggests;⁴¹⁰ the Temple existed and thus there was a duty to provide for its maintenance. We must note that Josephus uses the term *στέλλοντες* "to send" with regard to

but they later returned to the regular half sheqel. See next note for a contemporaneous solution by J. Liver.

⁴⁰⁹ We read in 4Q159 Frags. I ii + 9:6–7: "Concerning the ransom the money of valuation which one gives as ransom for his own person will be half a sheqel only once will he give it in all his days. The sheqel comprises twenty *geras* in the sheqel of the temple." We should not wonder that the Qumran group, who perceived themselves as returnees, and Ezra as a model (see Chap. 2, n. 132), conflict in their decision with Nehemiah's ordinance that the amount was a third of a sheqel and apparently consisted of a yearly obligation (as we read *בשנה* "yearly" in Neh 10:33; 32 in KJV). J. Liver, 1963, demonstrates that Nehemiah's stipulation of a third sheqel yearly for the sacrifices at the Temple was a temporary measure, unrelated to the scriptural obligation at the census. The text of 4Q159 repeats accurately the biblical text *כפר נפשו* "the ransom for his soul," the rationalization of this command in Exod 30:12. Hence, the biblical command to pay the ransom was not associated exclusively with the Temple, but was perceived as an independent perpetual obligation. Liver contends that until Roman times, there was no yearly obligation of the half sheqel for the sacrifices, since that was the obligation of the ruler in monarchic time and also of the Persian and Seleucid kings. The yearly obligation was an innovation of the Pharisees only after they "gained ascendancy over their opponents" (p. 189), and was therefore not accepted by the Qumran community, who adhered to the old law and to the simple meaning of the relevant biblical text. See Chap. 2 for other examples of Qumran decisions that adhered more faithfully to the simple meaning of scriptural texts. The obligatory nature of this donation also appears in 4Q 513 (Ordinances) Frag. 1–2 i: 1–3. D. Flussser, 1961–62, p. 156, supports Liver's research and opinion on this issue, and relates it to the first Christians' opposition to the yearly payment (though they nevertheless paid it), as he understands the relevant narrative in Matt 17:24–27. He conjectures that they may have perceived support from the Qumran group both with respect to the opposition to the yearly tax and regarding their acquiescence to pay it. He does not elaborate on the apparent difference that the Qumran group paid only once in a lifetime, while, as it seems from the Matt text, Jesus' followers paid it yearly. I also suspect a different rationalization for paying the tax. Jesus' motive was "that we may not offend them," whereas I conjecture that Qumran paid it because they perceived it as an obligatory scriptural precept. And though the money probably went to the Temple, a fact that neither Flussser nor Liver mention, they perceived it as a ransom, to be paid regardless of its final use.

⁴¹⁰ A. I. Baumgarten, 1994, p. 175, rejects this interpretation of the "votive offering," alleging that it would imply "an acceptance of the Temple's legitimacy." Baumgarten's statement that Qumran members were hard-pressed to pay the tax because they did not have private means seems to me immaterial. The leaders of the group would certainly not fail to provide the means to perform a Torah precept, as they would for other necessities.

the ἀναθήματα “the votive offering,” as translated by H. St. J. Thackeray (“what they have dedicated to God,” as translated by J. M. Baumgarten); this expression is appropriate for sending money, but is somehow odd for sacrificial animals. This second proposition would explain the vague *Ant.* text on this issue, and would harmonize it with the Qumran writings.

4.4.4 *How did Qumran Resolve the Obligation of Pilgrimage and the Related Offerings?*

If Qumran did not offer sacrifices that were not obligatory, but did pay the half-sheqel that was mandatory, we must consider their position with respect to other precepts associated with the Temple that were obligatory for individuals. The pilgrimage to Jerusalem and its associated הגותה and היהר offerings⁴¹¹ did constitute such a personal obligation, and had to be fulfilled. How then did they carry out these obligatory precepts, or how did they justify their non-fulfillment? We do not encounter anywhere in their writings any substitutions for these precepts, such as the assumed use of prayer⁴¹² and correct behaviour⁴¹³ to replace the Sin and voluntary offerings. I propose that their emigration to Qumran,

⁴¹¹ We read in Deut 16:16: “Three times a year all your men must appear before the Lord your God at the place he will choose: at the Feast of the Unleavened Bread, the Feast of Weeks and the Feast of Tabernacles. No man should appear before the Lord empty-handed.” The duty to make a pilgrimage and bring an offering on these occasions is indisputably a Torah precept, and we must assume that it was definitely accepted by Qumran. The Rabbis deduced by hermeneutics that the offering brought at the occasion of “appearing before the Lord” was a burnt offering, and from Exod 23:14, “three times a year you are to celebrate a festival to me,” that another offering, a freewill offering called “a feast offering,” must be brought on the occasion of the three pilgrimages. A homily on Deut 12:7 interpreted a third precept as requiring the bringing of an additional freewill offering “of enjoyment,” to derive delight from eating its flesh, since joy is attainable by consuming meat. Based on these homilies a baraita in *b. Hag.* 6b states: “Rabbi Yose Haglili says: The Israelites were commanded [to fulfill] three precepts at the pilgrimage: [offerings] for the appearance [before the Lord], [offerings] for the Feast, and joyful behaviour [in honour of the Feast].” See *Mishneh Torah, Hil. Hagigah* 1:1 for the conclusive list of offerings according to these rabbinic homilies. We do not know whether Qumran had the same halakhah, but for our purpose it suffices that each Israelite had a duty to make the pilgrimage and bring offerings three times every year.

⁴¹² See my study on this issue (Heger, 2005).

⁴¹³ See 1QS III: 6–11, in which the concluding phrase declares: “[when he will follow the spirit of the true counsel of God. . . .] then he will be admitted by means of atonement pleasing to God.”

and possibly to Damascus,⁴¹⁴ may be the answer to these questions; this proposition would also provide the motive for their exodus.

Their removal from Jerusalem to such distant locations as Qumran and Damascus may be explained in several ways. They may have tried to escape physical persecution by the authorities,⁴¹⁵ and they may have wanted to isolate themselves from the corrupt society surrounding them.⁴¹⁶ However, they may also have had a ritual motive: they may have attempted by their emigration to absolve themselves of this individual obligation of pilgrimage to Jerusalem and the accompanying offerings.

I have not found in rabbinic literature an explicit statement as to whether the obligation to make pilgrimage to Jerusalem and bring the required offerings is one of the precepts “applicable only to people living in Israel,” or is also pertinent for Israelites living outside the boundaries of Israel. I assume, however, based on my scrutiny of the minutiae of this ordinance and a comparison with similar commands, that pilgrimage was an obligation only for those who lived in the land of Israel.⁴¹⁷ The pilgrimage to Jerusalem is intrinsically linked to the

⁴¹⁴ See previous citations (nn. 259 and 353) on the issue of whether Damascus, mentioned in the Damascus Document, actually refers to the city outside Israel, or represents a symbolic site.

⁴¹⁵ See 1QpHab XI: 4–8, cited in n.342 concerning the apparently brutal attack on their leader, the Teacher of Righteousness. E. Bickerman, 1962, p. 168, states that the Pharisees came to be “a belligerent movement that knew how to hate.”

⁴¹⁶ D. Flusser, 2002, p. 9, states that the desert facilitates total isolation from others, and enables one to conduct an ascetic lifestyle. They were also persuaded to hate their opponents; see, e.g. 1QS I:10, 4Q 169 Frag. 3–4 III: 4.

⁴¹⁷ All the biblical commands of pilgrimage are related to the land of Israel and its fruits. The first command in Exod 23:17: “Three times a year all the men are to appear before the Sovereign Lord,” is preceded in v. 16 with: “Feast of Harvest with the first fruits of the crops.” Subsequently, v. 19 commands: “Bring the best of the first fruits of your soil to the house of the Lord your God.” Similarly, the command to make pilgrimage in Exod 34:23 is followed in v. 24 by divine assurance regarding the protection of one’s land at these events: “And no one will covet your land when you go up three times each year to appear before the Lord your God.” The command in Deut 16:16 is also an integral element of the three feasts related to agricultural activities, and its relevant offering is linked to the harvest in the succeeding v. 17: “Each of you must bring a gift in proportion to the way the Lord your God has blessed you.” In *m. Hag.* 1:1 it is stated that anyone is absolved from this precept “. . . who is unable to go [up to Jerusalem] on foot”; such a rule seems to exclude people living outside Israel’s borders from this obligation. The linkage between the pilgrimage ordinance and the land is even more emphasized in a talmudic dictum in *b. Pesah.* 8b: “Whoever possesses land [in Israel, is obliged] to make pilgrimage and whoever does not possess land is exempt.” The commentator Maharshah explains this apparently odd dictum, asserting that the duty of pilgrimage is completely linked to the joyous consumption of the fruits of one’s land, as is apparent in

joyous communal feasting on one's produce in the "place that God will choose."⁴¹⁸ If this assumption is correct, and the Qumran group had a similar opinion as the Rabbis/Pharisees on this issue, the emigration from the heartland of Judah may have allowed them to absolve themselves from the pilgrimage command and its offerings, which they were unable to accomplish.⁴¹⁹

4.4.4.1 *Why did Judah ben Dorotai and his Son Go to the "South"?*

In fact, there is a rabbinic narrative on the issue of the pilgrimage offerings that could plausibly have served as a model for the Qumran decision to separate and go into 'exile.' In *b. Pesah.* 70b it is attested that Judah ben Dorotai and his son, objecting to the opinion held by a majority of the Sages that the Hagigah offering⁴²⁰ must not be brought

the pilgrimage command in Deut 16:15: "For seven days celebrate the Feast to the Lord your God at the place the Lord will choose. For the Lord your God will bless you in all your harvest and in all the work of your hands, and your joy will be complete."

⁴¹⁸ The fact that Israelites from the Diaspora went on the pilgrimages does not contradict the postulate that they were not obliged by law to perform it; they did so voluntarily because of their reverence for the Temple and its ceremonies, similar to their voluntary sending of money for sacrifices. A number of sources attest to such pilgrimages by people from the Diaspora; see e.g. *m. Ta'an.* 1:3: "On the third day of [the month] Marheshvan one starts to pray for rain. Rabban Gamaliel says from the seventh, fifteen days after Sukkot, to allow the last of the pilgrims [from Babylon to Jerusalem] to reach the river Euphrates." There is also evidence in this respect in Acts 2:9–11, *Ant.* XVII: 214, *JW* VI: 428 and Philo, *Spec. Laws* I: 69–70. S. Safrai, 1985, p. 11, states that the massive pilgrimages to Jerusalem from the interior of Israel and the Diaspora started only in the late Hasmonean period. It is plausible, I suggest, that the Hasmonean kings encouraged the pilgrimage, attempting to consolidate the authority of their conquests over the Greater Israel. It was a shrewd political step to enhance the significance of Jerusalem, and recalls the actions of Hezekiah and Josiah. The former, as is stated in 2 Chr 30:1–11, invited the Israelites from the extinct Northern Kingdom to come as pilgrims to Jerusalem for the Passover feast, while the latter destroyed all the high places in the northern territory, thus creating a single sanctuary in Jerusalem.

⁴¹⁹ Although QT 11 LII: 13–16 does not permit the slaughter outside Jerusalem of animals appropriate for sacrifices, except at a distance of three days' walk, this does not invalidate the hypothesis that Qumran absolved those living outside the borders of the Holy Land at that period from the duty of pilgrimage. Scripture permits the slaughter explicitly on the condition that one is "too far" away (Deut 12:20–21); and therefore Qumran, from both a logical viewpoint and based on biblical support (see Exod 15:22; Num 10:33, 33:8; Josh 9:16; and Jonah 3:3 on the concept of "far" being equal to three days' journey), decided on a distance of three days' walk from Jerusalem. The explicit condition that permits the non-compliance with a rule because the distance is too far from Jerusalem does not appear in the command for pilgrimage; the latter command is linked in Scripture to the land and its fruits. Therefore, the criteria for performing the pilgrimage are not associated with being far or near to Jerusalem, and the release from this obligation may have been decided on the basis of another principle, such as being outside the territory of the Holy Land.

⁴²⁰ See next n. 421.

on Sabbath, left Jerusalem and emigrated to “the South.”⁴²¹ This was done to absolve themselves from the obligation on every individual to make the pilgrimage and bring its associated offerings.⁴²² The south of Judah was under the domination of Edom at the time of the return from exile, and was not included in the territory originally settled by the returnees.

