

Ritual Purity and the Dead Sea Scrolls

By

IAN C. WERRETT

Ritual Purity and the Dead Sea Scrolls

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Florentino García Martínez

Associate Editors

Peter W. Flint

Eibert J.C. Tigchelaar

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PREFACE

This monograph is a revised and expanded version of my doctoral dissertation, which was carried out at the University of St. Andrews from September 2002 to December 2005. The long journey from the original research proposal to the finished product before you would not have been possible without the help of my family, friends, colleagues, and teachers. With that in mind, I would like to take this opportunity to thank the people who have unselfishly given their support and time to me over the last five years.

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My introduction to the Dead Sea Scrolls came in the fall of 1994 and I would be remiss if I did not offer my thanks to my former undergraduate advisor and current colleague at Saint Martin's University, Dr. David W. Suter. It was David who originally sparked my interest in this fascinating area of study and I would like to thank him for all that he has done and all that he continues to do. I am also grateful to the faculty and staff of Trinity Western University who took my initial interest in the scrolls and showed me how to shape it into a lifelong pursuit. In particular, I owe a debt of gratitude to Dr. Martin Abegg Jr., Dr. Peter Flint, and Dr. Craig A. Evans, who gave me the tools to move forward and challenged me to push myself in

ways that I had not previously considered.

Parts of this work have been presented at the meetings of the International Organization for Qumran Studies, the Nordic Network in Qumran Studies, the Graduate Enoch Seminar, the West Coast Dead Sea Scrolls Study Group, and the Society of Biblical Literature. I would like to thank the participants of those meetings for their interest, comments, and feedback. In particular, I am grateful to Dr. Jonathan Ben Dov, Dr. Torleif Elgvin, Dr. Daniel Falk, Dr. Robert Kugler, Dr. Mladen Popovic, and Dr. Hanne von Weissenberg for their knowledge, their support and, most importantly, their willingness to ask the tough questions. Special thanks must be given to the Nordic Network in Qumran Studies and to Saint Martin's University, who funded a research trip to Jerusalem in the fall of 2005 and covered the costs associated with obtaining new infrared images of 4Q472a. I also owe a debt of gratitude to the Tyndale House research facility and the Cambridge University Library, whose combined efforts made it possible to study the Cairo Damascus Document *in situ* in the summer of 2004.

I am grateful to Prof. Florentino García Martínez for accepting this manuscript for publication in the series *Studies on the Texts of the Desert of Judah* and for offering a number of helpful suggestions for its improvement. I would also like to thank Mattie Kuiper at E. J. Brill for her help regarding the publication of this manuscript. The responsibility for any remaining errors or shortcomings, however, is mine and mine alone.

I am especially grateful for the support of my lifelong friend, Reza Aslan. Reza's impact on this work cannot be measured and I owe him far more than can be said in this preface. Lastly, I would like to thank my wife, Michelle Werrett. Michelle has been my provider, my friend, my cheerleader, and my companion on a journey that has been far more difficult than either one of us could have imagined. I cannot thank her enough for the countless sacrifices that she has made over the years. It is in her honour that I dedicate this work.

Olympia, Washington, August 2007

IAN WERRETT

ABBREVIATIONS

<i>CBQ</i>	<i>Catholic Biblical Quarterly</i>
<i>BA</i>	<i>Biblical Archaeologist</i>
<i>BASOR</i>	<i>Bulletin of the American Schools of Oriental Research</i>
<i>DJD</i>	<i>Discoveries in the Judaean Desert</i>
<i>DSD</i>	<i>Dead Sea Discoveries</i>
<i>EDSS</i>	<i>Encyclopaedia of the Dead Sea Scrolls</i>
<i>EncJud</i>	<i>Encyclopaedia Judaica</i> . 16 vols. Jerusalem, 1972
<i>ErIsr</i>	<i>Eretz-Israel</i>
<i>HAR</i>	<i>Hebrew Annual Review</i>
<i>HTR</i>	<i>Harvard Theological Review</i>
<i>HUCA</i>	<i>Hebrew Union College Annual</i>
<i>JANESCU</i>	<i>Journal of the Ancient Near Eastern Society of Columbia University</i>
<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JBL</i>	<i>Journal of Biblical Literature</i>
<i>JJS</i>	<i>Journal of Jewish Studies</i>
<i>JPS</i>	<i>Jewish Publication Society</i>
<i>JQR</i>	<i>Jewish Quarterly Review</i>
<i>JSJ</i>	<i>Journal for the Study of Judaism in Persian, Hellenistic and Roman Periods</i>
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
<i>PEQ</i>	<i>Palestine Exploration Quarterly</i>
<i>RB</i>	<i>Revue biblique</i>
<i>REJ</i>	<i>Revue des études juives</i>
<i>RevQ</i>	<i>Revue de Qumran</i>
<i>SJLA</i>	<i>Studies in Judaism in Late Antiquity</i>
<i>SJT</i>	<i>Scottish Journal of Theology</i>
<i>STDJ</i>	<i>Studies on the Texts of the Desert of Judah</i>
<i>SVTP</i>	<i>Studia in Veteris Testamenti pseudepigraphica</i>
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

CHAPTER ONE

INTRODUCTION

1.1 Perceptions

As a young Bedouin shepherd named Mohammed edh-Dhib, or Mohammed the Wolf, eased himself into a narrow hollow in the rocky cliffs to the northwest of the Dead Sea, he had no idea what he might find. The previous day he had been playfully throwing stones into the very same cave with his cousins, when, to their surprise, the sound of breaking pottery interrupted their impromptu game; startling the boys and causing them to speculate whether or not the cave might be inhabited by a *jinn*: the mythical guardians of hidden treasure. Intrigued by visions of riches and wealth, the Wolf found it difficult to sleep that night and early the following morning he slipped out of camp by himself and anxiously made his way back to the cave. The absence of light and the overwhelming odour of bat guano in the cave disoriented and frightened the boy who began to regret his somewhat rash decision to go it alone. As he attempted to catch his breath the Wolf's eyes gradually became adjusted to the light and, as they did so, they became fixed on several oblong shapes lining the eastern wall of the cave. The boy's heart nearly leapt out of his chest when he realized that these mysterious shapes were actually a collection of sealed storage jars and, as he moved toward them, one can only imagine the excitement that he must have felt. The Wolf had indeed found a hidden treasure but it was not the one that he had envisioned during his sleepless night in the desert.¹

Frequently described as one of the greatest archaeological finds of the 20th century, the discovery of the Dead Sea Scrolls forever changed our understanding of Judaism in the Second Temple period.

¹ While we acknowledge the apocryphal nature of this story, the reader is asked to suspend his or her disbelief in light of the story's heuristic intentions. For a discussion on the discovery of the Dead Sea Scrolls and the different versions that have been related over the years, see E. Cook, *Solving the Mysteries of the Dead Sea Scrolls: New Light on the Bible* (Grand Rapids: Zondervan, 1994), 11-13.

Like the Wolf's exploration of Cave 1, early scholarship on the scrolls is characterized by a breathless excitement. This excitement led to many different interpretations of the scrolls' contents and equally as many hypotheses concerning those who may have been responsible for their authorship. While some of these theories have fallen by the wayside or have been replaced by more nuanced interpretations others have persisted to the present day, such as the ever resilient Qumran/Essene hypothesis.² Unlike many of the theories that have been proposed over the last half-century, the Qumran/Essene hypothesis has survived based on its ability to successfully account for a wide range of evidence, but like all theories it is not without weaknesses. Although the Qumran/Essene hypothesis is the most convincing theory that has been forwarded thus far, it has so completely dominated the landscape and affected our understanding of the scrolls that we are frequently unable to see beyond the shadow that it casts. With the publication of the corpus of texts from Qumran finally drawing to a close and their vast contents now available for inspection we find ourselves in a position not unlike that of the Wolf as he prepared to reach into the now famous jars from Qumran Cave 1 to claim his treasure. In order to appreciate this treasure, however, we must be open to the possibility that it can be understood in ways that have not previously been considered.

1.2 A New Approach

According to Hannah Harrington, "while it is unwise to regard all of the scrolls as coming from the same group of people, it is also not prudent to consider them simply as a batch of unrelated texts."³ Although we agree with this statement in principle, the reasoning behind it is problematic. Specifically, Harrington argues that, in spite of any differences or lack of agreement, the documents from Qumran are nevertheless related in that they "consistently champion a strin-

² For an overview of the identifications that have been suggested for the authors of the Dead Sea Scrolls, including the Qumran/Essene hypothesis, see J. VanderKam, *The Dead Sea Scrolls Today* (Grand Rapids: Eerdmans, 1994), 75-98. For a Sadducean identification, see J. M. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980): 157-70; L. H. Schiffman, *Reclaiming the Dead Sea Scrolls: Their True Meaning for Judaism and Christianity* (New York: Doubleday, 1995). And for the Jerusalem origins hypothesis, see N. Golb, *Who Wrote the Dead Sea Scrolls? The Search for the Secret of Qumran* (New York: Scribner, 1994).

³ H. Harrington, *The Purity Texts* (London: T&T Clark, 2004), 46.

gent standard of ritual purity.”⁴ But this raises an important question and it is one that will be challenged throughout the course of this study: Is a severe or stringent approach to the concept of ritual purity in the Dead Sea Scrolls the most accurate way to establish a relationship between these documents? The answer to this question, according to Robert Kugler, is no:

While it is almost certainly true that the sectarians intensified biblical statutes, this is an insufficient verdict on the significance of law at Qumran. Nor is it adequate to go beyond that observation to point out how some of the legal views of the scrolls’ authors reflect those of one or another known group in early Judaism. What we need now is a comprehensive study of the interpretation and content of the law in the scrolls as a specific measure of the character of its authors and tradents.⁵

Taking up Kugler’s challenge, the following study will attempt to examine the concept of ritual purity in a comprehensive manner by comparing the purity rulings of the Dead Sea Scrolls with their biblical counterparts. This will be accomplished by looking at each of the relevant documents from Qumran in isolation so as to focus on the exegetical methods exhibited by the authors and to avoid, as much as possible, reading the scrolls in light of one another.⁶ After we have looked at each of the documents in isolation we will then conduct a comparison of the purity material in the scrolls in an effort to locate places within the corpus where we find examples of explicit agreement and/or explicit disagreement that go beyond the witness of Scripture. In the end it will be concluded that, contra Harrington, the scrolls from Qumran exhibit nearly as much explicit disagreement as they do agreement, thereby calling into question the notion that the “similarity of the concept and laws of purity in the scrolls are more striking than the differences.”⁷ Before launching into our study, however, let us first consider the history of scholarship on the concept of ritual purity in the Dead Sea Scrolls so as to further differentiate our approach from those who have come before us.

⁴ Harrington, *The Purity Texts*, 45.

⁵ R. Kugler, “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* (ed. M. Bernstein, F. García Martínez, and J. Kampen; STDJ 23; Leiden, E. J. Brill, 1997), 131.