The Rabbis perceived only this restricted area as the holy land, in the Second Temple period, and thus underlying the precepts applicable to the land; such precepts were not applicable outside these borders. We must now determine the borders of that land in the Second Temple

⁴²¹ A baraita there states: “Judah ben Dorotai [who opposed the rabbinic prohibition to offer the “holiday offering” on Sabbath on the occasion of the pilgrimage], isolated himself [from the community in the land of Judah] and went to settle in ‘the South’ together with his son. He said: When Elijah comes, he will ask the people of Israel: Why haven’t you offered the holiday offering on Sabbath? What will they answer [him to defend themselves against his censure]?”

⁴²² This motive is not explicitly stated in the baraita, but is understood from the context. Rashi declares it explicitly: “*Ben Dorotai departed*—and separated from the Sages because they said that the Hagigah offering of the fourteenth [of the month of Nissan, when it had to be offered together with the Passover offering] does not override the Sabbath [when this occurred on a Sabbath].” “*And settled in the South*—far away from Jerusalem in order to avoid performing the pilgrimage and being obliged to offer the Passover and the Hagigah offerings [on Sabbath], because in his opinion the offering of the Hagigah was a duty [that overrides the Sabbath].” Y. Sussmann, 1990, p. 39, also deduces that ben Dorotai left Jerusalem because of his conflict with the Rabbis with respect to sacrificial issues, but does not elaborate on the exact motive and the consequence of his departure. He also wonders about the term “the south,” suggesting it might refer to the Judean Desert. I shall extend the analysis of this narrative to substantiate the thesis that ben Dorotai’s objective in going to “the south” occurred in order to absolve himself from the duty of bringing the offering on Sabbath, as Rashi declares. Cf. G. Alon, 1967, Vol. 1, p. 123, who alleges that ben Dorotai “separated himself” because “he was compelled” to leave the Sanhedrin and “go to the south” due to his reluctance to accept the majority opinion. This postulate does not seem plausible, since according to rabbinic law, ben Dorotai would not have been compelled to go into exile for this reason. We read in *t. Sanh.* 14:12: “A ‘rebellious elder’ [a reputable Sage] who decided/delivered a judgment [in conflict with the decision of the majority] is liable for punishment, when his pronouncement was acted upon; if it was not acted upon, he is not liable. If he commanded [on the basis of his authority as a Sage] that his judgment must be acted upon, he is liable for punishment, even if his command was not fulfilled.” As we see, “the rebellious Sage” could continue to communicate his conflicting teachings; he was only prevented from delivering authoritative judgments. Ben Dorotai could definitely not offer the Hagigah at the Temple against the judgment of the majority; therefore, he could not be compelled to leave. Moreover, the narrative regarding ben Dorotai’s separation is written in the active mode, indicating that he had separated because of his own decision, and was not driven out by others. Regarding a case of excommunication of a rebellious elder in *m. Ed.* 5:6, in contrast, we read: “and they excommunicated him and the Court pelted his coffin”; in this narrative he was a passive victim.

period. Rabbinic halakhah declared that the first stage of holiness, starting at Joshua's conquest, ended with the destruction of the Temple,⁴²³ and as a result all precepts that were applicable in the land were no longer valid. The next period of holiness started at the return from exile, but encompassed only a part of the land, the territory settled by the returnees from exile;⁴²⁴ thus only this particular territory served as the object of those precepts applicable to the land.⁴²⁵ Hence according to the Rabbis,⁴²⁶ during the Second Temple period the rules and obligations pertinent to the land of Israel were valid only within a part of the land of Israel. We should give this statement credence for a number of reasons. In other cases, the Rabbis decreed obligations and restrictions relating to the Seventh Year, such as tithes and other donations,

⁴²³ We read in *b. Meg.* 10a: "The first holiness [of the land] was effective only for its period [i.e. that of the First Temple] and did not continue in the future." Although a conflicting opinion is mentioned in the rhetoric, the first dictum was confirmed as the legally binding halakhah.

⁴²⁴ We read in *y. Shev.* 6:1, 36c: "The boundaries of the Land of Israel are [those] taken by the returnees from Babylon."

⁴²⁵ We read in *m. Shev.* 6:1: "[Regarding the law of leaving the land fallow in the Seventh Year, the land is divided into] three regions [each with different rules]. In the territory of Israel inhabited by the returnees from Babylon up to Kziv one must not eat [the fruits] or cultivate [the land]. In the territory inhabited by the immigrants from Egypt from Kziv to the River and to Amana, [the owner] may eat [the fruits] but must not cultivate [the land]. Outside the confines of the River and Amana one may eat and cultivate [in the Seventh Year]." We observe that at the time of the Second Temple the precepts of the Seventh Year applicable to the land of Israel were in force only in the restricted area inhabited by the returnees from the exile. The lesser restrictions in the region inhabited by the immigrants from Egypt are not the result of a scriptural obligation of lesser holiness, but are the result of a rabbinic decree, motivated by social justice considerations. We read in *b. Hag.* 3b regarding the obligation of tithes outside the borders of the restricted Judean territory: "Many towns that were conquered by the immigrants from Egypt were not conquered by the returnees from Babylon. The first holiness [of the land] was effective only for its period [that of the First Temple] and did not continue for the future [and therefore the tithe for the poor was not applicable in the Seventh Year outside the borders of the territory inhabited by the returnees]. The Rabbis decreed this rule [that the owner must not cultivate the land and let it grow] beyond the legal obligation, for the sake of the poor [to ensure them some income]." Maimonides, known for his excellent classification system, states explicitly in *Hil. Terumat* 1:6: "Thus with respect to the precepts applicable in the land [of Israel], the world is divided into three categories: Eretz Israel, Syria and the remainder of the world. And Israel is [again] divided into two parts: the first part is the territory taken by the returnees from Babylon and the second part is the territory taken by the immigrants from Egypt." In the following halakhot he describes the borders and the obligations applicable for each zone.

⁴²⁶ As I have stated elsewhere, it is not certain whether the rabbinic halakhah was indeed identical to that in the Pharisaic period of domination in the pre-70 period, but it is highly plausible.

to extend the mandated areas beyond the scripturally-binding borders. Hence there is no reason to doubt the authenticity of their rule to limit the application of laws to a restricted area, in contrast to their general approach. Moreover, there exists a large mosaic road sign from the fifth century C.E. (currently displayed at the Israel Museum in Jerusalem) that indicates the borders of the area in which the various precepts pertinent to the land of Israel apply. Finally, these rules were not founded on theoretical interpretations, and it is plausible that the Rabbis were continuing pre-70 customs.

As to the issue of establishing the borders of Israel, however, we are at a loss. We are unable to identify the indicated localities, and the talmudic sources do not assist us with any appropriate hints; perhaps they were not sure themselves. The later commentators⁴²⁷ also had great difficulty identifying some of the extremely obscure or equivocal localities and directions. Further, though the confines of the land with respect to the law of the Seventh Year are listed in *m. Shev.* 9:2, they do not correspond with the list of borders within which the returnees settled that are identified in other rabbinic descriptions. Scholarly efforts to identify the exact confines of the land and reconcile the divergent lists of localities and borders from the various sources⁴²⁸ have ended without conclusive results.⁴²⁹

⁴²⁷ See C. Albeck, 1957, *Seder Zera'im*, השלמות, pp. 378–9; and N. Z. Hildesheimer, 1965, pp. 1–115.

⁴²⁸ In *y. Shev.* 6:1, 36c, cited above, there is a long list of localities; *Sifre Num pisqa* 51 and *t. Shev.* 4:11 have other lists, with only some of the names identical. In *m. Git.* 1:2, which describes the borders of the land applicable to a particular law with respect to divorce documents, there is yet another classification: “Rabbi Judah says [the border of the land of Israel is a line] from Rekem to the East, and Rekem itself is in the East [and outside Israel] and from Ashkelon to the South, and Ashkelon itself is in the South [and outside Israel] and from Acre to the North and Acre itself is in the North [outside Israel].” This statement of R. Judah is questioned in *b. Git.* 7b, because from another source it appears that Kziv, not Acre, was at the most northern point of Israel.

⁴²⁹ Y. Sussmann, 1973/4 and 1976, has done extensive research on the five different versions of a baraita that indicates the borders of the territory in which the agricultural laws of the Land of Israel applied after the Temple’s destruction, according to the principle that this area was inhabited by the returnees from Babylon. What is interesting for our purposes is his statement that the main interest and most precise borders are indicated on the northern border of Galilee, in which a concentration of Jewish people resided (1973/74, p. 128). Regarding the southern border, the focus of our investigation, he states that the indications given in the baraita are inadequate to offer a reasonable description of how its authors imagined the border (1976, p. 245). He reiterates that the shortest northwestern border has the most accurate and detailed indications, and this demonstrates that the baraita does not constitute a geographical or historical document; the authors’ intention was to convey the halakhah at that time (1976, p. 247). One may

As to the records in Ezra 2:1–35,⁴³⁰ Neh 3:1–32⁴³¹ and Neh 7:6–38,⁴³² neither Ein Gedi nor Qumran, a desolate site to the north of Ein Gedi, appears in these lists, and one must assume that none of the first returnees attempted to settle the barren lands on the shore of the Dead Sea.⁴³³ Nor does Ein Gedi appear in Hildesheimer's proposed identification of the rabbinic lists with known localities. Y. Aharoni writes that the extent of Judah was very restricted, because the southern Judean Mountains were not included within its borders, and Hebron was already Idumean.⁴³⁴ In his list of the many settlements of Judah in the Persian era, he does not mention Ein Gedi. Although Ein Gedi is included in the valley of Judah settlements with respect to the laws of the Seventh Year,⁴³⁵ there is no indication that Ein Gedi was included in the territory settled by the returnees and declared holy with respect to other precepts pertinent to the land of Israel. Many rules of the Seventh Year proclaimed by the Sages had socio-economic or other motives, as in *b. Hag. 3b*.⁴³⁶ This is also evident from *m. Shev. 9:2*, which extends the application of the law of the Seventh Year to the valley of Judah and to "Transjordan/on the East side of the Jordan," a region that definitely was not settled by the returnees from exile, and was not considered the "holy land."⁴³⁷ Thus the area on the east side of the Jordan was not

assume that these results are due to the fact that at the time of the composition of this document, Galilee was densely inhabited by Jews, its topography was well-known, and fixing an exact border was imperative for practical reasons with respect to the various rules relevant to the Land of Israel. The south, in contrast, was not inhabited by Jews, its topography was only theoretically known by the Sages, and there was no practical need for a defined southern border. Hence, one cannot categorically rely on this baraita with respect to whether the area of Qumran was considered part of the Land of Israel in the last century before the Temple's destruction.

⁴³⁰ This chapter contains a list of the localities from which the returnees originally came and to which they returned.

⁴³¹ This narrative lists the origin of those who participated in building the walls of Jerusalem.

⁴³² This account contains another list of returnees from exile.

⁴³³ Archeological evidence attests to two distinct phases in Ein Gedi's occupation. See, e.g., Lester L. Grabbe, 1991, p. 73.

⁴³⁴ Y. Aharoni, 1963, p. 336.

⁴³⁵ We read in *t. Shev. 7:10* and *y. Shev. 9:2, 38d*: "Its [Judah's] lowland is the lowland of Lydda; its extension is from Ein Gedi to Jericho."

⁴³⁶ The rabbinic institution of the second tithe in Egypt, for example, was intended, by its virtue and charity, to ensure divine blessing, and consequently rainfall in the appropriate time; the failure to accomplish this precept could be punished by lack of rainfall.

⁴³⁷ We read in *b. Sanh. 104b*: "The other [east] side of the Jordan is the district of the gentiles." This is also evident from *m. Yad. 4:3*: "On that day they deliberated about the halakhah of the Seventh Year with respect to [the fields of Israelites in] Ammon

holy with respect to the precept of pilgrimage, and likely the identical status applied to the wilderness region of Qumran. We may hypothesize, therefore, that if the Qumran group were of the same opinion as the Rabbis⁴³⁸ (which should not surprise us),⁴³⁹ the exodus to Qumran resolved a thorny problem for them; it absolved them of the personal obligation to make pilgrimage to Jerusalem and bring the holiday offerings. According to the rabbinic halakhah the command to send the half-sheqel was valid for both those in Israel and in the Diaspora;⁴⁴⁰ although Qumran considered it a once-in-a-lifetime obligation,⁴⁴¹ we may assume that, like the Rabbis, they also considered it valid for those living outside Israel. Hence they fulfilled this obligation, as Josephus records in *Ant.* XVIII: 19.

4.5 Conclusion

Attempting to reconstruct the circumstances in the last period of the Second Temple, we find ourselves, as stated at the beginning of the study, in a difficult situation. We do not possess any Pharisaic writings, and the later rabbinic writings that allegedly transmit to us the Pharisaic viewpoints are questionable, particularly with respect to historical events. Despite these obstacles, I believe I have demonstrated, through citations and logical analysis of them, the following points of my thesis:

and Moav.” And in the rhetorical discussion between two Tannaim as to whether these fields are liable for the second tithe (to be eaten in Jerusalem) or for the tithe of the poor, it is declared as an axiom: “Egypt is outside Israel and Ammon and Moab are outside Israel.” In the ensuing rhetoric, one Tanna maintains that Ammon and Moav should be compared to Babylon, also outside Israel, where the second tithe was instituted by the Rabbis for another reason, or to Egypt, where the tithe for the poor was instituted for their sake.

⁴³⁸ This supposition does not conflict with TS 11QT LII: 13–16 permitting the slaughter of unblemished animals suitable for offerings outside the Temple. See n. 419.

⁴³⁹ I have cited (Chap. 2, n. 347), for example, the precept regarding phylacteries, whose content and structure are absent in Scripture, and yet common to both rabbinic and Qumran halakhah.

⁴⁴⁰ We read in *m. Sheqal.* 3:4: “He donated first in the name of Israel, then in the name of the cities around it [east of the Jordan, Ammon and Moav], then in the name of Babylon and Medea and the other far-away states.” This dictum does not explicitly state that the obligation of the half sheqel donation is applicable both for the inhabitants of Israel and the Diaspora, but Maimonides and other commentators interpret it in this way. We read in *Hil. Sheqalim* 1:8: “And at the time when the Temple was functioning, one gave the *sheqalim* both in Israel and in the Diaspora.”

⁴⁴¹ See n. 409 on this issue.

- a) It is quite improbable that it was the Sadducees with whom the Rabbinis debated in the relevant narratives, particularly in those attributed to Rabban Yohanan ben Zakkai. It is likely that these debates took place, possibly in a different manner than that described, with the remnants of the Essenes or Qumran group in the post-70 period.
- b) The conflicts in Israel in the pre-70 period were the result of divergent halakhot. But considering the absence of an ordered codex and lack of uniformity in the practice of the halakhah, it is illogical to assume that the disputes on relatively non-fundamental halakhic issues recorded in rabbinic literature were at the root of these divisions. The myriad disputes between Bet Shammai and Bet Hillel on almost every subject except cult issues, which did not effect societal divisions of any kind, support this statement. The dominance of cult rules in Qumran literature in comparison to other halakhot, and their priestly leadership, indicate that the disputes about these particular issues were the motive behind their separation.
- c) We must perceive the conflict in Israelite society with the Sadducees in the pre-70 period to be of an utterly different character than the conflict with the Qumran group, whether or not assumed to be the Essenes. The first did not separate from society and Temple. They participated in its cult actively and passively; the struggle between them and the Pharisees had an internal character. The Qumran group separated from society and Temple. They did not participate actively in its cult and did not bring offerings.
- d) This significant difference is due to the distinctive character of the issues disputed. The disagreements with the Sadducees on cult were of an inconsequential nature, and permitted joint cooperation in society and Temple cult. The issues with Qumran, however, as for example regarding the calendar, were of such magnitude that they did not permit cooperation. They were the trigger for separation from Israelite society, and motivated the creation of many new rules in areas other than that of the cult.
- e) It is postulated that the desire to absolve themselves from the pilgrimage and its offerings was the primary cause behind the group's exile to an isolated site such as Qumran, and possibly also the exodus to Damascus.

CONCLUSION

This study has concerned itself with the examination of the main cause that triggered the division between the groups known as Pharisees, Sadducees and Essenes, and/or the group associated with the Qumran writings.¹ Primary consideration has been awarded to the Qumran group, because of the availability of authentic writings. I have mentioned the Sadducees in those occurrences when they appear in the texts I have quoted. En route to the above objective, a great number of interconnected topics were extensively examined. I believe that in the field of Judaic studies, due to the inseparable connection between Judaism's all-embracing ideology and its law, each issue is intrinsically interrelated with others. It is therefore essential to extend the investigation of an issue to its bordering topics. I beg the reader's indulgence if I have sometimes crossed this border, but I hope that he or she will find my observations and commentaries interesting.

To describe the implications of the cult on historical events in Israel, I deemed it interesting to speculate on the cult's impact from the beginning of recorded Israelite history. Since the exile is perceived as a cultural and practical watershed in history, I followed this common convention and divided my exposition of the past circumstances of the cult phenomena, their particular character and their impact on historical events, into the pre-exilic and the post-exilic periods. To avoid unduly extending the study, I mentioned only briefly the crucial cult issues that instigated cultic struggles in the pre-exilic era, and concentrated my investigation on the historical development of the cult and its implications in the post-exilic period. This era is chronologically close to the period of our study, and the seeds of the disputes concerning correct cult procedures were sown mainly in the post-exilic period. The significance bestowed upon Scripture and consequently on its correct interpretation and understanding initiated a continuous process of interconnected exegesis, which constituted the intellectual platform for disagreements and conflicts of varying intensity. The period of our investigation is one in which these disputes had far-reaching consequences.

¹ Assumed by some (e.g. Josephus, Philo, and Pliny the Elder) to be the Essenes.

In addition to the exile, there was another interconnected development leading to changes in the cult that are relevant to our study. With the centralization of the cult, assumed to have been initiated by King Josiah (639–609 B.C.E.), there began the institutionalization of the sacrificial cult, which in that period was the sole manner of worship. This institutionalization triggered the concentration of cult practice within a small, exclusive group of clerics. This situation promoted a further specialization and institutionalization in the manner of the sacrificial celebrations. As is typical of such concentration, a priestly power base was created, which came to its acme after the exile with the disappearance of the monarchic power in Judah. As a consequence, there was a drastic upsurge in the importance of the sacrificial cult, and with it the bestowing of the utmost significance on every minute detail of the celebrations. The division between the pre- and post-exilic period is, therefore, appropriate; the exile constituted, in broad terms, the turning point between the era when political power used the cult for the realization of its goals, and the era in which the cult was the instrument by which to achieve political power. The period of Ezra and Nehemiah bears witness to the significance of cult issues; most relevant to this study, it marked the turning point between struggles to control the cult and disputes about how to accurately perform it.

In the pre-exilic era the possession and control of the cult artifacts were at the core of the political, and at times physical, struggles. The Ark was the most venerated cult artifact, and its possession was perceived as beneficial, from the early period of Israelite settlement in Canaan through to the battles between the Davidic and Saulide dynasties. I believe that the contests, at times violent, for possession of the Ark are fairly well demonstrated by interpretation of the sources, and I have quoted the relevant scriptural narratives. I have therefore used the saga of the Ark as a model for the understanding of cult phenomena and their impact on pre-70 historical circumstances in general, and the promotion and consolidation of political and financial advantages in particular.

There is a lack of authentic records between the period of Ezra/Nehemiah and the period of Hellenization; this explains the proliferation of modern research on the latter period. My own analysis of this post-exilic period serves as an introduction to the core of the study: the importance of the cult and the consequent significance of the correct interpretation of the relevant biblical commands. I believe I have

substantiated these two basic propositions and their broad implications. Ezra and Nehemiah used their political authority, obtained from a foreign power, to impose their vision of the significance of the cult and the manner of its performance on a segment of Israelite society that opposed this vision. In this case, we may observe in the relatively candid texts of that period the struggles about cult issues within the bosom of Israelite society; the intensity of these contests, however, is not divulged, and we can only guess at it. I have documented with relevant quotations the significance of scriptural interpretation and the zeal for accuracy in performing the divine precepts that were initiated by Ezra and Nehemiah; further, I have argued that this circumstance confirms that there existed a great potential for disputes with respect to biblical exegesis in the subsequent periods.

I have postulated that both the Pharisees, deemed to be the Rabbis' ideological and halakhic forerunners, and the Qumran scholars had much in common—specifically regarding the dilemmas they encountered in their quest for the correct interpretation of the biblical precepts and transgressions. A comparison between their halakhic decisions is, therefore, productive, and can serve as a key to a better understanding of the exegetical methods behind Qumran halakhot, which are usually not made explicit. I have demonstrated that both groups had to address the many lacunae, inconsistencies and, at times, clear contradictions in the biblical text. Where there are differences between the groups in their halakhic decisions, these were not the result of different motivations or the use of different exegetical methods; rather, they were the ultimate consequence of the distinct theology of each group regarding the source of its authority to interpret the Torah. This crucial distinction explains both the different halakhic decisions and the distinct literary styles and structures in the formal presentation of these decisions. Though the Qumran scholars, as I have demonstrated, usually attempted to interpret Scripture according to the simple, straightforward meaning of the text, they were also capable of more far-fetched interpretations, like the Rabbis, when they deemed it necessary or unavoidable.

Thus Qumran procedure, in this respect, was not as different from the rabbinic manner as it might appear at first sight; it is only in the formal expression of their writings that a difference is found. Conflicting halakhic decisions were common in the rabbinic legal process, though all used the identical exegetical methods; some of the divergence of opinion among individual Rabbis was the result of their different underlying

philosophies. A detailed analysis of rabbinic legal and midrashic literature such as the *Gem.* and the *Midreshe Halakhah*, which offer a wealth of information and conjecture on the plausible motives behind many enigmatic mishnaic decisions, assisted my attempts to reveal, by comparison, some of the apparently incomprehensible Qumran dicta. This analysis has convinced me that such a comparison is possible, and, I would say, indispensable, for decoding Qumran's underlying philosophical approach to Scripture. However, a deep understanding of rabbinic ideology, their 'meta-halakhah' and modes of thought, the foundations of their literature, is definitely imperative; a superficial knowledge can only lead to wrong conclusions.

On this basis I have demonstrated the similarities and contrasts between the rabbinic and Qumranic corpora of texts. A comparison of the rules regarding the required age for participation in the Passover offering has indicated the simple approach of Qumran to the scriptural texts, and in this they differ from the rabbinic attitude. On the other hand, the comparison of Qumran's New Festivals with the rabbinic priestly Training offerings suggests a similarity between the two systems. Confronted by utterly confusing biblical texts, both groups devised intricate techniques for the resolution of these problems. Whereas, however, the *Midreshe Halakhah* and the *Gem.* offer conjectures as to the methods used by the Tannaim, the Qumran writings in our possession do not offer such information, and in this way they are actually similar to the mishnaic texts, an earlier corpus of halakhic discussions that is closer in time to the Qumran era.

I have demonstrated the effects of the different sources of interpretative authority (human in the case of the Rabbis, and divine revelation in the case of Qumran) on halakhic decisions and on the different literary structures and styles of the writings of each group. To corroborate the first proposition, I compared the rabbinic axiom that saving a life overrides the Sabbath, which lacks any frank support from Scripture, and Qumran's conflicting position. In essence, the Rabbis considered it legitimate and within the boundaries of their authority to consider practical consequences among the factors valid to their halakhic decisions, and to adjust their decisions accordingly. In contrast, according to my understanding of Qumran's decisions, their scholars and leaders denied themselves such broad authority. In other words, the Rabbis had, in most instances, a premeditated view of what ought to be the correct halakhah, and attempted to justify their decision by appropriate exegesis, whereas Qumran scholars searched to reveal the divine intent

in the relevant biblical text according to their preconceptions and based on their general viewpoint. The second postulate is demonstrated in the different writing styles: Qumran material interlaces exegesis and scriptural text, and expressly uses inexact scriptural quotations. Rabbinic literature, in contrast, divides between text and exegesis; this suggests that, when considered necessary for exegetical purposes, the scriptural texts may be read differently, but without altering the original writing. Qumran exegesis, being revealed by divine inspiration, was raised in status. The Rabbis, in contrast, aware of the human source of their exegesis, separated between text and exegesis, in their style of expression and usually also with respect to the different status accorded to halakhot that they generated. The Qumran Sages did not, however, effect alterations in their biblical manuscripts, and restricted the amalgamation of text and exegesis to their non-biblical writings. I have therefore questioned the labels 'Rewritten Torah' and similar markers that have been attached to their non-biblical writings. They did not intend, as their practice demonstrates, to re-write the Bible, and they emulated the style of the later biblical writings that are now elements of the canon, the books of Chronicles in particular. I have argued that since Chronicles, for example, is not categorized as 'Rewritten Kings,' it is similarly unwarranted to attach the label 'Rewritten Pentateuch' to 4Q 158 simply because it interlaces exegetical midrashim with text or elucidates details of the biblical narratives.