⁶ This is particularly important when working with fragmentary documents that have been reconstructed based on the witness of other Qumran texts.

⁷ Harrington, *The Purity Texts*, 12.

1.3 Ritual Purity and the Dead Sea Scrolls: Past and Present

Without a doubt, the single greatest obstacle faced by early scholarship on the concept of ritual purity in the Dead Sea Scrolls was the fact that many of the documents from Qumran were simply unavailable for inspection. Although the corpus of scrolls from Qumran was released to the general public in the fall of 1991,⁸ many of the editions in the series entitled *Discoveries in the Judaean Desert*, which is the official series for the publication of the Dead Sea Scrolls, did not appear until the mid 90's. Moreover, some of the most important texts containing material on ritual purity, such as the Qumran fragments of the Damascus Document and the *halakhic* material from Cave 4, did not find their way into publication until 1996 and 1999 respectively.⁹ The late appearance of these editions combined with

⁸ The release of the scrolls to the general public was initially instigated by B. Z. Wacholder and M. Abegg whose publication entitled *A Preliminary Edition of the Unpublished Dead Sea Scrolls: The Hebrew and Aramaic Texts from Cave Four* appeared on the 4th of September 1991. Eighteen days later, the Huntington Library in San Marino, California published an announcement that appeared in the New York Times stating that it would be willing to release microfilm copies of the scrolls to any scholar who asked for them. Responding to these unauthorized publications, the Israel Antiquities Authority, the body responsible for the official publication of the scrolls, tentatively agreed to make all of the photographs of the scrolls available on the 27th of October 1991, but this publication, (i.e., *The Dead Sea Scrolls on Microfiche*), would not appear until 1993. The final blow to the IAA's so-called "monopoly" on the Dead Sea Scrolls came on the 19th of November 1991 when the Biblical Archaeology Society published a two volume set of photographs of the Dead Sea Scrolls entitled: *A Facsimile Edition of the Dead Sea Scrolls*. For more on the controversy regarding the publication of the Dead Sea Scrolls, see H. Shanks, "Of Caves and Scholars: An Overview," in *Understanding the Dead Sea Scrolls: A Reader from the Biblical Archaeology Review* (ed. H. Shanks; New York: Random House, 1992), xv-xxxviii. And concerning the availability of the scroll corpus, see R. H. Eisenman and J. M. Robinson, eds., *A Facsimile Edition of the Dead Sea Scrolls*. Vol 1-2 (Washington DC: Biblical Archaeology Society, 1991); E. Tov and S. J. Pfann, eds., *The Dead Sea Scrolls on Microfiche: A Comprehensive Facsimile Edition of the Texts from the Judean Desert* (Leiden; New York: Köln: E. J. Brill, 1993); T. H. Lim and P. S. Alexander, eds., *The Dead Sea Scrolls Electronic Reference Library* (Oxford; New York; Leiden: Oxford University Press; E. J. Brill, 1997); F. García Martínez and E. J. C. Tigchelaar, eds., *The Dead Sea Scrolls Study Edition*. Vol 1-2 (Leiden; New York; Köln: E. J. Brill, 1997-98); Foundation for Ancient Research and Mormon Studies, Brigham Young University, Provo, Utah. *Dead Sea Scrolls Electronic Reference Library*, 2. CD-ROM. (Leiden: E. J. Brill, 1999).

⁹ J. M. Baumgarten, *Qumran Cave 4. XIII. The Damascus Document (4Q266-273)* (DJD 18; Oxford: Clarendon Press, 1996); idem., *Qumran Cave 4. XXV. Halakhic Texts* (DJD 36; Oxford: Clarendon Press, 1999). The publication of the Temple Scroll, yet another important text containing a vast amount of purity material, appeared in English in 1983. Y. Yadin, *The Temple Scroll* (3 vols. and supplement; Jerusalem: Israel Exploration Society, 1983), repr. of *Megillat ham-Miqdas* (Jerusalem: Israel Exploration Society, 1977).

the dominance of the Qumran/Essene hypothesis forced early discussions on the concept of ritual purity into a corner of sorts whereby scholars attempted to reconstruct the purity system that was thought to have been practiced at Qumran by comparing the limited evidence in the scrolls with the description of the Essenes in Josephus and Philo. Jacob Neusner exhibits one such example of this approach in his groundbreaking work entitled *The Idea of Purity in Ancient Judaism*.¹⁰

Although Neusner tries to avoid drawing any overt connections between the authors of the Dead Sea Scrolls and the Essenes by suggesting that the “Dead Sea writings ... are not to be assigned to an identifiable author,”¹¹ he nevertheless argues for an association between the Essenes and those who were responsible for gathering and collecting the scrolls: “[T]he discovery of Jubilees in the Qumran library, while not definitive evidence that the document is Essenian or produced by the *yahad*, allows us to suppose that the materials before us were favourably received by *that group* [my emphasis].”¹² With a relationship between the *yahad* and the Essenes firmly established, Neusner then proceeds to undercut his earlier statement regarding our inability to properly identify the authors of the scrolls by suggesting that there is a direct connection between the Essenes and the group that was responsible for the authorship of the Damascus Document:

Isaiah’s prophecy, “Fear and the pit and snare are upon thee,” (Is. 24:17) refers to “whoredom, wealth, and conveying uncleanness to the sanctuary.” The one leads to the other (CD 4:17-18). Isaiah refers to *pahad*, *pahat*, and *pah*, the third meaning, “snare.” But spelled *pakh*, the word means a flask or jar, very frequently used for oil-jars. Since Josephus says the sect regarded oil as impure (War 2:123), perhaps the basis for the exegesis before us is a play on the words *pakh* and *pah*.¹³

By associating the sect mentioned with Josephus (i.e., the Essenes) with the authors of the Damascus Document, and connecting the Essenes with the *yahad*, Neusner has either knowingly or unknowingly created a circular relationship between these groups. Furthermore, Neusner’s decision to use the term *yahad* to describe the group that was responsible for collecting the documents at Qumran is in-

¹⁰ J. Neusner, *The Idea of Purity in Ancient Judaism* (Leiden: E. J. Brill, 1973).

¹¹ Neusner, *The Idea of Purity*, 32.

¹² Neusner, *The Idea of Purity*, 58.

¹³ Neusner, *The Idea of Purity*, 51.

dicative of a much stronger relationship between the *yahad* and those texts containing the term *yahad* than Neusner is openly willing to admit to.¹⁴ Regardless of whether or not these associations are purposeful or accidental, Neusner clearly embraces the notion that there is a direct connection between the Essenes, the Qumran community, and the authors of the Dead Sea Scrolls, but why? The answer, it would appear, lies in the fact that the Essenes and the writings from Qumran both exhibit an intense interest in extracultic purity, which, according to Neusner, would have deviated from the commonly held view that “the Mosaic legislation about purity applied primarily to the Temple.”¹⁵

Based upon the witness of five texts (i.e., CD, 1QS, 1QM, 1QH, and 1QpHab) Neusner attempts to recreate the system of purity envisioned at Qumran. Beyond the observation that the effort to locate a system of purity in the Dead Sea Scrolls is severely hampered by the fact that Neusner only had access to an extremely limited amount of texts, one notes a lack of willingness on the part of Neusner to acknowledge how the questions of genre and authorship might affect his interpretation.¹⁶ Not only does Neusner ignore the eschatological bent of such texts as the War Scroll, but once again he undercuts his argument that we cannot identify the authors of the scrolls by reading the manuscripts of the Damascus Document from Cairo as being representative of the same group that authored the Community Rule: the *yahad*. It is within this context that Neusner comes to the conclusion that the authors of the Dead Sea Scrolls were responsible for two innovations with regard to ritual purity. The first of these innovations, already mentioned above, is the notion that the authors of the scrolls were interested in an extracultic form of purity whereby the regulations that were originally intended to protect the Temple from becoming defiled were practiced for purposes other than safeguarding Jerusalem and the Temple complex.¹⁷ The basis for this interpretation, argues Neusner, lies in the fact that the *yahad* considered the Temple to have been defiled by the ruling priests (CD 5.6-7) and, in a bold move, the *yahad* removed themselves from the Jerusalem cult and created a new community in the desert that would act as a temporary replacement for the Temple (1QS 9.3-6). “In that sense

¹⁴ Here we have in mind Neusner’s claim that the “Dead Sea writings ... are not to be assigned to an identifiable author; they represent, and were preserved by, a community which saw itself as the holy sanctuary.” Neusner, *The Idea of Purity*, 32.

¹⁵ Neusner, *The Idea of Purity*, 38.

¹⁶ The latter critique can be levelled at virtually any attempt to systematize the purity material in the scrolls.

¹⁷ Neusner, *The Idea of Purity*, 53-54.

alone,” Neusner suggests, “do we find the purity-laws used as part of a much larger metaphor, comparing the Temple to the community; but within that metaphor, purity and impurity are understood in an entirely literal way.”¹⁸

The second innovation of the *yahad*, according to Neusner, concerns their attempt to draw a connection between the notions of sin and impurity. Based primarily upon his reading of the Community Rule, Neusner notes: “The *yahad*’s laws treat committing a sin not as a metaphor for becoming unclean, but as an actual source of uncleanness. If one transgresses any part of the law, he is excluded from the ‘Purity’ of the sect. It is not *as if* he were unclean ... he is *actually* unclean and requires a rite of purification.”¹⁹ While we accept the notion that there is a clear association between the concepts of sin and impurity in 1QS, 1QM, and 1QH, the Damascus Document’s position on the matter is less obvious. As Jonathan Klawans has observed: “The situation of the Damascus Document (CD) is more complex; this text may well be a composite, and it articulates some ideas that are fully in line with previous Jewish literature and others that are more distinctly sectarian.”²⁰ But this difficulty goes unnoticed by Neusner when he ultimately concludes: “For the *yahad*, one cannot distinguish between cultic and moral impurity.”²¹

With the publication of the scrolls from Qumran all but completed, Neusner’s contention that the concepts of ritual and moral impurity cannot be distinguished from one another in the Dead Sea Scrolls must now be abandoned. As Klawans has convincingly shown, both the Temple Scroll and 4QMMT (i.e., texts that were not available to Neusner in the 1970’s) do not exhibit any traces of integration between ritual and moral impurity.²² Furthermore, given the fact that 1QS, 1QM, and 1QH combine the notions of moral and ritual impurity together into a “single conception of defilement,” the belief that one can locate a single purity system in the diverse corpus of texts from Qumran would appear to be misguided.²³

As for Neusner’s contention that the authors of the Dead Sea Scrolls practiced an extracultic form of purity that was driven by the belief that their community represented a temporary replacement for the Sanctuary in Jerusalem, a similar argument to the one presented

¹⁸ Neusner, *The Idea of Purity*, 54.

¹⁹ Neusner, *The Idea of Purity*, 54.

²⁰ J. Klawans, *Ritual and Moral Impurity in Ancient Jewish Literature* (New York: Oxford University Press, 2000), 90.

²¹ Neusner, *The Idea of Purity*, 54.