Analysis of certain rabbinic and Qumran dicta has revealed the serious lacunae and inconsistencies in the biblical texts, and thus the need for exegesis to complement the missing details and create halakhot that related as much as possible to the ambiguous biblical commands. We thus observe the importance of exegesis for the development of practical rules and regulations; it is indispensable for the application of biblical rules in the concrete circumstances of life. Previous studies have shown the significance of the cult and its meticulously precise performance in the Qumran community; I have added several citations to further emphasize this point. This requirement clashed vigorously with the lack of precise details in Scripture regarding the sacrificial celebrations, and made it imperative to reveal them by exegesis. Just as we observe conflicting rabbinic halakhot derived with the identical exegetical methods, we must understand that Qumran scholars could also reach opposing conclusions, using exegetical methods that may have been similar, if not identical. To substantiate my statement regarding the lack of significant details in Scripture, I have scrutinized the biblical rules for the simple

voluntary vegetal *Minhah* in Lev 2: 1–11 and the elaborate rabbinic rules deduced by exegesis. Without going through this lengthy process, one could not imagine the number of different possible deductions; we thus gain a better sense of the plausibility of conflicts arising out of different interpretations.

My detailed examination of the rabbinic texts on this topic indicates the Rabbis' seemingly unlimited imagination in their approach to the analysis of Scripture. This has convinced me that in order to do Bible criticism well, one first ought to study the rabbinic literature on the relevant texts, to appreciate the real dimension of the problems involved and the multitude of possible solutions. I would like to stress that I do not mean by this that one must accept the rabbinic solutions; their deliberations, however, serve as a great help. We may observe their wide perspective in posing the questions, in contrast to their constraint in their solutions, given the limitations imposed by their loyalty to the acknowledged faith. We do not know whether all rabbinic rules and regulations were performed in the Temple in the period of Pharisaic political domination, or whether the dissident groups objected to all or only some elements thereof. We are fortunate to have found several *halakhot* in the Qumran writings that refer to Temple celebrations, which can be compared to their counterparts in rabbinic literature; the rules definitely conflict, although most are not expressly mentioned in either literature as the subject of dispute. I have discussed these, as they indicate the importance and magnitude of these conflicts; the complexity of the options that are proposed for the sacrificial celebrations indicates the absolute necessity that the ritual, and particularly the ritual at the Temple as the exclusive site for sacrifice, be precise and consistent. I believe, therefore, that meticulous scrutiny of this particular rabbinic literature is relevant to my research, and I am confident that its outcome is convincing.

I agree with the current scholarly standpoint that halakhic disputes were at the core of sectarian division, and I have corroborated this, implicitly, by many citations from Qumran writings. I may add that even those accusations against their enemies that apparently do not concern ritual *halakhot* but rather social misconduct must also have been perceived as transgressions of divine commands. According to Israelite theology, righteous behaviour is a Torah command. Social laws are an important element of Torah precepts, and, moreover, the entire life of an Israelite in all its sacred and secular aspects was regulated by divine guidelines.

Despite my general agreement with current scholarly opinion, I maintain that the decisive motive behind the creation of the groups/sects must be further sharpened; we must focus on the question of which specific halakhot were of such importance as to justify this radical solution. Most of the halakhic disputes that are cited in rabbinic literature as occurring with the Sadducees would not in my opinion incite such a solution; this is particularly so if we assume, as I demonstrated in a previous study, that a pluralistic environment with respect to halakhah prevailed in the general Israelite society in the relevant period. Only disputes about the exact performance of the most revered Temple ceremonies, with the absolute need for consistency, could have triggered such a dramatic move as separation. In addition to this logical consideration, the citations quoted in the study substantiate the utmost importance bestowed upon these celebrations by all of Israel, and particularly by the Qumran group. This is also shown by comparing the generally friendly relationship between the two renowned schools/groups of Bet Hillel and Bet Shammai, who disputed on almost every halakhah, with the hostility evident between the Qumran group and the Pharisees/dominant group. The schools did not dispute the rules regarding Temple ceremonies; the Qumran group did so, and separated because of their differences in this respect.

I believe I have demonstrated the complete unreliability of the identification of the contenders in the rabbinic records of halakhic debates, by thorough scrutiny of the texts from different aspects, as well as by logical and factual considerations. As a corollary to this investigation, I have demonstrated that the Qumran group cannot be identified with the Sadducees, as some scholars have suggested. The Sadducees did not separate themselves, as we know, from Israelite society, and therefore the Qumran statement “we have segregated ourselves from the multitude of the people” in 4Q397 (4QMMT_d) cannot apply to the Sadducees. I thus use the term ‘dissidents’ for the Sadducees, and the term ‘separatists’ for the Qumran group, in order to give a precise distinction between each group’s relationship with the general society. I have also presented a plausible explanation for the rabbinic decision to utterly ignore the Qumran group and their conflicting halakhot, and to concentrate all their debates on the Sadducees, at times in a ridiculing manner.

Considering the significance bestowed by the Qumran group on the sacrificial rituals, scholars have speculated whether their members brought offerings to the Temple, notwithstanding their criticism of the priests’ iniquitous conduct and their own separation. The issue is made

more complex because of one ambiguous record by Josephus about the Essenes' relationship with the Temple. After reviewing the relevant scholarly opinions, I attempted to clarify the practical extent and consequences of the term 'separated/segregated' from the Temple—that is, whether it referred to the obligatory daily, Sabbath and holiday public offerings, or to the individual, voluntary offerings, or possibly to the Sin and Guilt offerings. This is an important question, which it seems has been so far overlooked. I suggest that the Qumran group did not bring any offerings; they would have considered them invalid, being performed at the wrong time, in the wrong manner, and by inappropriate priests. On the other hand, there were also the particular holiday offerings as part of the three obligatory pilgrimages to Jerusalem each year; these offerings at the Temple have the character of individual obligations. The question thus arises as to how the Qumran group fulfilled this precept. The substitution of the Holy Community for the Temple might suffice for the daily public offerings, but not for the specific individual offerings during the pilgrimage. I postulated that if the Qumran group had rules that were identical or somewhat similar to the rabbinic halakhah, which considered these offerings obligatory only for the inhabitants of the Holy Land (within its restricted borders in the Second Temple period), then their exodus to Damascus and to Qumran may have legally absolved them from this obligation. Supporting my hypothesis is the rabbinic narrative describing a Sage who acted in precisely this way to absolve himself from the obligation to bring the pilgrimage offering. On the other hand, the Qumran group did perceive the scriptural requirement to contribute the half sheqel as obligatory, due to a simple interpretation of the biblical text, and they fulfilled this, as is evident from their writings. Thus, one might understand Josephus' record that the Essenes sent (Josephus uses the specific term *στέλλοντες* "to send," which is odd for sacrificial offerings) their *ἀναθήματα* "votive offerings" as referring to the half sheqel donation to the Temple.

In conclusion, I would like to reiterate that, in my opinion, it is impossible to state that we are able to know the ultimate truth of events that took place two millennia before our time, and for which we have no authentic documentation regarding all the factors involved. We observe that contemporary events, recorded with all their relevant details, are still a matter of debate with respect to their intrinsic motives, and to which party is 'right' and which is 'wrong.' It is even more of a Sisyphean enterprise to make definitive statements with

respect to a period and culture with different reactions to events, different values, and different methods of expressing their thoughts. I can only say that I believe that my hypotheses, speculations and logical deductions presented in this study are more reasonable than others, and I leave to the reader the final judgment. I am confident that I have at least asked some new questions, and have shown another approach to the issues that will stimulate further research.

BIBLIOGRAPHY

- Abegg, M. G.
2003 "The Covenant of the Qumran Sectarians." In *Concept of the Covenant in the Second Temple Period*, pp. 81–97. Edited by S. E. Porter and J. C. R. DeRoo.
- Aharoni, Y.
1962 *The Land of Israel in Biblical Times*. 2nd revised edition. Jerusalem.
1967 *The Land of the Bible, A Historical Geography*. Translated from Hebrew by A. F. Rainey. Philadelphia.
- Ahlström, G. W.
1984 "The Travels of the Ark: A Religio-political Composition." *JNES* 43, 140–49.
- Albeck, Ch.
1952–7 *ששה סדרי משנה*. 6 Vols. Jerusalem.
- Albertz, R.
1992 *Religionsgeschichte Israels in alttestamentlicher Zeit*. Teil 1. Göttingen.
2003 *Israel in Exile. The History and Literature of the Sixth Century B.C.E.* Translated from German by David Green. Atlanta.
- Alexander, P. S.
2003 "The Evil Empire: The Eschatological War Cycle and the Origins of Jewish Opposition to Rome." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 17–31. Edited by S. M. Paul et al. Leiden.
- Alon, G.
1967 *תולדות היהודים בא"י בתקופת המשנה והתלמוד*. Vol. 1. Tel Aviv.
- Ankori, Zvi.
1959 *Karaites in Byzantium*. New York.
- Avenarie, F.
1997 "Tohorat Ha-Rabbim and Mashqe Ha-Rabbim, Jacob Licht Reconsidered." In *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, pp. 215–229. Edited by M. Bernstein et al. Leiden.
- Bar-Kochba, B.
1993 "מלחמת התגוננות בשבת על פי ספרי המקבים." In *מדינת החשמונאים לתולדותיה על רקע התקופה ההלניסטית*, pp. 202–213. Edited by U. Rappaport and E. Ronen. Jerusalem.
- Baumbach, G.
1989 "The Sadducees in Josephus." In *Josephus, the Bible and History*, pp. 173–195. Edited by L. H. Feldman and G. Hata. Detroit.
- Baumgarten, A.I.
1992 "קומראן והכיתיות ביהדות בתקופת בית שני." In *מגילות מדבר יהודה*, pp. 139–151. Edited M. Broshi et al. Jerusalem.
1994 "Josephus on Essene Sacrifice." *JJS* 45, 169–183.
1995 "Rabbinic Literature as a Source for the History of Jewish Sectarianism in the Second Temple Period." *DSD* 2/1, 14–57.
1996 "היהודים בעולם ההלניסטי והרומי, מחקרים לזכרו של מ"י היו הצדוקים" In *מנחם שטרן*, pp. 393–411. Edited by A. Oppenheimer, I. Gafni and D. Schwarz. Jerusalem.
1997 *Flourishing of Jewish Sects in the Maccabean Era. An Interpretation* Leiden.
2000 "The Perception of the Past in the Damascus Document." In *The Damascus Document. A Centennial of Discovery*, pp. 1–15. Edited by J. M. Baumgarten et al. Leiden.

Baumgarten, J. M.

- 1977 *Studies in Qumran Law*. Leiden.
 1992 "The Cave 4 Versions of the Qumran Penal Code." *JJS* 43, 268–276.
 1992b "The Disqualification of Priests." In *The Madrid Qumran Congress, Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, pp. 503–513. Edited by J. T. Barrera and L.V. Montaner. Leiden.
 1994 Sadducean Elements in Qumran Law." In *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, pp. 27–36. Edited by E. Ulrich and J. VanderKam. Notre Dame IN.
 1995 "The Red Cow Purification Rites in Qumran Texts." *JJS* 46, 112–119.
 1996 *Qumran Cave 4 XIII, The Damascus Document*. DJD XVIII. Oxford.
 1998 "Scripture and Law in 4Q265." In *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*, pp. 25–33. Edited by M. E. Stone and E. G. Chazon, Leiden.
 1999 "A Response to the Discussion of DJD XVIII." In *The Dead Sea Scrolls at Fifty, Proceedings of the 1997 Society of Biblical Literature Qumran Section Meeting*, pp. 199–201. Edited by R. A. Kugler and E. M. Schuller. Atlanta. GA.
 2000 "The Use of מִי נֹדָה for General Purification." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 481–85. Edited by L. H. Schiffman et al. Jerusalem.
 2000b "The Laws of the Damascus Document Between Bible and Mishna." In *The Damascus Document. A Centennial of Discovery*, pp. 17–26. Edited by J. M. Baumgarten et al. Leiden
 2003 "Theological Elements in the Formulation of Qumran Law." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 33–41. Edited by S. M. Paul et al. Leiden.

Baumgarten, J. M., ed.

- 1996 *Qumran Cave 4.XIII: The Damascus Document (4Q266–273)*. DJD XVIII. Oxford.

Beckwith, R. T.

- 1982 "The Prehistory and Relationship of the Pharisees, Sadducees and Essenes: A Tentative Reconstruction." *RevQ* 11, 3–46.

Ben-Dov, J. and I. Horowitz.

- 2003 "מגילות, מחקרים במגילות" השנה בת 364 יום במסופוטמיה ובקומראן" In *מדבר יהודה*, pp. 3–26. Edited by M. Ben-Asher and D. Dimant. Jerusalem.

Ben Shalom, I.

- 1993 *בית שמאי ומאבק הקנאים נגד רומי*. Jerusalem.

Bernstein, M. J.

- 1994 "4Q252: From Re-Written Bible to Biblical Commentary." *JJS* 45, 1–27.
 1996 "The Employment and Interpretation of Scripture in 4QMMT; Preliminary Observations." In *Reading 4QMMT, New Perspectives on Qumran Law and History*, pp. 29–51. Edited by J. Kampen and M. J. Bernstein. Atlanta.
 1998 "Pentateuchal Interpretation at Qumran." In *The Dead Sea Scrolls after Fifty Years, A Comprehensive Assessment*, Vol. 1, pp. 128–159. Edited by P. W. Flint and J. C. VanderKam. Leiden.
 2000 *Encyclopedia of the Dead Sea Scrolls*, 2000. S.v. "Interpretation of Scriptures."
 2003 "4Q159 Fragment 5 and the 'Desert Theology' of the Qumran Sect." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 43–56. Edited by S. M. Paul et al. Leiden.

Betz, Otto.

- 1994 "The Qumran Halakhah Text *Miqṣat Ma'asê Ha-Torah (4QMMT)* and Sadducean, Essene, and Early Pharisaic Tradition." In *The Aramaic Bible, Targums in their Historical Context*, pp. 176–201. Edited by D. R. G. Beattie and M. J. Mc Namara. Sheffield.

Beyer, K.

- 1984 *Die Aramäische Texte vom Toten Meer*. Göttingen.

- Bickerman, E. J.
 1962 *From Ezra to the Last of the Maccabees*. New York.
 1988 *The Jews in the Great Age*. Cambridge.
- Blenkinsopp, J.
 1990 "A Jewish Sect of the Persian Period." *CBQ* 52, 5–20.
- Blome, F.
 1934 *Die Opfermaterie in Babylonien und Israel*. Rome.
- Boccaccini, G.
 1998 *Beyond the Essene Hypothesis: The Parting of the Ways between Qumran and Enochic Judaism*. Grand Rapids.
- Bowley, J. E.
 1998 "Prophets and Prophecy at Qumran." In *The Dead Sea Scrolls after Fifty Years, A Comprehensive Assessment*, Vol. 2, pp. 354–378. Edited by P. W. Flint and J. C. VanderKam. Leiden.
- Bowman, John.
 1958 "Did the Qumran Sect Burn the Red Heifer?" *RevQ* 1, 73–84.
- Brin, G.
 1987 "Concerning Some of the Uses of the Bible in the Temple Scroll." *RevQ* 12/48, 519–528.
 1995 "Explicit Quotations from the Torah and from the Writings in the Dead Sea Scrolls [Hebrew]." In *Dor Le-Dor. From the End of Biblical Times Up to the Redaction of the Talmud. Studies in Honor of Joshua Efron*, pp. 105–112. Edited by A. Kasher and A. Oppenheimer. Jerusalem.
- Brooke, G. J.
 1997 "The Explicit Presentation of Scripture in 4QMMT." In *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, pp. 67–88. Edited by M. Bernstein et al. Leiden.
 1998 "Parabiblical Prophetic Narratives." In *The Dead Sea Scrolls after Fifty Years, A Comprehensive Assessment*, pp. 271–301. Edited by P. W. Flint and J. C. VanderKam Leiden.
 1999 "The Scrolls and the Study of the New Testament." In *The Dead Sea Scroll at Fifty*, pp. 61–76. Edited by R. Kugler and E. Schuller. Atlanta, GA.
 2000 "Biblical Interpretation in the Qumran Scrolls and in the New Testament." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 60–73. Edited by L. H. Schiffman et al. Jerusalem.
 2002 "The Rewritten Law, Prophets and Psalms: Issues for Understanding the Text of the Bible." In *The Bible as Book, The Hebrew Bible and the Judean Desert Discoveries*, pp. 31–40. Edited by E. D. Herbert and E. Tov. London.
 2003 "Deuteronomy 5–6 in the Phylacteries from Qumran Cave 4." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 57–70. Edited by S. M. Paul et al. Leiden.
- Broshi, M.
 1992 "Anti-Qumranic Polemics in the Talmud." In *The Madrid Qumran Congress, Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, Vol. 2, pp. 589–600. Edited by J. T. Barrera and L.V. Montaner. Leiden.
- Buber, Solomon, ed.
 1891 *Midrash Tehillim*. Vilna.
- Burrows, M.
 1948 "Variant Readings in the Isaiah Manuscript." *BASOR* 111, 16–24.
 1949 "Variant Readings in the Isaiah Manuscript." *BASOR* 113, 24–34.
- Callaway, P. R.
 1989 "Extending Divine Revelation: Micro-Compositional Strategies in the Temple Scroll." In *Temple Scroll Studies*, pp. 149–162. Edited by G. J. Brooke. Sheffield.
- Charlesworth, J. H.
 1985 *The Old Testament Pseudepigrapha*. New York.
 2002 *The Pesharim and Qumran History, Chaos or Consensus*. Grand Rapids.

- Charlesworth, J. H., H. W. L. Rietz, et al., eds.
 1997 *The Dead Sea Scrolls, Hebrew, Aramaic, and Greek Texts with English Translations*, Vol. 4A, *Pseudepigraphic and Non-Masoretic Psalms and Prayers*. Tübingen.
- Chazon, E.G.
 2000 "The Function of the Qumran Prayer Texts: An Analysis of the Daily Prayers (4Q 503)." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 217–225. Edited by L. H. Schiffman et al. Jerusalem.
- Cohen, S.A.
 1990 *The Three Crowns. Structures of Communal Politics in Early Rabbinic Jewry*. Cambridge.
- Cohen, S. J. D.
 1984 "The Significance of Yabneh: Pharisees, Rabbis, and the End of Jewish Sectarianism." *HUCA* 55, 27–54.
 1987 *From the Maccabees to the Mishna*. Philadelphia.
- Collins, J.J. and R. A. Kugler, eds.
 2000 *Religion in the Dead Sea Scrolls*. Grand Rapids MI.
- Crawford, S. W.
 1994 "Three Fragments from Qumran Cave 4 and their Relationship to the Temple Scroll." *RevQ* 85, 259–271.
 2003 "Women, The Dead Sea Scrolls and Qumran. In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 127–150. Edited by S. M. Paul et al. Leiden.
- 2005 "Reading Deuteronomy in the Second Temple Period." In *Reading the Present in the Qumran Library*, pp. 127–140. Edited by K. De Troyer and A. Lange. Atlanta GA.
- Cross, F. M.
 1973 *Canaanite Myth and Hebrew Epic*. Cambridge, MA.
 1995 *The Ancient Library of Qumran*. 3rd edition. Sheffield.
- Daube, D.
 1949 "Rabbinic Methods and Interpretation and Hellenistic Rhetoric." *HUCA* 22, 239–264.
- Davies, P. R.
 1982 "The Ideology of the Temple in the Damascus Document." *JJS* 33, 287–301.
 1990 "The Birthplace of the Essenes: Where is 'Damascus.'" *RevQ* 14, 503–519.
 1998 *Scribes and Schools: The Canonization of the Hebrew Scriptures*. Westminster.
 1999 "Reflections on DJD XVIII." In *The Dead Sea Scrolls at Fifty, Proceedings of the 1997 Society of Biblical Literature Qumran Section Meeting*, pp. 151–166. Edited by R. A. Kugler and E. M. Schuller. Atlanta. GA.
- De Boer, P. A. H.
 1972 "An Aspect of Sacrifices, Divine Bread." In *Studies in the Religion of Ancient Israel*, pp. 27–36. VTSup 23. Leiden.
- De Jonge, M.
 1978 *The Testaments of the Twelve Patriarchs. The Critical Edition of the Greek Text*. Leiden.
- Dimant, D.
 1984 "Qumran Sectarian Literature." In *Jewish Writings of the Second Temple Period*, pp. 483–550. Edited by M. Stone. Assen and Philadelphia.
 1986 "4QFlorilegium and the Idea of the Community as Temple." In *Hellenica et Judaica, Hommage à V. Nikiprowetzky*, pp. 165–189. Edited by A. Caquot et al. Leuven.
 1999 "The Scrolls and the Study of Early Judaism." In *The Dead Sea Scrolls at Fifty*, pp. 43–59. Edited by R. A. Kugler and E. M. Schuller. Atlanta, GA.
 2000 "The Library of Qumran: Its Content and Character." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 170–176. Edited by L. H. Schiffman et al. Jerusalem.

- Doering, Lutz.
1997 "New Aspects of Qumran Sabbath Law." In *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies*, Cambridge, 1995, pp. 251–274. Edited by M. Bernstein, F. G. Martinez, and J. Kampen. Leiden.
- Driver, G. R.
1965 *The Judean Scrolls*. Oxford.
- Dunn, James D. G.
1995 "Judaism in Israel in the First Century." In *Judaism in Late Antiquity Part 2, Historical Syntheses*, pp. 229–261. Edited by J. Neusner. Leiden.
- Dupont-Sommer, A.
1950 "Le Commentaire d'Habacuc découvert près de la Mer Morte. Traduction et Notes." *Revue de l'Histoire des Religions* 137/2, 129–171.
- Efron, J.
1987 *Studies on the Hasmonean Period*. Leiden.
- Eisenman, R. and M. Wise.
1982 *The Dead Sea Scrolls Uncovered*. Rockport, MA.
- Elior, Rachel.
2004 *The Three Temples. On the Emergence of Jewish Mysticism*. Translated from Hebrew by D. Louvish. Oxford.
- Elliger, K.
1966 *Leviticus*. Handbuch zum Alten Testament. Tübingen.
- Elman, Y.
1996 "Some Remarks on 4QMMT and the Rabbinic Tradition: Or, When is a Parallel Not a Parallel?" In *Reading 4QMMT, New Perspectives on Qumran Law and History*, pp. 99–128. Atlanta, 1996.
- Elon, M.
1973 **המשפט העברי, תולדותיו, מקורותיו, עקרונותיו**. 3 Vols. Jerusalem.
- Eshel, E. and H. Eshel.
2003 "Dating the Samaritan Pentateuch's Compilation in Light of the Qumran Biblical Scrolls." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 215–240. Edited by S. M. Paul et al. Leiden.
- Eshel, Hanan.
2004 **מגילת קומרן והמדינה החשמונאית**. Jerusalem.
- Fabry, H. J.
2000 "The Reception of the Book of Leviticus in Qumran." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 74–81. Edited by L. H. Schiffman et al. Jerusalem.
- Falk, D.
1998 *Daily, Sabbath and Festival Prayers in the Dead Sea Scrolls*. Leiden.
- Feldman, J. H.
1989 *Josephus, the Bible, and History*. Edited by L. H. Feldman and G. Hata. Detroit.
- Fishbane, M.
1985 *Biblical Interpretation in Ancient Israel*. Oxford.
1988 "Interpretation of Mikra at Qumran." In *Mikra*, pp. 339–377. Edited by M. J. Mulder. Assen and Philadelphia.
- Fitzpatrick-McKinley, A.
1999 *The Transformation of Torah from Scribal Advice to Law*. Sheffield.
- Flint, P.
2003 "Scripture in the Dead Sea Scrolls," In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 269–304. Edited by S. M. Paul et al. Leiden.
- Flusser, D.
1961/2 **מחצית השקל באוונגליון ואצל כת מדבר יהודה**. *Tarbitz* 31, 150–156.
2002 *Judaism in the Second Temple Period, Qumran and Apocalypticism*. Jerusalem.