²² Klawans, *Ritual and Moral Impurity*, 48-52, 72-75, 90.

²³ Klawans, *Ritual and Moral Impurity*, 90-91.

above can be employed. Specifically, nowhere in the Temple Scroll or in 4QMMT do we find the suggestion that the Temple has been abandoned or replaced. Although there seems to be an acknowledgment in both of these texts that the Temple has been defiled, be it implicit or explicit, both the Temple Scroll and 4QMMT are interested in seeing the physical Temple cleansed and protected from defilement.²⁴ By contrast, 1QS and 4QFlorilegium appear to understand their adherents as superseding the Temple. In particular, where the author/redactor of 1QS describes the *yahad's* “offerings of the lips” as being far more effective than the sacrifices of the altar or the fat of the burnt offerings (1QS 9.3-6), 4QFlorilegium employs the phrase מְקִדָּשׁ אָדָם (4Q174 1-2 1 6), which has frequently been understood as referring to a “sanctuary (made up) of men.”²⁵ Here again one notes the difficulty in locating a single purity system in the corpus of texts from Qumran.

To understand the concept of purity in ancient Judaism, argues Neusner, one must first “survey the laws which would have been known to the Israelites from the beginning of the third century B.C.”²⁶ Starting from this fairly straightforward premise, Neusner, in *The Idea of Purity*, analyses the purity laws of Leviticus by dividing the relevant material into seven “sources of uncleanness”: animals, childbirth, skin diseases, diseases of a house, bodily discharges, sexual misdeeds, and corpses. While we agree that any discussion on the concept of purity in ancient Judaism must include an examination of the relevant biblical regulations, one wonders what is to be gained by dividing the purity laws into seven sources of uncleanness when it is seemingly more appropriate to divide them into five. Specifically, in relation to skin diseases (Lev 13:1-14:32) and the diseases of a house (Lev 14:33-57), not only is the biblical material presented as being one continuous discussion on diseases, but the presence of the word צִרְעָה, which is used to describe the issue at the centre of the discussion in both instances (cf. Lev 13:2; 14:34), suggests that the material on skin diseases and diseases of a

²⁴ In the case of the Temple Scroll, the author calls for the construction of a large Temple complex that would have been equal in size to that of Jerusalem itself (cf. 11Q19 3-13.8; 30.3-47.18). For the author/redactor of this document the focus of the cult is intact and the locus of purity remains the same: the Temple.

²⁵ For a detailed discussion on the interpretation of this phrase, see G. Brooke, *Exegesis at Qumran: 4QFlorilegium in its Jewish Context* (Sheffield: Sheffield Academic Press, 1985), 184-93; D. Dimant, “4QFlorilegium and the Idea of the Community as Temple,” in *Hellenica et Judaica: Hommage a Valentin Nikiprowetzky* (ed. A. Caquot; Leuven-Paris: Editions Peeters, 1986), 165-89.

²⁶ Neusner, *The Idea of Purity*, 18.

house should be grouped together rather than divided in two.²⁷ Furthermore, although the discussion on childbirth (Lev 12:1-8) and bodily discharges (Lev 15:1-33) are separated by a distance of two chapters in the Torah, Leviticus describes the parturient as one who is unclean “as in the time of her menstrual infirmity” (כִּימֵי נְדָתָהּ – Lev 12:2; cf. Lev 15:19-24, 33), which suggests that the only way to understand the defilement associated with childbirth is through the lens of menstrual impurity. No doubt it was this association that influenced the authors of the Damascus Document to include a discussion on childbirth alongside their rulings on menstruation (cf. 4Q266 6 ii 1-13), just as it has influenced our own decision to group these two ideas together under the title of bodily discharges in the following discussion.

For many scholars, the study of ritual purity in the Dead Sea Scrolls has been used, first and foremost, as a vehicle to discuss the possible identity of those responsible for the authorship of the scrolls.²⁸ While this has been and will continue to be an important exercise, this approach has exhibited any number of limitations with regard to the study of ritual purity. First, by discussing ritual purity within the context of a larger study that focuses on the authorship of the scrolls, only those purity laws that lend support to a particular identification tend to be discussed while those laws that do not are largely ignored. Second, based on the premise that the scrolls are representative of a cohesive sectarian community, many have at-

²⁷ If Neusner is correct in separating skin diseases and the diseases of a house into individual categories, one wonders why he does not divide the purity laws into additional sources of uncleanness in order to account for things like clothing, fabrics, or skins that have been defiled through the presence of צִרְעָתָהּ (cf. Lev 13:47-59).

²⁸ Early attempts to identify the authors of the Dead Sea Scrolls through an examination of their legal and purity material include those of Solomon Schechter, who identified the authors of CD as a community of Zadokite priests from the Second Temple period whose practices paralleled those of the Samaritan sect known as the Dositheans; Louis Ginzberg, who associated the legal positions of CD with those of the Pharisees; Chaim Rabin, who considered the possibility that the authors of CD were a group of ultra pious Pharisaic priests referred to in the rabbinic sources as the *haburah*; and Joseph Baumgarten, who, based upon Eleazar Sukenik's identification of the Qumran community as Essene, compared the *halakhic* material in the scrolls with the practices of the Essenes as described by Josephus. S. Schechter, *Documents of Jewish Sectaries. I. Fragments of a Zadokite Work* (Cambridge: Cambridge University Press, 1910); L. Ginzberg, *An Unknown Jewish Sect* (1922; repr., New York: Jewish Theological Seminary of America, 1976); A. Büchler, “Schechter's ‘Jewish Sectaries,’” *JQR* 3 (1912-13); C. Rabin, *The Zadokite Documents* (Oxford: Clarendon Press, 1954); J. Baumgarten, “Sacrifice and Worship among the Jewish Sectarials of the Dead Sea (Qumran) Scrolls,” in *Studies in Qumran Law* (SJLA 24; Leiden, E. J. Brill, 1977); E. Sukenik, *Megillot Genuzot. Sequira Rishona* (Jerusalem: Mossad Bialiak, 1948).

tempted to interpret the purity laws through a systemic lens. As noted above in relation to the work of Neusner, the systemic approach has been hampered by any number of difficulties ranging from having incomplete access to the Qumran corpus to simplifying the relationships between the documents in that corpus; in particular, genre, authorship, dissonance, and diachronic concerns tend to be minimized by a systemic approach. Third, when arguing in favour of a particular identity for the authors, it is not uncommon for sweeping generalizations to be made about the overall character of the purity laws. Such generalizations are imprecise and ultimately lead to an incomplete understanding of ritual purity in the Dead Sea Scrolls.

In a study entitled *The Halakha at Qumran*, Lawrence Schiffman challenged those scholars who had attempted to identify the authors of the Dead Sea Scrolls in the manner suggested above by claiming that they had engaged in a form of “reverse methodology.”²⁹ According to Schiffman: “They began with preconceived views on the nature of the sect and proceeded to demonstrate these by selecting specific laws through which the desired affinity could be shown.”³⁰ Although Schiffman exempts Louis Ginzberg from this critique by noting (1) that Ginzberg attempted to study the laws of CD in their entirety before making any judgments on the identity of the group³¹ and (2) that Ginzberg’s death in 1953 prevented him from benefiting from the witness of the Dead Sea Scrolls, it is somewhat surprising to note that Schiffman himself would eventually fall victim to his own criticisms. In order to understand how this happened, let us first consider Schiffman’s proposal in *The Halakha at Qumran* on how one should approach the legal material in the Dead Sea Scrolls:

In light of the new evidence now available, the *halakhah* of the sect demands a reexamination. It is necessary to reserve judgment on the question of identity of the sect until its *halakhah* has been thoroughly investigated. Second, it is not justifiable to select only a few laws for study. One must review entire subjects and study all relevant material. Only then will a general picture emerge. Third, the comparative method must be applied for exegetical and perhaps historical purposes.³²

²⁹ L. Schiffman, *The Halakha at Qumran* (SJLA 16; Leiden: E. J. Brill, 1975), 2.

³⁰ Schiffman, *The Halakha at Qumran*, 2.

³¹ Ginzberg, *An Unknown Jewish Sect*.

³² Schiffman, *The Halakha at Qumran*, 3.

Not unlike the proposal forwarded for our own study, Schiffman advocates a comprehensive approach that underscores the need to examine all of the relevant material in a particular subject while simultaneously emphasizing the importance of a comparative methodology once the comprehensive study has been completed. Although we find ourselves in complete agreement with Schiffman's proposal, it would appear to be based upon a flawed premise. Specifically, it is impossible to conduct a comprehensive study on the *halakha* of the Dead Sea Scrolls when the vast majority of the texts containing *halakhic* material are unavailable for inspection. This is particularly relevant when one considers that Schiffman's study, which was published in 1975, lists only four documents as being sources of Qumran *halakha*: the Damascus Document from Cairo, the Community Rule, the War Scroll, and the then unpublished Temple Scroll.³³

The second way in which Schiffman falls victim to his own criticism involves his attempt to identify the authors of 4QMMT with the Sadducees. In his study entitled *Reclaiming the Dead Sea Scrolls: Their True Meaning for Judaism and Christianity*, which was originally published in 1994, Schiffman's discussion on ritual purity is clearly secondary to his primary goal: proving that the authors of the Dead Sea Scrolls had Sadducean origins.³⁴ According to Schiffman: "Because the Sadducees ... share the same positions we find in the *Halakhic Letter*, we can convincingly show, using this and other Qumran texts, that the Qumran sect had a substratum of Sadducean halakhic views."³⁵ This approach, although yielding a handful of parallels between 4QMMT and the *halakhic* interpretations of the Sadducees, confines the study of ritual purity to those instances within the scrolls that prove that the authors evolved from Sadducean beginnings. Furthermore, any purity laws that do not fit into Schiffman's Sadducean paradigm are either ignored or interpreted as the "eventual effects of the earlier schism" between Jerusalem Sadducees and the authors of the scrolls who "gradually developed the sectarian mentality of the despised, rejected, and abandoned outcast."³⁶ Not only does Schiffman's approach resemble the so-called "reverse methodology" that he accuses others of engaging in, but he also contradicts himself by failing to "reserve judgment on the question of identity of the sect until its *halakhah* has been thoroughly

³³ Schiffman, *The Halakha at Qumran*, 4-9.

³⁴ L. Schiffman, *Reclaiming the Dead Sea Scrolls: Their True Meaning for Judaism and Christianity* (Philadelphia: Jewish Publication Society, 1994; repr., New York: Doubleday, 1995), 83-89.

³⁵ Schiffman, *Reclaiming the Dead Sea Scrolls*, 87.