- Fox (Lebeit Yoreh), H.
 1994 "תשובות לשני מהפכנים" *Sinai* 114, 162–170.
 1999 "Introducing Tosefta." In *Introducing Tosefta: Textual, Intratextual and Intertextual Studies*, pp. 1–37. Edited by H. Fox and T. Meacham. New York.
- Fraade, S. D.
 1991 *From Tradition to Commentary: Torah and its Interpretation in the Midrash Sifre to Deuteronomy*. New York.
 1993 "Interpretative Authority in the Studying Community at Qumran." *JJS* 43/1, 46–69.
 1998 "Looking for Legal Midrash at Qumran." In *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*, pp. 59–79. Edited by M. E. Stone and E. G. Chazon, Leiden.
 2003 "The Torah and the King in the Temple Scroll." In *The Dead Sea Scrolls as Background to Post-Biblical Judaism and Early Christianity*, pp. 25–60. Edited by J. Davila. Leiden.
- Frey, Jörg.
 1999 "Temple and Rival Temple—The Cases of Elephantine, Mt. Gerizim, and Leontopolis." In *Gemeinde ohne Tempel, Community without Temple*, pp. 171–203. Edited by Berate Ego et al. Tübingen.
- García Martínez, F.
 1992 *Qumran and Apocalyptic, Studies on the Aramaic Texts from Qumran*. Leiden.
 1999 "The Temple Scroll and the New Jerusalem." In *The Dead Sea Scrolls after Fifty Years, A Comprehensive Assessment*, pp. 431–460. Edited by P. W. Flint and J. C. VanderKam. Leiden.
- García Martínez, F. and J. Kampen.
 1998 *Ezra – Nehemiah*. London-New York.
- García Martínez, F. and J. C. Tigchelaar, eds.
 1997 *The Dead Sea Scrolls. Study Edition*. 2 Vols. Leiden.
- García Martínez, F. and A. S. Van der Woude.
 1990 "A 'Groningen' Hypothesis of Qumran Origins and Early History." *RevQ* 14, 521–541.
- Gärtner, B.
 1965 *The Temple and the Community in Qumran and the New Testament*. Cambridge.
- Gerstenberger, E. S.
 1996 *Leviticus, A Commentary*. Translated by D. W. Stott. Louisville, KY.
- Ginzberg, L.
 1970 *An Unknown Jewish Sect*. Reprinted from the German original of 1922. New York.
- Glessmer, Uwe.
 1991 "Der 364-Tage-Kalender und die Sabbatstruktur seiner Schaltungen in ihrer Bedeutung für den Kult." In *Ernten, was Man sät, Festschrift für Klaus Koch zu seinem 65. Geburtstag*, pp. 379–398. Edited by D. R. Daniels et al. Neukirchen.
- Goodblatt D.
 1978 "The Origin of Roman Recognition of the Palestinian Patriarchate." In *Studies in the History of the Jewish People and the Land of Israel*, Vol. 4, pp. 89–102. Haifa.
 1994 *The Monarchic Principle, Studies in Jewish Self-Government in Antiquity*. TSAJ 38. Tübingen.
 1999 "Iudaea between the Revolts." In *Jüdische Geschichte in hellenistisch-römischer Zeit, Wege der Forschung, vom alten zum neuen Schürer*, pp. 101–118. Edited by A. Oppenheimer and E. Müller-Luckner. München.
- Goodman, M.
 1983 *State and Society in Roman Galilee, A.D. 132–212*. Totowa, N. J.
 1995 "A Note on the Qumran Sectarrians, the Essenes and Josephus." *JJS* 46, 161–166.

- Goody, J.
1986 *The Logic of Writing and the Organization of Society*. Cambridge.
- Grabbe, Lester L.
1991 *Judaism from Cyrus to Hadrian*. Minneapolis.
1997 "4QMMT and Second Temple Jewish Society." In *Legal Texts and Legal Issues, Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, Studies on the Texts of the Desert of Judah 23, pp. 89–108. Edited by M. Bernstein, F.
- Green, W. S.
1978 "What's in a Name- The Problematic of Rabbinic Biography." In *Approaches to Ancient Judaism: Theory and Practice*, pp. 77–96. Atlanta, GA.
- Greenstein, E. L.
1993 "Misquotation of Scripture in the Dead Sea Scrolls." In *The Frank Talmage Memorial Volume*, pp. 71–83. Haifa.
- Grintz, J.
1953 "בית אסין—אנשי היחד-איסיים" *Sinai* 32, 11–43.
- Gross, M. D.
1957 *אבות הדורות* Tel Aviv.
- Hadas, M., ed. and trans.
1974 *Aristeas to Philocrates*. New York.
- Hadassi, Judah.
1836 *Eshkol HaKofer*. Gozlov.
- Halperin, B.
2000 "The State of Israelite History." In *Reconsidering Israel and Judah*, pp. 540–565. Edited by G. N. Knoppers and J. Gordon McConville. Winona Lake, IN.
- Harrington, H. K.
1998 "Biblical Law at Qumran." In *The Dead Sea Scrolls After Fifty Years*, Vol. 1, pp. 160–185. Edited by Peter Flint and James VanderKam. Leiden.
2000 "The Halakhah and Religion of Qumran." In *Religion in the Dead Sea Scrolls*, pp. 74–89. Edited by J. J. Collins and R. A. Kugler. Grand Rapids, MI.
- Heger, Paul.
1996 *The Development of Incense Cult in Israel*. BZAW 245. Berlin.
1999 *The Three Biblical Altar Laws*. BZAW 279. Berlin.
1999b "Tosefta and Historical Memory." In *Introducing Tosefta, Textual, Intratextual and Intertextual Studies*, pp. 277–301. Edited by H. Fox and T. Meacham. Ktav.
2003 *The Pluralistic Halakhah. Legal Innovations in the Late Second Commonwealth and Rabbinic Periods*. Studia Judaica 22. Berlin.
2005 "Did Prayer Replace Sacrifice at Qumran?" *RevQ* 86/22, 213–233.
2006 "Sabbath Offerings According to the Damascus Document—Scholarly Opinions and a New Hypothesis." *ZAW* 118, pp. 62–81.
- Hempel, C.
1997 "The Penal Code Reconsidered." In *Legal Texts and Legal Issues, Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, Vol. 23, *Studies on the Texts, of the Desert of Judah*, pp. 337–348. Edited by M. Bernstein, F. G. Martínez and J. Kampen. Leiden.
1998 *The Laws of the Damascus Document, Sources, Traditions and Redaction*. Leiden.
2000 "The Laws of the Damascus Document and 4QMMT." In *The Damascus Document. A Centennial of Discovery*. The Studies on the Texts of the Desert of Judah, Vol. 34, pp. 69–84. Leiden.
- Hengel, M.
1994 "'Schriftauslegung' und 'Schriftwerdung' in der Zeit des Zweiten Tempels." In *Schriftauslegung im antiken Judentum und im Urchristentum*, pp. 1–71. Edited by M. Hengel and H. Lühr. Tübingen.

- Herr, M. D.
 1981 "מי היו הבייתוסים?" In *מחקרים*, מחקרים, היהדות, למדעי היהדות, השביעי העולמי השביעי למדעי היהדות, מחקרים, מי היו הבייתוסים? pp. 11–20. Jerusalem.
- Hildesheimer, N. Z.
 1965 *גבולות הארץ, מחקרים*. Translated from German by H. Bar-Daroma. Jerusalem.
 Hoffmann, D. Z.
 1905 *Das Buch Leviticus*. 2 Vols. Berlin.
 1953 *ספר ויקרא*. Translated from German by Z. Harshefer and A. Liebermann. Jerusalem.
- Hollander, H. W., and M. De Jonge.
 1985 *The Testaments of the Twelve Patriarchs, A Commentary*. Translated by Jonas C. Greenfield and Michael E. Stone. Leiden.
- Hurwitz, Avi.
 2001 "The Archeological Debate on the Antiquity of the Hebrew Bible in Light of Linguistic Research of the Hebrew Language." In *הפולמוס על האמת ההיסטורית*, במקרא, pp. 34–46. Edited by Lee I. Levine. Jerusalem.
- Instone-Brewer, David.
 1992 *Techniques and Assumptions in Jewish Exegesis before 70 C.E.* Tübingen.
- Jackson, B. S.
 1994 "Analogical Argument in Early Jewish Law." *JLA* 11, 137–168.
- Jastram, N. J.
 1992 "The Text of 4QNumb." In *The Madrid Qumran Congress, Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, Vol. 1, pp. 177–198. Edited by J. T. Barrera and L.V. Montaner. Leiden.
- Josephus.
 1997– *The Jewish War*. Translated by H. St. J. Thackeray. Loeb Classical Library Series.
 1997 *The Life; Against Apion*. Translated by H. St. J. Thackeray. Loeb Classical Library Series.
 1998– *Antiquities*. Translated by H. St. J. Thackeray et al. Loeb Classical Library Series.
- Kafih, J.
 1965 *משנה עם פרוש רבינו משה בן מימון* 6 Vols. Jerusalem.
- Kalimi, I.
 2000 *The Book of Chronicles, Historical Writing and Literary Devices*. Jerusalem.
- Kampen, J.
 1996 "4QMMT and New Testament Studies." In *Reading 4QMMT, New Perspectives on Qumran Law and History*, pp. 129–144. Edited by J. Kampen and M. J. Bernstein. Atlanta.
- Kasher, R.
 1988 "The Interpretation of Scripture in Rabbinic Literature." In *Mikra*, pp. 547–594. Edited by M. J. Mulder. Assen and Philadelphia.
- Kessler, John.
 2002 *The Book of Haggai, Prophecy and Society in Early Persian Yehud*. Leiden.
- Kienast, B.
 1994 "Die Altorientalische Codices zwischen Mündlichkeit und Schriftlichkeit." In *Rechtskodifizierung und soziale Normen im interkulturellen Vergleich*, pp. 13–26. Edited by H. J. Gehrke. Tübingen.
- Kister, M.
 1987 "לתולדות כת האיסיים, עיונים בחזון החיות, ספר היובלים וברית דמשק." *Tarbitz* 56, 1–18.
 1990 *Tarbitz* 59/1–2, 1–9.
 1992 "Post-Biblical Sectarianism and the Priestly Schools." In *The Madrid Qumran Congress, Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21*

- March*, 1991, Vol. 2, pp. 601–609. Edited by J. T. Barrera and L.V. Montaner. Leiden.
- 1992b “Some Aspects of Qumranic Halakhah.” In *The Madrid Qumran Congress*, Vol. 2, pp. 571–588.
- 1996 “A Common Heritage: Biblical Interpretation at Qumran and its Implications.” In *Biblical Perspectives, Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 112–14 May 1996*, pp. 101–114. Edited by M. Stone and E. Chazon. Leiden.
- 1999 “עיונים במגילת מקצת מעשי התורה ועולמה : הלכה, תאולוגיה, לשון ולוח” *Tarbitz* 68/3, 317–371.
- Klavans, J.
2000 *Impurity and Sin in Ancient Judaism*. Oxford.
- Klinzing, G.
1971 *Die Umdeutung des Kultus in der Qumrangemeinde und im Neuen Testament*. Göttingen.
- Knohl, I.
1995 “נגלות ונסתרות – The Revealed and Hidden Torah.” *JQR* 85, 103–108.
- Kugel, J.
1992 “The Story of Dinah in the Testament of Levi.” *HTR* 85.
- Kugler, R. A.
1997 “Halakhic Interpretive Strategies at Qumran.” In *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, pp. 131–140. Edited by M. Bernstein et al. Leiden.
- 2000 “Rewriting Rubrics. Sacrifice and the Religion of Qumran.” In *Religion in the Dead Sea Scrolls*, pp. 90–112 Edited by J. J. Collins and R. A. Kugler. Grand Rapids MI.
- Lange, A.
2002 “The Status of the Biblical Texts in the Qumran Corpus and the Canonical Process.” In *The Bible as Book, The Hebrew Bible and the Judean Desert Discoveries*, pp. 21–30. Edited by E. D. Herbert and E. Tov. London.
- 2003 “Interpretation als Offenbarung, Zum Verhältnis von Schriftauslegung und Offenbarung in apokalyptischer und nichtapokalyptischer Literatur.” In *Wisdom and Apocalypticism in the Dead Sea Scrolls and in the Biblical Tradition*, pp. 17–33. Edited by F. García Martínez. Leuven.
- 2003b “The Parabiblical Literature of the Qumran Library and the Canonical History of the Hebrew Bible.” In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 305–321. Edited by S. M. Paul et al. Leiden.
- Le Moyne, J.
1972 *Les Sadducéens*. Paris.
- Levin, Israel I.
1981 “המאבק הפוליטי בין הפרושים לצדוקים בתקופה החשמונאית” In *פרקים בתולדות ירושלים בימי בית שני. ספר זכרון לאברהם שליט מחקרים*, pp. 61–83. Jerusalem.
- 1996 “המאבק הפוליטי בין הפרושים לצדוקים בתקופה החשמונאית” In *בתולדות ישראל בתקופת הבית השני*, pp. 287–309. Edited by Daniel Schwarz. Jerusalem.
- Levine, Lee I.
1998 *Judaism and Hellenism in Antiquity, Conflict or Confluence*. Seattle.
- Levinson, B. M.
1997 *Deuteronomy and the Hermeneutics of Legal Innovation*. Oxford.
- Licht, J.
1965 *מגילת הסרכים ממגילות מדבר יהודה*. Jerusalem.
- Lichtenberger, H.
1980 “Atonement at Qumran.” In *Approaches to Ancient Judaism*, Vol. 2, pp. 159–171. Edited by W. S. Green. Atlanta.

- Lichtenstein, Hans.
1931–33 “Die Fastenrolle. Eine Untersuchung zur jüdischer-hellenistischer Geschichte.” *HUCA* 8–9, 257–351.
- Lieberman, Saul.
1955– תוספתא כפשוטה. 10 Parts. New York.
1988
- Lightstone, J.
1975 “Sadducees versus Pharisees, The Tannaitic Sources. In *Christianity, Judaism and other Greco-Roman Cults. M. Smith at 60*, Vol. 3, pp. 206–217. Leiden.
- Lim, T. H.
2000 “The Qumran Scrolls, Multilingualism, and Biblical Interpretation.” In *Religion in the Dead Sea Scrolls*, pp. 57–73. Edited by J. J. Collins and R. A. Kugler. Grand Rapids, MI.
- Lim, T. H. and M. Bernstein.
2002 “Biblical Quotations in the Pesharim.” In *The Bible as Book, The Hebrew Bible and the Judean Desert Discoveries*, pp. 71–79. Edited by E. D. Herbert and E. Tov. London.
- Liver, J.
1963 “The Half-Shekel Offering in Biblical and Post-Biblical literature.” *HTR* 56, 173–198.
- Maier, J.
1996 “Early Jewish Biblical Interpretation.” In *Hebrew Bible/Old Testament; The History of Interpretation*, pp. 108–129. Edited by M. Saebø. Göttingen.
- Maimonides.
1963 *Guide of the Perplexed*. Edited and translated by S. Pines. Chicago.
- Mantel, H. D.
1981 פרקים בתולדות ירושלים בימי בית שני, ספר זמנים של אנשי כנסת הגדולה, זיכרון לאברהם שליט, pp. 22–46. Edited by A. Oppenheimer, U. Rappaport, and M. Stern. Jerusalem.
- Margaliot, M.
1962 *Encyclopedia of Talmudic and Geonic Literature* [Hebrew]. Tel Aviv.
- Martens, John W.
1990 “A Sectarian Analysis of the Damascus Covenant.” In *Essays in the Social Scientific Study of Judaism and Jewish Society*, pp. 27–46. Edited by S. Fishbane and J. N. Lightstone. Montreal.
- Metso, S.
1997 *The Textual Development of the Qumran Community Rule*. Leiden.
1998 “The Use of Old Testament Quotations in the Qumran Community Rule.” In *Qumran between the Old and New Testaments*, pp. 217–232. Edited by F. H. Cryer and T. L. Thompson. Sheffield.
2000 “The Relationship between the Damascus Document and the Community Rule.” In *The Damascus Document. A Centennial of Discovery, Proceedings of the Third International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associate Literature, 4–8 February, 1998*, Vol. 34, pp. 85–93. Edited by J. M. Baumgarten, E. G. Chazon and A. Pinnick. Leiden.
- Milgrom, J.
1989 “The Qumran Cult: Its Exegetical Principles.” In *Temple Scroll Studies. Papers Presented at the International Symposium on the Temple Scroll, Manchester, December 1987*, pp. 165–180. Edited by G. J. Brooke. Sheffield.
1990 *Numbers. The JPS Torah Commentary*.
1994 “Qumrans’s Biblical Hermeneutics: The Case of the Wood Offering.” *RevQ* 16, 449–456.
- Mulder, J.
1988 “The Transmission of the Biblical Text.” In *Mikra*, pp. 87–135. Edited by M. J. Mulder. Assen and Philadelphia.

- Murphy-Q'Connor J.
1974 "The Essenes and their History." *RB* 81, 215–244.
- Najman, H.
2003 *Seconding Sinai. The Development of Mosaic Discourse in Second Temple Judaism*. Leiden.
- Neusner, J.
1971 *The Rabbinic Traditions about the Pharisees, before 70, Part I*. Leiden.
1973 *The Idea of Purity in Ancient Judaism*. Appendix "Critique and Commentary," by Mary Douglas. Leiden.
1999 "The Analogical-Contrastive Hermeneutics of the Halakhic Category Formations." In *Approaches to Ancient Judaism, New Series*, Vol. 16, pp. 109–162. Atlanta.
- Nitzan, B.
1986 *מגילת פשר חבקוק*. Jerusalem.
1997 "The Laws of Reproof in 4QBerakhot (4Q286–290) in Light of their Parallels in the Damascus Covenant and other Texts from Qumran." In *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, pp. 149–165. Edited by M. Bernstein et al. Leiden.
1999 "התשובה במגילות מדבר יהודה" In *Proceedings of the Twelfth World Congress of Jewish Studies*, Div. A, pp. 175–183. Jerusalem.
2001 "Apocalyptic Historiosophy in Qumran Literature: Its Origins and Perspectives in the Legacy of Jacob Licht [Hebrew]." In *Fifty Years of Dead Sea Scrolls Research, Studies in Memory of Jacob Licht*, pp. 37–56. Edited by G. Brin and B. Nitzan. Jerusalem.
2003 "Approaches to Biblical Exegesis in Qumran Literature." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 347–365. Edited by S. M. Paul et al. Leiden.
2003b "The Dead Sea Scrolls and the Jewish Liturgy." In *The Dead Sea Scrolls as Background to Post-Biblical Judaism and Early Christianity*, pp. 195–219. Edited by J. Davila. Leiden.
- Nodet, E.
1995 "La Loi à Qumrân et Schiffman," *RB* 102–1, 38–71.
- Noth, Martin.
1956 *Leviticus, A Commentary*. Translated from German by J. E. Anderson. Göttingen.
1960 *The History of Israel*. Revised translation by A. and C. Black. Reprinted London.
1966 *Das dritte Buch Mose. Leviticus*. Göttingen.
- Orlinski, H. M.
1950 "Studies in the St. Mark's Isaiah Scroll." *JBL* 69, 149–166.
- Patrick, D.
1985 *Old Testament Law*. Atlanta.
- Person, R. F.
2002 *The Deuteronomistic School, History Social Setting, and Literature*. Atlanta.
- Peter-Contesse, R. and J. Ellington.
1990 *A Handbook on Leviticus*. UBS Handbook Series. New York.
Pirqa Rabbi Eliezer.
n.d. Higger edition.
- Puech, E.
2000 "Immortality and Life after Death." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 512–520. Edited by L. H. Schiffman et al. Jerusalem.
- Qimron, E.
1992 "Celibacy in the Dead Sea Scrolls." In *The Madrid Qumran Congress, Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, pp. 287–294. Edited by J. T. Barrera and L.V. Montaner. Leiden.
- Qimron, E. and J. Strugnell, eds.
1994 *Qumran Cave 4, V. Miqsat Ma'ase ha-Torah*. DJD X. Oxford.

- Rappaport, U., ed.
 1982 *Josephus Flavius, Historian of Eretz-Israel in the Hellenistic-Roman Period* [Hebrew with English abstracts]. Jerusalem.
- Regev, Eyal.
 1998 "The Sectarian Controversies about the Cereal Offerings." *Dead Sea Discoveries* 5, pp. 33–56.
 2003 "Abominated Temple and a Holy Community: The Formation of the Notions of Purity and Impurity in Qumran." *DSD* 10/2, 243–278.
 2005 "על דת וחברה בימי בית שני" Jerusalem.
- Rendtorff, R.
 1967 *Studien zur Geschichte des Opfers im Alten Israel*. Neukirchen.
 1999 "The Paradigm is Changing: Hopes—and Fears." In *Israel's Past in Present Research, Essays on Ancient Israelite Historiography*, pp. 51–68. Edited by V. Philips Long. Winona Lake, IN.
- Renger, J.
 1994 "Noch einmal: Was war der 'Kodex' Hammurapi—eine erlassens Gesetz ode ein Rechtsbuch." In *Rechtskodifizierung und soziale Normen im interkulturellen Vergleich*, pp. 27–59. Edited by H. J. Gehrke. Tübingen.
- Rofé, A.
 1993 "מדינת החשמונאים לתולדותיה על ראשית צמיחתן של הכתות בימי בית שני" In *רקע התקופה ההלניסטית*, pp. 409–418. Edited by U. Rappaport and J. Ronen. Jerusalem.
 2001 "Phases in the Creation of Biblical Books in the Light of Qumran Biblical Scrolls." In *Fifty Years of Dead Sea Scrolls Research, Studies in Memory of Jacob Licht*, pp. 127–139. Edited by G. Brin and B. Nitzan. Jerusalem.
 2003 "The History of Israelite Religion and the Biblical Text: Corrections due to the Unification of Worship." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 759–93. Edited by S. M. Paul et al. Leiden.
- Rokeah, D.
 1982 *Jews, Pagans and Christians in Conflict*. Leiden.
- Rosenthal, A.
 1993 "תורה שעל פה ותורה מסיני-הלכה ומעשה" In *מחקרי תלמוד*, Vol. 2, pp. 448–487. Edited by M. Bar-Asher and D. Rosenthal. Jerusalem.
- Rubinstein, J.
 1999 *Talmudic Stories: Narrative Art, Composition and Culture*. Baltimore/London.
- Rupprecht, K.
 1977 *Der Tempel von Jerusalem, Gründung Salomos oder jebusitische Erbe?* Berlin.
- Safrai, S.
 1985 העליה לרגל בימי בית שני Revised edition. Jerusalem.
 1994 "בחינות חדשות לבעית מעמדו ומעשיו של רבן יוחנן בן זכאי לאחר החורבן." In *מחקרים בתולדות ישראל בתקופת המשנה והתלמוד*, pp. 62–85. Edited by I. Gafni. Jerusalem.
- Safrai, Z.
 2000 "The Memory of the Rabbis." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 521–541. Edited by L. H. Schiffman et al. Jerusalem.
- Saggs, H. F. W.
 1962 *The Greatness that was Babylon*. London.
- Saldarini, A. J.
 1988 *Pharisees, Scribes and Sadducees in Palestine Society, A Sociological Approach*. Wilmington, Delaware.
- Sanders, E. P.
 1990 *Jewish Law from Jesus to the Mishna; Five Studies*. London.

Sanders, James A.

- 1998 "The Scrolls and the Canonical Process." In *The Dead Sea Scrolls after Fifty Years, A Comprehensive Assessment*, Vol. 2, pp. 1–23. Edited by P. W. Flint and J. C. VanderKam. Leiden.
- 2003 "The Modern History of the Qumran Psalms Scroll and Canonical Criticism." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 393–411. Edited by S. M. Paul et al. Leiden.
- Schiffman, L.
- 1975 *The Halakhah at Qumran*. Leiden.
- 1983 *Sectarian Law in the Dead Sea Scrolls. Courts, Testimony and the Penal Code*. Chico CA.
- 1987 "The Scrolls and Early Jewish Liturgy." In *The Synagogue in Late Antiquity*, pp. 33–48. Edited by Lee I. Levine. Philadelphia.
- 1989 "The System of Jewish Law." In *Temple Scroll Studies*, pp. 239–255. Edited by G. J. Brooke. Sheffield.
- 1991 "Community without Temple: The Qumran Community's Withdrawal from the Jerusalem Temple." In *Community without Temple*, pp. 267–284. Edited by Berate Ego et al. Tübingen.
- 1992 "The Sadducean Origin of the Dead Sea Scrolls." In *The Understanding of the Dead Sea Scrolls*, pp. 35–49. Edited by H. Shanks. New York.
- 1993 הלכה, הליכה ומשיחיות בכת מדבר יהודה. Jerusalem.
- 1994 "The Theology of the Temple Scroll." *JQR* 85, 109–135.
- 1994b *Reclaiming the Dead Sea Scrolls*. Philadelphia, PA.
- 1994c "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*, pp. 37–55. Edited by E. Ulrich and J. VanderKam. Notre Dame IN.
- 1996 "The Place of 4QMMT in the Corpus of Qumran MSS." In *Reading 4QMMT. New Perspectives on Qumran Law and History*, pp. 81–98. Edited by J. Kampen. Atlanta.
- 1996b "The Case of the Day of Atonement Ritual." In *Biblical Perspectives, Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 112–14 May 1996*, pp. 181–188. Edited by M. Stone and E. Chazon. Leiden.
- 1998 "The Qumran Scrolls and Rabbinic Judaism." In *The Dead Sea Scrolls After Fifty Years, A Comprehensive Assessment*, Vol. 2, pp. 552–571. Edited by P. W. Flint and J. C. VanderKam. Leiden.
- 1999 "The Zadokite Fragments and the Temple Scroll." In *The Dead Sea Scrolls at Fifty. Proceedings of the 1997 Society of Biblical Literature Qumran Section Meeting*, pp. 135–145. Edited by R. A. Kugler and E. M. Schuller. Atlanta. GA.
- 2001 "The Structures in the Inner Court of the Temple according to the Temple Scroll [Hebrew]." In *Fifty Years of Dead Sea Scrolls Research, Studies in Memory of Jacob Licht*, pp. 171–180. Edited by G. Brin and B. Nitzan. Jerusalem.
- 2003 "The Dead Sea Scroll and Rabbinic Halakhah." In *Papers from an International Conference at St Andrews in 2001, The DSS as Background to Post-Biblical Judaism and Early Christian Writing*, pp. 3–24. Edited by James Davila. Leiden.
- 2003b "Utopia and Reality: Political Leadership and Organization in the Dead Sea Scrolls Community." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 413–427. Edited by S. M. Paul et al. Leiden.
- 2003c "The Dead Sea Scrolls and Rabbinic Halakha." In *The Dead Sea Scrolls as Background to Post-Biblical Judaism and Early Christianity*, pp. 3–24. Edited by J. Davila. Leiden.
- Schmidt, F.
- 1994 *La Pensée du Temple. De Jérusalem à Qumrân. Identité et lien social dans le judaïsme ancien*. Editions du Seuil.