³⁶ Schiffman, *Reclaiming the Dead Sea Scrolls*, 88.

investigated.”³⁷ By describing the Qumran community as evolving from Sadducean origins before the full publication of the scrolls, Schiffman effectively discounts the potential importance of the unpublished documents from Cave 4 while simultaneously minimizing those places within the Qumran corpus that contradicted his position.³⁸

Relying heavily upon the rabbinic material’s description of the Sadducees, Schiffman’s approach leads us to yet another attempt to understand the concept of ritual purity at Qumran: comparing the purity rulings in the scrolls with those of the rabbis. One of the most vocal proponents of this approach is Hannah Harrington. In a 1993 publication entitled *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations*,³⁹ Harrington describes the systems of impurity located in both the Dead Sea Scrolls and the rabbinic material by focussing on how the rabbis and the authors of the scrolls arrived at their respective interpretations. “In each case,” argues Harrington, “my contention is the same: the sectarians and the Rabbis are deriving their system from scripture with a sacred regard for its laws.”⁴⁰ Starting from this rather agreeable premise Harrington then attempts to recreate the system of impurity at Qumran by examining the available material on corpses, skin diseases, impure flows, semen, carcasses, excrement, and outsiders.⁴¹ This is followed by a detailed study on the corresponding material in the rabbinic sources.⁴² Referencing her eventual conclusion, Harrington notes: “Stark differences in interpretation between the two groups often co-exist. The sectarians usually increase the stringency of the [biblical] laws in cases of ambiguity or divergent traditions. On the other hand, it was the continual concern of the Rabbis to limit not extend the restrictions of the Torah whenever possible without incursion of biblical sanctions.”⁴³

Although we agree with Harrington’s conclusion, her study falls short in at least three ways. First, like those scholars mentioned above, Harrington did not have access to all of the relevant material on impurity from Qumran. This is most apparent in her discussion

³⁷ Schiffman, *The Halakha at Qumran*, 3.

³⁸ See VanderKam’s article in *Understanding the Dead Sea Scrolls* where he offers a similar critique of Schiffman’s Sadducean hypothesis. J. VanderKam, “The People of the Dead Sea Scrolls: Essenes or Sadducees?” in *Understanding the Dead Sea Scrolls* (ed. H. Shanks. New York: Random House, 1992), 50-62.

³⁹ H. Harrington, *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations* (Atlanta: Scholars Press, 1993).

⁴⁰ Harrington, *The Impurity Systems of Qumran and the Rabbis*, 43.

⁴¹ Harrington, *The Impurity Systems of Qumran and the Rabbis*, 69-110.

⁴² Harrington, *The Impurity Systems of Qumran and the Rabbis*, 113-265.

⁴³ Harrington, *The Impurity Systems of Qumran and the Rabbis*, 43.

on the impurity system of the scrolls, which is primarily dependent upon the legal material from the Temple Scroll. In Harrington's sixty-three-page discussion on the system of impurity in the scrolls she cites the Temple Scroll some fifty-nine times,⁴⁴ which is three times that of any other document she cites.⁴⁵ Second, her systemic approach to the material from Qumran emphasizes the continuity between the texts and their legal positions while simultaneously discounting any discrepancies between them. Although Harrington argues that "the particular laws of impurity are *largely compatible* [my emphasis] among the scrolls"⁴⁶ it is difficult to see how one can recreate a system of impurity at Qumran without all of the relevant material in the scrolls and any discrepancies that they might contain. Third, Harrington's emphasis on the severity of the purity rulings in the scrolls as compared with those of the rabbis is not the most accurate way to determine a relationship between the scrolls. Rather, it is the differences in interpretation between the scrolls that will dictate whether or not they are related.⁴⁷

With the appearance of the 2004 publication entitled *The Purity Texts*,⁴⁸ Harrington has attempted to update her research on the scrolls by taking advantage of the recently published material from Qumran and collecting all of the extant purity data together in one volume. Although *The Purity Texts* marks the first attempt to examine all of the purity data in the Qumran corpus in light of the full publication of the Dead Sea Scrolls, Harrington's new volume is prone to many of the same difficulties as those encountered above. Foremost among these difficulties is Harrington's decision to engage in the so-called "reverse methodology" described by Schiffman in *The Halakha at Qumran*. This is most apparent when, on the second page of her introduction, Harrington establishes a direct connection between the authors of the Dead Sea Scrolls and the Essenes:

⁴⁴ Harrington, *The Impurity Systems of Qumran and the Rabbis*, 69-110.

⁴⁵ This is particularly important when one considers that the Temple Scroll is regarded by many, including this author, to be a utopian document. See Chapter 3 below and J. Collins, "Models of Utopia in Biblical Tradition," in *A Wise and Discerning Mind: Essays in Honor of Burke O. Long* (ed. S. Olyan and R. C. Culley; Providence: Brown Judaic Studies, 2000), 60, 63.

⁴⁶ H. Harrington, "Purity," *EDSS* 1:724.

⁴⁷ Cf. Joan Taylor, who argues: "The Hebrew Scriptures were the property of all groups in Second Temple Judaism. If the same text was used, but with a completely different hermeneutical emphasis, this shows that the two groups were not related." J. Taylor, *The Immerser: John the Baptist within Second Temple Judaism* (Grand Rapids: Eerdmans, 1997), 28.

⁴⁸ H. Harrington, *The Purity Texts* (London: T&T Clark, 2004).

The sectarian emphasis on purity is supported by Josephus' descriptions of the Essenes and by the site of Qumran, where an ancient aqueduct connected many cisterns and immersion baths. In fact, Josephus' report on the Essenes is very close to the community documents of the Scrolls in the area of purity. For example, Josephus confirms that the sect required baths and a change of clothing before meals (*War* 2.2.129-31). The group at Qumran appears to have been a celibate, monastic group of Essenes who had separated themselves for a period of time (or a lifetime).⁴⁹

While we agree that there are many similarities between the writings of the Dead Sea Scrolls and Josephus' description of the Essenes, we must not allow Josephus' descriptions to dictate the way in which we interpret the purity material in the Dead Sea Scrolls. This is particularly true when considering the notion of celibacy.

1.3.1 Celibacy in the Dead Sea Scrolls

In response to a series of articles dealing with the notion of Essene celibacy, a practice admittedly foreign to mainstream Judaism and credited to at least one branch of the Essene movement by Josephus, Joseph Baumgarten proposed a two-pronged approach to the question of celibacy at Qumran: "We should determine first, whether Qumran laws regarding marriage may have contributed to a tendency toward sexual abstinence, and, second, whether there is any textual evidence that celibacy was actually practiced by any part of the Qumran community."⁵⁰ After examining several passages in the scrolls concerning marriage, divorce, and the Qumran community's "idealistic view of the marital relationship," Baumgarten notes: "We may infer from the Temple Scroll that the king as well as any morally scrupulous adherent of the sect could not remarry while his first spouse was living ... Could it not well be that this consideration already led some Qumranites to weigh their desire for posterity against the fateful consequences of an inauspicious union?"⁵¹ Having accomplished his first task by suggesting that the marriage laws of the Qumran community could have led some of its members to embrace

⁴⁹ Harrington, *The Purity Texts*, 8.

⁵⁰ J. Baumgarten, "The Qumran-Essene Restraints on Marriage," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. L. H. Schiffman; Sheffield: Sheffield Academic Press, 1990), 19.

⁵¹ Baumgarten, "The Qumran-Essene Restraints on Marriage," 15.

a celibate lifestyle, Baumgarten then focuses his attention on a passage from the Damascus Document that differentiates between those individuals who are promised continuity by walking in “perfect holiness” (CD 6.11-7.6a) and those who “live in camps in accordance with the rule of the land, take wives and beget children” (CD 7.6b-9). Arguing for a division between these groups based on the presence of the adversative construct וְאִם in CD 7.6, which grammatically separates these seemingly contrasting descriptions, Baumgarten concludes:

If our interpretation is valid, we have here an important attestation in a Qumran source of the bifurcation in the practice of celibacy among the Essenes. The writer refers to sectarians who followed the normal way of life, residing, in various camps, marrying and having children, but he also knew of those who never married or at a late stage in life renounced the continuation of marital relations because they aspired to the ‘perfection of holiness’.⁵²

Two years after the publication of Baumgarten’s article on celibacy, Elisha Qimron revisited the issue in an article entitled “Celibacy in the Dead Sea Scrolls and the Two Kinds of Sectarians.”⁵³ In this study Qimron rightly criticises the comparative approach adopted by Baumgarten and others by suggesting that the evidence from the Greek sources had unduly influenced their interpretation of the scrolls. In an effort to avoid the same sort of approach, Qimron forwards what he considers to be an independent study of the relevant documentary evidence from Qumran on the issue of celibacy. What Qimron fails to acknowledge, however, is that any study that attempts to find evidence of celibacy in the scrolls is, at its core, a comparative approach. Although Qimron says as much when he notes, “I doubt that anyone could have suggested [that the sectarians were celibate] had one not known of the existence of celibacy among the Essenes from the Greek sources,”⁵⁴ Qimron does not appear to see the disjunct between this statement and his attempt to avoid a comparative approach in favour of an independent internal examination of the scrolls and their stance on the issue of celibacy.

⁵² Baumgarten, “The Qumran-Essene Restraints on Marriage,” 19.

⁵³ E. Qimron, “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* (ed. J. Treballe Barrera and L. Vegas Montaner, Leiden: E. J. Brill, 1992).

⁵⁴ Qimron, “Celibacy in the Dead Sea Scrolls,” 289.

Citing the same passage as Baumgarten (CD 6.11-7.9), which Qimron describes as “the one remaining passage in the Dead Sea Scrolls which specifically implies that some of the sectarians were celibate,”⁵⁵ Qimron suggests that those members of the community who are referred to as walking in “perfect holiness” were synonymous with those who dwelt in the so-called “camp of holiness,” thereby enabling him to create a distinction between those who were celibate and lived their lives in the *camp* (sg.) and those who took wives, had children, and lived in *camps* (pl.). The remainder of Qimron’s argument can be summarized as follows: The camp of holiness is to be associated with Jerusalem, the city where the men who walked in perfect holiness once lived but eventually vacated based on their dissatisfaction with the way in which the Temple was being run. These men, who are referred to in the scrolls as the *yahad*, came to see themselves as a substitute for the Temple or Jerusalem proper. Given that the Temple Scroll and the Damascus Document both contain rulings against participating in the act of sexual intercourse in the city of the Temple, the members of the *yahad* adopted celibate lifestyles in order to protect the purity of their position while the majority of those in their movement took wives, had children, and lived in various cities, or camps, throughout the land.

Putting aside the debate over whether the phrase “the city of the Temple” refers to Jerusalem, the Temple, or the entire Temple complex and how these issues might affect Qimron’s overall argument, one is struck by the fact that Qimron does not mention CD 13.12b-18 (par. 4Q266 9 iii 1-6) and its reference to those who live in “the camp” (המחנה – CD 13.13), take wives, and have children (ויבין) [לכל לוי ויבין חוץ לוי] – CD 13.16) provided they were given permission by the “Overseer” (מבקר) – CD 13.13, 16).⁵⁶ Although quite fragmentary, this passage significantly weakens Qimron’s argument by suggesting that the members of the Qumran community who lived in the camp (sg.) could, if they so desired, marry women and have children. Moreover, the lack of any explicit passages on celibacy in the scrolls combined with the scrolls’ frequent references to women, marriage, and proper sexual conduct suggests that the effort to find evidence of celibacy by means of a comparative approach has done more to cloud our understanding of the sexual practices described in

⁵⁵ Qimron, “Celibacy in the Dead Sea Scrolls,” 289.