- Schremer, A.
 1994 "The Name of Boethusians: A Reconsideration of Suggested Explanations and Another One." *JJS* 45/2, 290–299.
- Schwartz, D. R.
 1979/81 "The Three Temples of 4Q Florilegium." *RevQ* 10, 83–91.
 1992 "Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law." In *The Dead Sea Scrolls Forty Years of Research*, pp. 229–240. Edited by D. Dimant and U. Rappaport. Leiden.
- 1996 "MMT, Josephus and the Pharisees." In *Reading 4QMMT, New Perspectives on Qumran Law and History*, pp. 67–80. Atlanta.
- Shemesh, A.
 1999 "Scriptural Interpretations in the Damascus Document and their Parallels in Rabbinic Midrash." In *The Damascus Document: A Centennial of Discovery: Proceedings of the Third International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 4–8 February 1998*, pp. 161–175. Edited by J. M. Baumgarten, E. Chazon and A. Pinnick. Leiden.
- 2001 "Two Principles of the Qumranic Matrimonial Law." In *Fifty Years of Dead Sea Scrolls Research, Studies in Memory of Jacob Licht*, pp. 181–203. Edited by G. Brin and B. Nitzan. Jerusalem.
- Shemesh, A. and C. Werman.
 1997 "The Hidden Things and their Revelation [Hebrew]." *Tarbitz* 66/4, 471–482.
- Slomovic, E.
 1969 "Toward an Understanding of the Exegesis in the Dead Sea Scrolls." *RevQ* 7/25, 3–15.
- Smith, Morton.
 1971 *Palestinian Parties and Politics That Shaped the Old Testament*. New York.
- Sperling, S. David.
 2000 "Joshua 24 Re-examined." In *Reconsidering Israel and Judah, Recent Studies on Deuteronomistic History*, pp. 240–258. Edited by G. N. Knoppers and J. G. McConville. Winona Lake, WI.
- Steckoll, S. H.
 1967 "Qumran and the Temple of Leontopolis." *RevQ* 21/6, 55–69.
- Stegemann, H.
 1971 *Die Entstehung der Qumrangemeinde*. Bonn.
 1989 "The Literary Composition of the Temple Scroll and its Status at Qumran." In *Temple Scroll Studies*, pp. 123–148. Edited by G. J. Brooke. Sheffield.
 1992 "The Qumran Essenes-Local—Members of the Main Jewish Union in Late Second Temple Times." In *The Madrid Qumran Congress. Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, Vol. 1, 83–166. Edited by J. T. Barrera and L. V. Montaner. Leiden.
- 1993 *Qumran, Johannes der Täufer und Jesus*. Freiburg.
 1994 *Die Essener, Qumran, Johannes der Täufer und Jesus. Ein Sachbuch*. Freiburg.
 2000 "Qumran Challenges for the Next Century." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 944–950. Edited by L. H. Schiffman et al. Jerusalem.
- Stern, M.
 1993 "מדינת החשמונאים לתולדותיה על רקע התקופה ההלניסטית" In *יהדות ה"ס לפנה"ס*, pp. 55–74. Edited by U. Rappaport and J. Ronen. Jerusalem.
- Strugnell, J.
 1994 "MMT: Second Thoughts on a Forthcoming Edition." In *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, pp. 57–73. Edited by E. Ulrich and J. VanderKam. Notre Dame IN.

- Sussmann, Y.
 1973/4 "כתובת הלכתית מעמק בית שאן." *Tarbitz* 43, 88–158.
 1976 "ברייתא ד'תחומי ארץ ישראל" *Tarbitz* 45, 213–255.
 1990 "חקר תולדות ממלכה ומגילות מדבר יהודה." *Tarbitz* 59/1–2, 11–76.
 1994 "Appendix I. The History of the Halakha and the Dead Sea Scrolls." In *Qumran Cave 4.V: Miqsat Ma'ase ha-Torah*, pp. 179–200. DJD X. Edited by E. Qimron and J. Strugnell. Oxford.
- Swanson, D. D.
 1995 *The Temple Scroll and the Bible, The Methodology of 11QJ*. Studies on the Texts of the Desert of Judah 14. Edited by F. G. Martínez and A. S. Van der Woude. Leiden.
- Talmon, S.
 1951 "Yom Hakkippurim in the Habakkuk Scroll." *Biblica* 32, 549–563.
 1961 "Synonymous Readings in the Textual Traditions of the Old Testament." *Scripta Hierosolymitica* 8, 335–383.
 1969 "בימים ההם אין מלך בישראל." In *Fifth World Congress of Jewish Studies*, Division A, pp. 135–144. Jerusalem.
 1989 "Observations on Variant Readings in the Isaiah Scroll (1QIsaa)." In *The World of Qumran from Within*, pp. 117–127. Leiden-Jerusalem.
 1994 "The Community of the Renewed Covenant; Between Judaism and Christianity." In *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, pp. 3–24. Edited by E. Ulrich and J. VanderKam. Notre Dame IN.
 2000 "The Transmission History of the Text of the Hebrew Bible." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 40–50. Edited by L. H. Schiffman et al. Jerusalem.
 2002 "The Crystallization of the 'Canon of Hebrew Scriptures.'" In *The Bible as Book, The Hebrew Bible and the Judean Desert Discoveries*, pp. 5–20. Edited by E. D. Herbert and E. Tov. London.
- Tcherikover, A.
 1974 *היהודים והיוונים בתקופה ההלניסטית* Tel Aviv.
- Thiering, B.
 2000 "The Date and Order of Scrolls, 40 B.C.E. to 70 C.E." In *The Dead Sea Scrolls Fifty Years after their Discovery, Proceedings of the Jerusalem Congress, July 20–25, 1997*, pp. 191–198. Edited by L. H. Schiffman et al. Jerusalem
- Tov, E.
 1989 *בקרת נוסח המקרא* Jerusalem.
 1992 "The Textual Status of 4Q364–367 (4QPP)." In *The Madrid Qumran Congress, Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, Vol. 1, pp. 43–82. Edited by J. T. Barrera and L.V. Montaner. Leiden.
 1994 "Biblical Texts as Reworked in Some Qumran Manuscripts with Special Attention to 4QRP and 4QParaGen-Exod." In *The Community of the Renewed Covenant, the Notre Dame Symposium on the Dead Sea Scrolls*, pp. 111–134. Edited by E. Ulrich and J. VanderKam. Notre Dame.
 1998 "The Significance of the Texts from the Judean Desert for the History of the Text of the Hebrew Bible: A New Synthesis." *Qumran between the Old and New Testaments*, pp. 277–309. Edited F. H. Cryer and T. L. Thompson. Sheffield.
 2001 "Recent Developments in the Publication and Research of the Dead Sea Scrolls [Hebrew]." In *Fifty Years of Dead Sea Scrolls Research, Studies in Memory of Jacob Licht*, pp. 59–91 Edited by G. Brin and B. Nitzan. Jerusalem.
- Ulrich, E. C.
 1978 *The Qumran Text of Samuel and Josephus*. Missoula, MO.
 1994 "The Bible in the Making: The Scriptures at Qumran." In *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, pp. 77–93. Edited by E. Ulrich and J. VanderKam. Notre Dame IN.

- 1998 "The Dead Sea Scrolls and the Biblical Text." In *The Dead Sea Scrolls after Fifty Years, A Comprehensive Assessment*, Vol. 1, pp. 79–100. Edited by P. W. Flint and J. C. VanderKam. Leiden.
- 1999 *The Dead Sea Scrolls and the Origins of the Bible*. Leiden.
- 1999b "The Scrolls and the Study of the Hebrew Bible." In *The Dead Sea Scrolls at Fifty, Proceedings of the 1997 Society of Biblical Literature Qumran Section Meeting*, pp. 31–41. Edited by R. A. Kugler and E. M. Schuller. Atlanta. GA.
- VanderKam, J.C.
- 1989 "The Temple Scroll and the Book of Jubilees." In *Temple Scroll Studies*, pp. 211–236. Edited by G. J. Brooke. Manchester.
- 1992 "The People of the Dead Sea Scrolls: Essenes or Sadducees?" In *Understanding the Dead Sea Scrolls*, pp. 52–62. Edited by H. Shanks. New York.
- 1998 *Calendars in the Dead Sea Scrolls: Measuring Time*. New York.
- 2000 "Apocalyptic Tradition in the Dead Sea Scrolls and the Religion of Qumran." In *Religion in the Dead Sea Scrolls*, pp. 113–134. Edited by J. J. Collins and R. A. Kugler. Grand Rapids, MI.
- 2003 "Those who Look for Smooth Things, Pharisees, and Oral Law." In *Emanuel, Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, pp. 465–477. Edited by S. M. Paul et al. Leiden.
- Vermes, G.
- 1968 *The Dead Sea Scrolls in English*. London.
- 1989 "Bible Interpretation at Qumran." *Eretz-Israel* 20, 184–191.
- Wacholder, B. Z.
- 1964/66 "A Qumran Attack on the Oral Exegesis? *The Phrase 'sr bilmwd sqrm* in 4Q Peshar Nahum." *RevQ* 5, 575–578.
- 1983 *The Dawn of Qumran*. Cincinnati.
- 1997 "Jubilees as the Super Canon." In *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995*, pp. 195–211. Edited by M. Bernstein et al. Leiden.
- Washburn, David L.
- 2002 *A Catalogue of Biblical Passages in the Dead Sea Scrolls*. Atlanta.
- Weiss, I. H.
- 1965 **דור ודורשי**. 5 Vols. Jerusalem/Tel Aviv.
- Weiss-Halivni, D.
- 1986 *Midrash, Mishna and Gemara. The Jewish Predilection for Justified Law*. Cambridge.
- Wevers, J. W.
- 1990 *Notes on the Greek Text of Exodus*. Atlanta, GA.
- 1992 "The Composition of Exodus 35 to 40." In *Text History of the Greek Exodus*.
Mitteilung des Septuaginta Unternehmens XXI, pp. 117–146. Göttingen.
- 1997 *Notes on the Greek Text of Leviticus*. Septuagint and Cognate Studies 44. Atlanta.
- 1998 *Notes on the Greek Text of Numbers*. Septuagint and Cognate Studies 46. Atlanta.
- White, S. A.
- 1992 "4Q364 & 365: A Preliminary Report." In *The Madrid Qumran Congress, Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991*, Vol. 1, pp. 217–228. Edited by J. T. Barrera and L.V. Montaner. Leiden.
- Whitehead, A. N.
- 1960 *Religion in the Making*. New York, 1926, reprinted New York.
- Willi-Plein, I.
- 1999 "Warum musste der Zweite Tempel gebaut werden?" In *Gemeinde ohne Tempel. Community without Temple*, pp. 53–57. Edited by Beate Ego et al. Tübingen.
- Wise, M. O.
- 1990 *A Critical Study of the Temple Scroll from Qumran Cave 11*. Chicago.

- 2003 "The Concept of a New Covenant in the Teacher Hymns, from Qumran (1QTA X–XVII)." In *The Concept of the Covenant in the Second Temple Period*, pp. 99–128. Edited by S. E. Porter and J. C. R. de Roo. Leiden.
- Wise, M. et al.
- 1996 *Dead Sea Scrolls, a New Translation*. San Francisco.
- Yadin, Y.
- 1969 *Tefillin from Qumran (XQ Phyl 1–4)*. Jerusalem.
- 1971 "The Temple Scroll." In *New Directions in Biblical Archeology*, pp. 139–148. Edited by D. N. Freedman and J. C. Greenfield.
- 1977 *מגילת המקדש* 3 Vols. Jerusalem.
- 1985 *The Temple Scroll: The Hidden Law of the Dead Sea Sect*. London.
- Zwikel, W.
- 1990 *Räucher kult und Räuchergeräte*. Göttingen.

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