⁵⁶ García Martínez and Tigchelaar, *The Dead Sea Scrolls Study Edition, Vol. 1*, 572-573; M. Broshi, *The Damascus Document Reconsidered* (Jerusalem: Israel Exploration Society, Shrine of the Book, Israel Museum, 1992), 34-35; C. Hempel, *The Laws of the Damascus Document: Sources, Tradition and Redaction* (STDJ 29; Leiden: E. J. Brill, 1998), 114-115, 126.

the Dead Sea Scrolls than it has to illuminate them. If we are to understand the beliefs and practices of the group(s) that are represented by the witness of the Dead Sea Scrolls, we must start with the documents themselves rather than imposing various ideas upon the texts and attempting to find evidence of those ideas in their contents.

Before describing the methodological approach that will be adopted in this study one final point regarding Harrington's volume *The Purity Texts* is worth mentioning. Like Neusner before her, Harrington makes the assertion that the "primary difference between the Qumran and biblical purity codes is the stringency of the Qumran laws and their close association between ritual and moral impurity."⁵⁷ The problem with this statement, however, is that it is only partially true. As we have noted above, although the ideas of sin and impurity are intertwined in such texts as 1QS, 1QM, and 1QH, there is no equivalent association between these ideas in the Temple Scroll or 4QMMT. Moreover, as Klawans has noted, the Damascus Document appears to be a composite text in that it contains some rulings that agree with the biblical position and others that agree with such texts as 1QS.⁵⁸ These divergences are minimized by Harrington's systemic approach and ultimately lead to a very narrow understanding of ritual purity in the Dead Sea Scrolls.⁵⁹

1.4 Reversing the Methodology

It must be stated from the outset that the following study is not intended to be a critique of the Qumran/Essene hypothesis. As we have noted above, the fact that this hypothesis can so successfully account for such a wide range of material is a testament to its flexibility and strength as a theory. That being said, the study of ritual purity in the Dead Sea Scrolls has been so completely overshadowed by the Qumran/Essene hypothesis that it is difficult to read the scrolls without being affected by this theory. Therefore, we have opted to begin our study on the concept of ritual purity by reading the relevant texts from Qumran independently of one another. Al-

⁵⁷ Harrington, *The Purity Texts*, 37.

⁵⁸ Klawans, *Ritual and Moral Impurity*, 90.

⁵⁹ Yet another example of this narrowing is exhibited in Harrington's contention that "the community [understood itself to be a] substitute for the Temple." But as we have seen above, this idea is not found in either the Temple Scroll or 4QMMT. Both the Temple Scroll and 4QMMT follow the biblical model by placing the locus of purity squarely on the cult and the Temple. Harrington, *The Purity Texts*, 37; Klawans, *Ritual and Moral Impurity*, 90.

though we acknowledge that there is a relationship between these documents, it is our intention to let the scrolls dictate what that relationship is rather than allowing the Qumran/Essene hypothesis to do it for us.

In the subsequent chapters we will examine each of the relevant documents from Qumran in turn. The relevance of a particular document is determined by whether or not it contains purity rulings in any of the five major categories of impurity recorded in the Torah: diseases, clean/unclean animals, corpses, bodily discharges, and sexual misdeeds.⁶⁰ Chapters 2 through 5 will follow the same basic pattern of discussion by starting with a general introduction to the document under consideration. Issues to be discussed in the general introduction include the discovery of the document, its physical description, age, contents, and possible genre. This will be followed by a detailed examination of the purity rulings in each of the categories listed above. The primary goal of this examination is to understand the exegetical methods employed by the authors and the interpretations that those methods have generated. At the end of each chapter a synthesis of our findings will be offered. The documents to be considered in this study are as follows: The Damascus Document (Chapter 2), The Temple Scroll (Chapter 3), 4QMMT (Chapter 4), and Other Cave 4 Manuscripts (Chapter 5).⁶¹

In Chapter 6 we will compare our findings from Chapters 2 through 5 by focussing on the places in the scrolls where there is evidence of explicit agreement and/or explicit disagreement that goes beyond the witness of Scripture. This will be followed by a conclusion where it will be asserted that there is nearly as much explicit disagreement on the subject of ritual purity in the Dead Sea Scrolls as there is agreement, thereby calling into question the proposition that the “similarity of the concept and laws of purity [in the scrolls] are more striking than there differences.”⁶²

⁶⁰ This is a modified version of Neusner’s seven-fold list of impurity located in *The Idea of Purity*: i.e., unclean animals, childbirth, diseases, diseases of a house, bodily discharges, sexual misdeeds, and corpses. For a discussion on the differences between our list and that of Neusner’s, see pp. 8-9 above. See also Neusner, *The Idea of Purity*, 18-22.

⁶¹ 1QS, 1QSa, 1QSB, 1QHabPesh, and 1QH have not been included in this study as they do not contain any of the five major categories of purity under consideration. 1QM, although containing information on bodily discharges and corpses, was deemed to have too little information on ritual purity to have been accorded its own chapter. That being said, 1QM will be discussed in our comparison of the purity material in Chapter 6. Similarly, 4Q543 par. will be discussed only in Chapter 6. The Cave 4 manuscripts included in Chapter 5 include 4Q159; 4Q249; 4Q251; 4Q265; 4Q274-278; 4Q284; 4Q414; 4Q472a; and 4Q512-514.

⁶² Harrington, *The Purity Texts*, 12.

CHAPTER TWO

THE DAMASCUS DOCUMENT

2.1 Introduction

Recovered at the end of the nineteenth century from the Ben Ezra Synagogue in Old Cairo, the Damascus Document and its contents were first published in 1910 by the Talmud scholar Solomon Schechter.¹ After receiving financial support from a colleague at Cambridge University, Schechter travelled to Cairo in 1896 in order to locate an ancient manuscript rumoured to contain the original Hebrew of Ben Sira.² While searching for the Ben Sira text, Schechter came across two copies of a previously unknown document in the *genizah* (a storeroom for worn-out texts) of the Ben Ezra Synagogue.³ Schechter dubbed this document *Fragments of a Zadokite Work* in accordance with its fragmentary state and with the authors of the work who seem to have understood themselves as being synonymous with, or related to, the “sons of Zadok” (CD 4.3).⁴

Although some of Schechter’s contemporaries questioned his identification of the text as Zadokite,⁵ the title *Zadokite Fragments*

¹ S. Schechter, *Documents of Jewish Sectaries. I. Fragments of a Zadokite Work* (Cambridge: Cambridge University Press, 1910).

² S. C. Reif, “The Damascus Document from the Cairo Genizah,” in *The Damascus Covenant: A Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center, 4-8 February, 1998* (ed. J. M. Baumgarten, E. G. Chazon, and A. Pinnick; STDJ 34; Leiden: E. J. Brill, 2000), 109-31.

³ A third manuscript from the Cairo *genizah* containing nine lines of text has also been identified as having a possible connection with the Damascus Document. In particular, the presence of the word Damascus and the phrase “the congregation of the sons of Zadok” presents a strong case in favour of this text being related to the Damascus Document. However, aside from the shared terminology, the contents of this text do not overlap with any of the Damascus Document material from Cairo or Qumran making it difficult to ascertain its relationship with these manuscripts. For more, see I. Levi, “Documents relatif a la ‘Communaute des fils de Sadoc,’” *REJ* 65 (1913): 24-31; J. Fitzmyer, Prolegomenon to the reprint of S. Schechter, *Documents of Jewish Sectaries. I. Fragments of a Zadokite Work* (New York: Ktav, 1970), 9-37.

⁴ Schechter, *Documents of Jewish Sectaries*, xix-xxii.

⁵ Cf. for example L. Ginzberg, *An Unknown Jewish Sect* (1922; repr. New York: Jewish Theological Seminary of America, 1976); A. Büchler, “Schechter’s ‘Jewish Sectaries,’” *JQR* 3 (1912-13): 429-85.

continued to be used by scholars until copies of the document were identified among the manuscript discoveries of the Dead Sea Scrolls in the 1950's. Shortly thereafter, Schechter's title was abandoned in favour of the title Damascus Covenant or Damascus Document based on the text's frequent references to Damascus (CD 6.5, 19; 7.15, 19; 8.21; 19.34; 20.12) and on the overwhelming popularity of Eleazar Sukenik's Essene hypothesis, which identified the authors of the Dead Sea Scrolls as being connected with the Jewish sect known as the Essenes.⁶

Of the two manuscripts recovered by Schechter from the Cairo *genizah*, manuscript A contained sixteen pages of material written on the verso and recto of eight leaves of paper and was dated by Schechter to about the tenth century CE. Manuscript B consisted of two pages written on the verso and recto of one leaf and was dated to about the twelfth century CE. By contrast, the copies of the Damascus Document that were identified among the Dead Sea Scrolls were written sometime between the first century BCE and the first century CE.⁷ Roughly one-thousand years older than their medieval counterparts, the manuscripts from the Dead Sea have retained material that is not extant in the Cairo texts while simultaneously exhibiting a different order for portions of the overlapping material, thereby making them an important early witness to the Damascus Document.

Schechter was the first to suggest that the Damascus Document should be read as a composite work: "its whole contents," wrote Schechter in 1910, "are in a very fragmentary state, leaving the impression that we are dealing with extracts from a larger work, put together, however, in a haphazard way, with little regard to completeness or order."⁸ Aside from a general acknowledgement that the Damascus Document is a composite work, however, there has been little scholarly consensus on how the document should be recon-

⁶ E. Sukenik, *Megillot Genuzot. Sequira Rishona* (Jerusalem: Mossad Bialik, 1948); cf. J. M. Baumgarten, "Sacrifice and Worship among the Jewish Sectarians of the Dead Sea (Qumran) Scrolls," in *Studies in Qumran Law* (SJLA 24; Leiden, E. J. Brill, 1977), 39-56.

⁷ In all, ten manuscripts of the Damascus Document have been identified among the Dead Sea Scrolls: 4Q266-273, 5Q12, and 6Q15. For the Cave 4 material, see J. M. Baumgarten, *Qumran Cave 4. XIII. The Damascus Document (4Q266-273)* (DJD 18; Oxford: Clarendon Press, 1996). For the fragments from Caves 5 and 6, see M. Baillet, J. T. Milik, and R. de Vaux, *Les 'Petites Grottes' de Qumran: Exploration de la falaise, les grottes 2Q, 3Q, 5Q, 6Q, 7Q, a 10Q, le rouleau de cuivre* (DJD 3; Oxford: Clarendon Press, 1962). And for an overview of the Qumran copies of the Damascus Document, see C. Hempel, *The Damascus Texts* (Sheffield: Sheffield Academic Press, 2000), 19-24.

⁸ Schechter, *Documents of Jewish Sectaries*, x.

structed.⁹ Since an overview of the scholarship on the reconstruction of the Damascus Document is beyond the scope of this study we will here after adopt J. Baumgarten's suggested reconstruction.¹⁰

Basing his observations in part on the earlier work of J. T. Milik,¹¹ Baumgarten has suggested that the contents of the Damascus Document can be divided into three sections: the Admonition, Laws, and Communal Rules.¹² Also known as the Exhortation, the Admonition (CD 1-8; 19-20; and 4QD material that precedes the opening lines of the Cairo manuscripts)¹³ can perhaps be described best as a series of accounts explaining the origins of a particular Jewish movement, each preceded by an overview of some part of biblical history. Given its historical tone and the fact that it provides information on the origins of the group behind the Damascus Document, it is not surprising that the Admonition has received the bulk of scholarly attention to date. Of principle interest are the Admonition's references to specific periods of time: three hundred ninety years (CD 1.5-6), twenty years (CD 1.10), and forty years (CD 20.15). And while many of the scholars who have worked on the Admonition acknowledge that these numbers are most likely symbolic (cf. Ezekiel 4:5), some have continued to interpret these figures literally in relation to the historical allusions in the Damascus Document: the destruction of Jerusalem by Nebuchadnezzar (CD 1.6), the Second Temple as being contemporary with the authors of the text (CD 6.12, 16; 11.22; 12.1-2), and references to the enigmatic "Teacher of

⁹ For a survey on the attempt to reconstruct the original texts of CD, see Baumgarten, *Qumran Cave 4. XIII*, 1-7. See also P. R. Davies, *The Damascus Covenant: An Interpretation of the "Damascus Document"* (JSOT 25; Sheffield: JSOT Press, 1983), 1-47.

¹⁰ See J. M. Baumgarten, "Cave IV, V, VI Fragments Related to the Damascus Document (4Q266-273 = 4QD^{a-h}, 5Q12 = 5QD, 6Q15 = 6QD)," In *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations. Damascus Document, War Scroll, and Related Documents* (eds. J. H. Charlesworth with J. M. Baumgarten; The Princeton Theological Seminary Dead Sea Project, 2; Tübingen: J.C.B. Mohr [Paul Siebeck]; Louisville, KY: Westminster/John Knox Press, 1995), 59-79; idem, "Damascus Document," *EDSS* 1:166-70.

¹¹ J. T. Milik, *Ten Years of Discoveries in the Desert of Judaea* (London: SCM Press, 1959), 38-39, 151-52.

¹² Baumgarten, "Damascus Document," 167.

¹³ Confusingly numbered by Schechter in the *editio princeps*, CD B col. 19 parallels the material in CD A cols. 7-8, but it retains a considerably different version of the text. CD B col. 20, on the other hand, contains material that is virtually unattested by any of the other manuscripts and has more in common with the Damascus Document's legal material that it does with the Admonition, which has inspired some to understand it as a later addition to the Admonition. See Hempel, *The Damascus Texts*, 32, 77-79; Schechter, *Documents of Jewish Sectaries*, x. For a text-critical assessment of the material, see S. White, "A Comparison of the 'A' and 'B' Manuscripts of the Damascus Document," *RevQ* 12 (1987): 537-53.

Righteousness” (CD 1.11; 20.32). While offering a number of interesting possibilities for the identification of the authors of the Damascus Document and the dating of the movement behind it, this approach has resulted in something less than a consensus.¹⁴

In contrast to the Admonition and the intense scholarly interest that it has generated, Baumgarten has described the Laws (CD 9-12.20a; 15-16; and material from 4QD, 5QD, and 6QD) as being the “core” and “central body of the Damascus Document.”¹⁵ Concerned with the interpretation of laws relating to ritual purity, the Sabbath, and general *halakha*, this section has been reordered based on the material recovered from Qumran.¹⁶ Of particular interest is the way in which this section is organized. Beginning with various rulings on vows and oaths (CD 15.1-9.1), the text then discusses laws relating to witnesses (CD 9.2-10a), lost or stolen property (CD 9.10b-16a), additional information on witnesses (CD 9.16b-10.3), and the establishment of judges (CD 10.4-10). The focus of the section then changes abruptly in col. 10 in order to consider Sabbath regulations (CD 10.14-11.18), general purity laws (CD 11.19-12.2a), laws concerning relations with gentiles (CD 12.2b-11), and concludes with yet another group of purity laws (CD 12.11-20a).

A third section, which Baumgarten calls Communal Rules (CD 12.20b-14 and material from 4QD), moves beyond the more or less generic laws offered in the previous section and details a number of specific rules for the organization and discipline of a group, or groups, referred to as “the Many” (הַרְבִּיִּים – CD 13.7; 14.7, 12, 17).¹⁷

¹⁴ See Davies, *The Damascus Covenant*, 1-47; M. Grossman, *Reading for History in the Damascus Document: A Methodological Method* (STDJ 45; Leiden: E.J. Brill, 2002).

¹⁵ Baumgarten, “Damascus Document,” 167; idem, *Qumran Cave 4. XIII*, 7. Baumgarten and Hartmut Stegemann have both noted that the closing words of 4Q266 9, reconstructed as coming at the very end of CD, may be read as a formulaic description of CD’s entire contents: “This explanation of the laws to be followed during the entire period of visitation ... Behold it is all in accordance with the final interpretation of the Law.” Baumgarten, “Damascus Document,” 167; H. Stegemann, *The Library of Qumran: On the Essenes, Qumran, John the Baptist, and Jesus* (Grand Rapids: Eerdmans, 1994), 165.

¹⁶ Regarding the redaction of this material, Milik writes: “On the evidence of two manuscripts [from Qumran], we have now to change the order of pages proposed by Schechter and followed by all subsequent editors of the Cairo manuscripts. Pages XV and XVI precede page IX *directly*; these two pages and the beginning of page IX both give laws relating to oaths and vows. After page VIII and the conclusion to the historical section (missing in A, preserved in B, page XX ...), but before page XV, we can detect the loss of several pages in the Cairo manuscript A. Numerous fragments from Cave IV manuscripts belong to this missing section.” Milik, *Ten Years of Discovery*, 151-52.

¹⁷ Baumgarten, “Damascus Document,” 167.

While most of this section is concerned with meetings of an individual group, or “camp” (מחנה), there are various passages within the Communal Rules that describe a meeting of all “the camps” (המחנות – CD 14.3, 8), suggesting that the movement being described was not limited to one location. Furthermore, this section is also characterized by its use of specific titles for those individuals who appear to have been leaders within the movement: the “Instructor” (משכיל – CD 12.21; 13.22) and the “Overseer” (מבקר – CD 13.6, 7, 13, 16; 14.8, 11, 13). While both the Instructor and the Overseer appear to have been important figures within the movement, it was the Overseer who was responsible for examining individuals wishing to join the movement (CD 13.11-13) and for educating priests on the “correct” interpretation of certain religious laws, such as those concerning the proper diagnosis of a skin disease (CD 13.4b-7a).

2.2 Ritual Purity

Prior to the publication of the texts from Qumran, it was generally believed that the Damascus Document had very little to say on the subject of ritual purity. Of the five major categories of impurity discussed in the Cairo manuscripts, four of them (diseases, clean/unclean animals, corpses, and bodily discharges) are mentioned a total of four times, or once each.¹⁸ With the publication of the Damascus Document manuscripts from Qumran,¹⁹ which contain some 363 lines of previously unattested material that is dominated by religious laws and purity concerns, the number of references to ritual purity in the Damascus Document has grown considerably.²⁰ In the following discussion, we will attempt to gain a more complete understanding of the overall character and content of ritual impurity in the Damascus Document by examining each of the major categories of impurity recorded in the Cairo and Qumran manuscripts while simultaneously comparing them with the corresponding biblical rul-

¹⁸ Diseases (CD 13.4b-7a), clean/unclean animals (CD 12.11b-15a), corpses (CD 12.17b-18), and bodily discharges (CD 5.6b-7a).

¹⁹ J. M. Baumgarten, *Qumran Cave 4. XIII. The Damascus Document (4Q266-273)* (DJD 18; Oxford: Clarendon Press, 1996).

²⁰ Concerning the Qumran manuscripts and their previously unattested legal material, Baumgarten has suggested that “the laws ... must [now] be regarded both quantitatively and qualitatively as the core of the Damascus Document.” Baumgarten, *Qumran Cave 4. XIII. 7*. See also, Baumgarten, “The Laws of the Damascus Document in Current Research,” in *The Damascus Document Reconsidered* (ed. M. Broshi; Jerusalem: Israel Exploration Society, Shrine of the Book, Israel Museum, 1992), 61-62.

ings. By comparing the biblical rulings on ritual impurity with those of the Damascus Document, it is our intention to gain a better understanding of the interpretational tendencies and methods employed by the author/redactor of this work.

2.2.1 Diseases

According to the thirteenth chapter of Leviticus, when an eruption on the skin has turned “into a plague of skin disease” (לִנְגַע צִרְעָה – Lev 13:2)²¹ the individual in question must be brought before a priest who will examine the eruption in order to determine whether or not it is, in fact, a skin disease. This seemingly contradictory statement raises an interesting question: If it is the responsibility of a priest to determine if a mark on the skin is a skin disease, then how is it possible for a lay individual to ascertain when an eruption has become a skin disease necessitating the expertise of a priest? Although Leviticus does not provide us with a clear answer to this question, the rabbis attempted to overcome this textual problem by drawing a direct correlation between the size of a skin eruption and the potential presence of a skin disease.²² As John Wilkinson has noted: “the rabbis agreed that an abnormal skin appearance was not to be regarded as significant until it had attained the size of a square the length of whose side was that of a Cilician bean.”²³ Therefore, once an eruption had grown to the minimum size of significance (i.e., one square inch),²⁴ a priest was required to examine the mark in question in order to determine whether it was a clean eruption or an unclean disease. Unfortunately for the person being examined however, this process could take upwards of two weeks (cf. Lev 13:4-6).

²¹ Although the KJV translates Lev 13:2 as: “and it be in the skin of his flesh like [my emphasis] the plague of leprosy,” this is primarily an interpretation and it fails to account for the לִנְגַע of product in נִגַע. Furthermore, it has been convincingly argued that the biblical term צִרְעָה does not refer to the medical condition known as leprosy or Hansen’s disease. Rather, צִרְעָה appears to be representative of a generic term for both afflictions of the skin and diseases in general (cf. Lev 13:1-14:32; 13:47-59; 14:33-53). See J. Milgrom, *Leviticus 1-16: A New Translation with Introduction and Commentary*. Vol. 3 of the *Anchor Bible*. (New York: Doubleday, 1991), 775; J. Wilkinson, “Leprosy and Leviticus: The Problem of Descriptions and Identification,” *SJT* 30/2 (1977): 153-69; E. V. Hulse, “The Nature of Biblical ‘Leprosy’ and the use of Alternative Medical Terms in Modern Translations of the Bible,” *PEQ* 107 (1975): 87-105.

²² Cf. *m. Neg.* 6:1.

²³ Wilkinson, “Leprosy and Leviticus,” 159.

²⁴ Wilkinson, “Leprosy and Leviticus,” 159.

Turning to the Damascus Document, one finds an entirely different understanding between skin eruptions and skin diseases. Where the rabbis concerned themselves with the size and growth of an eruption, the author/redactor of the Damascus Document understood the transition from skin eruption to potential skin disease as being directly related to the presence of a “spirit” (רוח – 4Q266 6 i 6; 4Q272 1 i 2; 4Q273 4 ii 11). Not only did this רוח disrupt the normal flow of blood in an artery (4Q272 1 i 2), but it also seems to have been responsible for the growth of scalls and turning hair yellow (4Q266 6 i 6-8). Although the exact meaning of the רוח is unclear, Baumgarten has suggested two possible interpretations: (1) the רוח represents the presence of demonic or evil powers that have the ability to render an individual unclean;²⁵ or (2) it is indicative of an attempt to understand the physiological manifestations of skin disease within the parameters of ancient medical experience.²⁶ In either case, it is interesting to note that the רוח is nowhere mentioned in Leviticus as being related to ritual impurity or skin diseases.²⁷

Aside from the activity of the רוח, one can also detect a seemingly conscious effort on the part of the Damascus Document to streamline the biblical material. Consider, for example, the biblical

²⁵ Based on Baumgarten’s interpretation of several text from the Qumran corpus, including the so-called “two-spirit” material from 1QS 3-4, the references to the “pestilent spirit” (רוח מכרש) and the “evil spirit” (רוח באש) in 1Q20 16-29, and the catalogue of transgressors in 4Q270 2 ii, which seems to indicate that those inflicted with a skin disease are guilty of sin, Baumgarten has suggested: “it is thus possible to take the attribution of scale disease to the רוח in our text as involving the intrusion of evil or demonic influences.” J. Baumgarten, “The 4Q Zadokite Fragments on Skin Disease,” 61-62. Compare Baumgarten’s observations on the possible relationship between the רוח, demonic powers, and skin diseases with Milgrom, who suggests: “the sectaries of Qumran were emphatic in their conviction that scale disease and, indeed, all illnesses were signs of divine punishment.” Milgrom, *Leviticus 1-16*, 821.

²⁶ Comparing the activity of the רוח with the physiological descriptions of the πνευμα and the circulation of blood in certain ancient Greek and Jewish medical writings, Baumgarten observes that the רוח “disturbs the normal flow of blood in the arteries, causing it to recede. Healing is indicated by the return of the blood, apparently identified with the spirit of life, to the arteries where it ‘moves up and down.’” Baumgarten, “The 4QZadokite Fragments,” 163; idem, “Cave IV, V, VI Fragments Related to the Damascus Document,” 62.

²⁷ Pointing to the monotheistic innovations of the Priestly source, Milgrom notes: “In Israel, however, there are no traces of demonic impurity ... The demons have been expunged from the world but man has taken their place. This is one of the major contributions of the priestly theology: man is demonized. True, man falls short of being a demon, but he is capable of the demonic. He alone is the cause of the world’s ills. He alone can contaminate the sanctuary and force God out.” J. Milgrom, “Israel’s Sanctuary: The Priestly ‘Picture of Dorian Gray,’” *RB* 83/3 (1976): 397.

ruling concerning a “scall” (נִתְּקַ - Lev 13:29-37).²⁸ According to Leviticus, if the scall is deeper than the surface of the skin (v.29), and the hair in the scall becomes thin and yellow (v.30), then the individual in question must be ruled unclean by a priest (v.30). However, if the scall is not deeper than the surface of the skin and there are no black hairs in the scall, then the individual is quarantined for seven days (v.31). If, after seven days, the scall has not spread, no additional yellow hairs have appeared (v.32), and the eruption is not deeper than the surface of the skin, then the individual must shave their own head or beard, but not the scall (v.33). Once shaved, the individual is quarantined for an additional seven days (v.33). If, after the second week, the scall has not spread and is not deeper than the surface of the skin, then the individual is pronounced clean and they must wash their clothing (v.34). But, if the scall spreads after the individual has been pronounced clean (v.35), then the priest must pronounce them unclean (v.36). However, if the scall has not spread after the second week and black hair has grown in the scall, then the individual is pronounced clean (v.37).

In contrast to the length and awkwardness of the biblical material,²⁹ the Damascus Document contains half as many instructions and simplifies the process of examination. For example, if a priest sees that a רִיחַ has taken hold of an artery, causing a scall to appear and turning the hair in the scall thin and yellow (4Q266 6 i 5-7), then the individual in question must have their head or beard shaved, but not the scall (L1.8-9). Once shaved, a priest must examine the individual after a period of seven days in order to determine whether or not any additional hairs have died (L1.8-11). If the priest concludes that additional hairs have died, then the individual is deemed to be unclean (L.11). However, if no additional hairs have died (L.11-12), the artery in the scall is filled with blood (L.12), and the “spirit of life” (רוּחַ הַחַיִּים) is properly circulating (L.12), then the scall is deemed clean (L.13).

²⁸ Unlike an eruption of “skin disease” (צִרְעָה) on the skin of the body, which causes the hair in an affected area to become white in appearance (Lev 13:3), a “scall” (נִתְּקַ) on the head or in the beard is said to cause a yellowing of the hair. According to Hulse, the yellowing of hair suggests that the disease being described is *favus* or ringworm. Hulse, “The Nature of Biblical ‘Leprosy,’” 99.

²⁹ Concerning the “peculiar order” of the biblical material on scalls, Milgrom has made the following observation: “Verse 37 cannot follow v 34 chronologically, which would imply that the priest must issue two consecutive verdicts of purity. Rather, after a period during which the scall had reappeared and its bearer has been declared impure and banished from the camp, the scall heals; the priest certifies this and enjoins upon him the requisite purificatory rites.” Milgrom, *Leviticus 1-16*, 798-799.

When compared with one another, the two sets of material presented above reveal a number of interesting differences. First, where Leviticus outlines a period of quarantine that can last up to two weeks, the Damascus Document favours a weeklong program that does not specifically require an individual to be quarantined between examinations.³⁰ Second, although quoting Lev 13:33 with the help of a common introductory formula (וַאֲשֶׁר אָמַר - 4Q266 6 i 8-9), the Damascus Document deviates significantly from its biblical base text. For example, where Leviticus uses the *hithpael* of גָּלַח to emphasize the reflexive nature of the activity being described (וְהִתְגַּלַּח - “he will shave himself but not the scall”),³¹ the Damascus Document uses the *piel* (וַאֲתָהּ - “they will shave the head but not the scall”),³² indicating that others could possibly be enlisted to shave the head or an individual with a scall. Third, while the Damascus Document certainly makes a distinction between “the dead and the living hairs” (הַשְּׂעֵרוֹת הַמֵּיִתוֹת וְהַחַיִּוֹת - 4Q266 6 i 10), it does not specifically list black hair (Lev 13:31, 37), the spreading of scalls (Lev 13:32, 34, 35-37), or a scall’s depth below the surface of the skin (Lev 13:29, 31, 32, 34) as symptoms that must be evaluated by a priest. Finally, unlike the biblical material, which records that a person with a scall must wash their clothing after they have been ruled clean by a priest (Lev 13:34), the Damascus Document does not specify what type of ritual activities, if any, are necessary once a person has been deemed ritually clean.³³

One possible explanation for the differences described above involves the biblical command to wash one’s clothing after a priest has determined that an individual with a scall is ritually clean (Lev 13:34). According to Milgrom, “the fact that he must bathe at all indicates that he has contracted some form of impurity, a lesser one to be sure, one that does not require external purifications and sacrifices, but one that will be eliminated when he immerses himself in water.”³⁴ In contrast to the implications of Milgrom’s observation,

³⁰ While a seven day buffer period between examinations is recommended by the Damascus Document (4Q266 6 i 8-11), the text does not specifically refer to this period as a quarantine as it does in reference to skin diseases. Cf. 4Q272 1 i 6a “as it was said, [the priest] shall quarantine [him]” – כַּאֲשֶׁר אָמַר וְהִסְגִּירָו הַכֹּהֵן –

³¹ Lev 13:33.

³² 4Q266 6 i 9.

³³ Although there are no references to washing one’s clothing after a person with a scall has been ruled ritually clean by a priest, several fragmentary portions of the Damascus Document do refer to washing clothing in relation to ritual purity. Cf. 4Q266 6 i 3, 4Q271 5 i 15, and 4Q272 1 ii 6.

³⁴ Milgrom, *Leviticus 1-16*, 797.

the Damascus Document material on scalls does not contain any references to washing one's clothing after being ruled clean by a priest, which may well indicate that the author/redactor of the Damascus Document did not believe that a person with a clean scall had contracted any type of impurity whatsoever. This interpretation is further reinforced when one considers that the Damascus Document not only avoids any explicit references to quarantining an individual with scalls, but it also allows for others to help shave the head of a person undergoing a program of examination. If the author/redactor of the Damascus Document believed that an individual with a clean scall had contracted some form of impurity during their program of examination, as Leviticus seems to suggest, then why is it that the Damascus Document does not demand that an individual be quarantined, avoid contact with others by shaving their own head, and wash their clothing after being ruled clean? Although the reference to seven days in 4Q266 6 i 11 may well include the notion of quarantine and bathing, the lack of any explicit references to these activities seems to suggest that the author/redactor of the Damascus Document did not believe that a person with a clean scall had contracted any type of impurity whatsoever.

In addition to the material on scalls, the Damascus Document also contains several parallel rulings on skin diseases that appear on the fleshy parts of the body.³⁵ Located immediately before the material on scalls, the rulings on skin diseases in the Damascus Document are based upon Lev 13:2-8, but, as with the material on scalls, these texts differ considerably. For example, regarding skin diseases, Lev 13:2-8 records that when a person has a "discolouration" (שֵׁאֵת), a "scab" (סִפְחָת), or a "shiny spot" (בְּהֵרֵת) that develops into a "skin disease" (צִרְעָתָה) a priest must examine the eruption (vv.2-3).³⁶ If the hair in the eruption turns white and is deeper than the surface of the skin, then it is an unclean skin disease (v.3). However, if the eruption is white in colour, not lower than the surface of the skin, and there are no white hairs in the spot, then the individual is quarantined for seven days (v.4). If, after seven days, there is no change in the status of the eruption, then the person is quarantined for seven additional days (v.5). After the second week of quarantine the person is examined again and if the eruption has faded and not spread, then the individual is ruled clean and they must wash their clothing (v.6). But if the eruption spreads after being pronounced clean, the priest must pronounce the individual unclean (vv.7-8).

³⁵ 4Q266 6 i 1-5; 4Q269 7 1-13; 4Q272 1 i 1-13; 4Q273 4 ii 2-9.

³⁶ See p. 24.

Containing one explicit quotation and one implicit quotation from Leviticus,³⁷ the material on skin diseases in the Damascus Document, like that on scalls, dictates an abbreviated program of examination in comparison to its biblical counterpart. Although it is extremely fragmentary, the Damascus Document records that when a “spiri[t]” ([רין]) enters a “[discolouration]” ([שאת]), a “scab” ([ספחת]), or a “shiny spot” ([בהרת]) and seizes an artery, thereby disrupting the normal flow of blood, a priest is required to examine the eruption in question (4Q269 7 1-4; 4Q272 1 i 1-5). If, upon examining the eruption, the priest discerns that the amount of dead skin exceeds that of the living, then the individual must be quarantined for seven days (4Q269 7 4-7; 4Q272 1 i 5-6). After the period of quarantine, the priest must examine the eruption in order to determine if the blood has returned to the artery, if the flesh has grown, and if the “[spi]rit of life” ([רין] ח החיים) is flowing up and down in it; in which case the “scab” ([ספחת]) must be ruled “[clean]” ([טהורה]) (4Q269 7 7-9; 4Q272 1 i 6-8). However, if the discolouration of the scab is deeper than the surface of the skin and contains “living flesh” ([חיי הבשר]), then the priest must rule that it is a [sk]in disease” ([צרעת]) that has taken hold of the living skin (4Q266 6 i 1-3; 4Q269 7 10-12; 4Q272 1 i 9-11).

As with our previous comparison involving scalls, the two sets of material on skin diseases presented above exhibit numerous differences. First, where Leviticus lists a “discolouration” ([שאת]), a “scab” ([ספחת]), or a “shiny spot” ([בהרת]) as immediate precursors to a skin disease, the Damascus Document intimates that the presence of a discolouration, scab, or a shiny spot is not, in and of itself, directly related to the onset of a skin disease. Specifically, the Damascus Document records that a “scab” ([ספחת]) can be caused by a “blow” ([מכה]) from a piece of wood, stone, or any type of blow to the skin (4Q269 7 1-2; 4Q272 1 i 1-2). Furthermore, only when a “spirit” ([רוח]) enters an eruption and seizes the artery therein should a priest be summoned to determine if an eruption is unclean (4Q269 7 1-4; 4Q272 1 i 1-5). Therefore, according to the Damascus Document, it is thus possible for an individual to have a skin eruption, such as a scab, a discolouration, or a shiny spot without having to summon a priest or undergo a program of examination for an unclean skin dis-

³⁷ 4Q272 1 i 6a explicitly quotes Lev 13:5 with the help of an introductory formula ([והסגיר]ו הכוהן) – “as it was sai[d], [the priest] shall quarantine [him]”, while 4Q272 1 i 1 implicitly quotes Lev 13:2 ([בהרת] או [ספחת] או [שאת]) – “a discolouration or a scab or a shiny spot”. See Baumgarten, *Qumran Cave 4. XIII*, 188-89; E. Qimron, “Notes on the 4Q Zadokite Fragment of Skin Disease,” *JJS* 42 (1991): 256.

ease. Second, unlike Leviticus, the Damascus Document does not mention the colour of an eruption (Lev 13:3-4) or the colour of the hair growing out of an eruption (Lev 13:4) as symptoms that must be examined by a priest. Third, although the Damascus Document recommends that an individual must be quarantined for seven days if the amount of dead skin in an eruption exceeds that of the living skin (4Q269 7 4-7; 4Q272 1 i 5-6), the period of quarantine is half as long as that which is recommended by Leviticus. Finally, the Damascus Document does not, in contrast to Leviticus, specify that an individual must launder their clothing after an eruption has been ruled clean by a priest.

The fact that the Damascus Document requires an individual with a suspected skin disease to be quarantined for seven days, rather than the fourteen days recommended by Leviticus, suggests that the author/redactor of the Damascus Document still considered such a person to be in a minor state of impurity. Presumably, if an individual were to come in contact with a quarantined person, they too would contract a minor form of impurity. Since a second week of quarantine and laundering is not explicitly mentioned in the Damascus Document, one can only assume that a weeklong quarantine was understood by the author/redactor to be an adequate means of disposing of any impurity that may have been contracted through the presence of a suspected skin disease.³⁸ If accurate, this observation, coupled with our previous remarks on the material related to scalls, indicates that the author/redactor of the Damascus Document seems to have reinterpreted the material from Leviticus in such a way so as to limit the amount of impurity that could be contracted by an individual who, after undergoing a program of examination for an unclean skin disease, had ultimately been deemed clean.

Before moving on to the next category of ritual purity, one additional point regarding the presentation of diseases in the Damascus Document should be mentioned. In a section of the Damascus Document referred to as the “catalogue of transgressions,” which has survived only in the material from Qumran, an “individual afflicted with skin disease” (נוגע בנגע צרעה) – 4Q270 2 ii 12) is listed

³⁸ In contrast to the Damascus Document, Leviticus seems to suggest that a second week of quarantine and laundering was not only necessary, but it indicated that a higher degree of impurity had been contracted. According to Milgrom: “Laundering (and bathing) is required only when a second week of quarantine is imposed (Lev 13:6, 34), in contrast to a one-week quarantine, which requires no purification at all (cf. Lev 13:23, 28) – an indication that the longer period creates a severer impurity.” Milgrom, *Leviticus 1-16*, 782.

alongside other transgressions such as unclean discharges.³⁹ “The mention of these physical afflictions in this catalogue of transgressions,” says Baumgarten, “may indicate that they were viewed as symptomatic of sin.”⁴⁰ Based on this hypothesis, Baumgarten has gone on to suggest that the activity of the $\Pi\Gamma$, as discussed above, may involve the presence of evil or demonic powers.⁴¹ While we agree that the inclusion of skin diseases in the catalogue of transgressions appears to signify a sinful condition, it is interesting to note that, after a $\Pi\Gamma$ has entered an eruption or scall, the Damascus Document not only halves the examination or quarantine period recommended by Leviticus, but it also fails to make any references to laundering one’s clothing after being ruled clean.⁴² Given the Damascus Document’s propensity for limiting the amount of impurity that can be contracted during a program of examination or quarantine, the argument that the $\Pi\Gamma$ is representative of evil or demonic powers would appear to be significantly weakened.

2.2.2 Clean/Unclean Animals

In contrast to the material on diseases, very little information on clean and unclean animals has found its way into the Damascus Document. Of the 416 lines of extant text from the Cairo manuscripts and the 715 lines from Qumran,⁴³ a grand total of 7 lines are concerned with the issues of clean and unclean animals. Of those 7 lines, 5 are located in the Cairo manuscripts (CD 12.11b-15a), while 2 come from the Qumran corpus (4Q266 9 ii 1-2a). However, given that the 2 lines from Qumran are extremely fragmentary, and that they parallel 2 of the 5 lines from the Cairo manuscripts (4Q266 9 ii 1-2a || CD 12.14-15a), we will focus solely on the material from Cairo:

³⁹ Baumgarten, “The Laws of the Damascus Document in Current Research,” 53.

⁴⁰ Baumgarten, *Qumran Cave 4*. XIII, 146.

⁴¹ Baumgarten, “The 4Q Zadokite Fragments on Skin Disease,” *JJS* 41 (1990): 162; idem, “Cave IV, V, VI Fragments Related to the Damascus Document,” 61-62.

⁴² Furthermore, the Damascus Document also allows for other individuals to help shave the head of a person with a scall that has been seized by a $\Pi\Gamma$. Such an activity would have placed other individuals at risk for ritual impurity through their physical contact with the person being shaved.

⁴³ Taken separately, the lines of the Damascus Document from Qumran can be broken down as follows: Cave 4, 689 lines; Cave 5, 5 lines; and Cave 6, 21 lines. Of the 689 lines from Cave 4, some 326 parallel the material from Cairo, while virtually all of the material from Cave 5 and Cave 6, with the exception of 6Q15 5 1-5, parallel the Cairo manuscripts. See Baumgarten, “The Laws of the Damascus Document in Current Research,” 61-62.

(CD 12.11b-15a)

אל ישקץ איש את נפשו 11b
 בכל החיה והרמש לאכל מהם מעגלי הדבורים עד כל נפש 12
 החיה אשר תרמוש במים והדגים אל יאכלו כי אם נקרעו 13
 חיים ונשפך דמם וכל החגבים במיניהם יבאו באש או במים 14
 עד הם חיים כי הוא משפט בריאתם 15a

- 11b A man should not make his soul unclean
 12 with any living thing or creeping thing, by eating from them,
 from the larvae of bees to every being,
 13 having life, that creeps in waters. And the fish: they should not
 eat unless they are opened
 14 alive and their blood is poured out. And all locusts according to
 their kinds, they will be put into fire or into water
 15a while they are alive for this is the law according to their creation.

Appearing in the section of the Damascus Document known as the Laws, this diverse passage can be divided into three distinct parts:⁴⁴

(1) a negative ruling against drinking or eating anything containing living or creeping things; (2) a negative ruling against eating fish that have not been drained of their blood; and (3) a command to cook or boil locusts before they are consumed. While the material in this section is clearly based upon Lev 11, it departs from the corresponding biblical rulings by outlining specific dietary concerns that are not present in the Torah. For example, where the Damascus Document rules that an individual must cook or boil a locust prior to eating it (CD 12.14b-15a), Leviticus is completely silent on the subject of culinary preparation, preferring instead to list the four types of locusts that are considered to be ritually clean: “the locust” (הארבה), “the bald locust” (הסלעם), “the cricket” (החרגל), and “the grass-

⁴⁴ In reference to this material, Hempel has noted: “it seems quite clear that CD 11,21b-12,6a and 12,11b-20a contain the most disparate and haphazard collection of rulings in the Laws of D.” Hempel continues: “This material has not been assigned to the halakhah stratum of the Laws since it largely lacks the formal coherence that characterizes the former group of texts. Nor are there any indications in CD 12,11b-18 par. that would warrant an association of these rules with the communal legislation in the Laws since nothing in these lines can be taken to refer to a particular organized community within Israel.” C. Hempel, *The Laws of the Damascus Document: Sources, Tradition, and Redaction* (STDJ 29; Leiden: E.J. Brill, 1998), 153, 161.

hopper” (החגב).⁴⁵ By adding the stipulation that ritually clean “locusts” (חגבים – CD 12.14)⁴⁶ must be cooked or boiled prior to their consumption, the author/redactor of the Damascus Document appears to be suggesting that an individual could still contract ritual impurity if they were to consume an uncooked locust. Furthermore, the provision that a locust must be prepared “while they are alive” (עד הם חיים - CD 12.15a) seems to have placed yet another limitation on the consumption of locusts by suggesting that only those locusts that were “alive” (חיים) at the beginning of the cooking process were ritually clean (Cf. Lev 11:24; 17:15; Deut 14:21).

In addition to embracing certain dietary concerns not present in the biblical material, the Damascus Document also appears to elaborate on the laws of Leviticus by conflating two or more rulings in order to create a more explicit law. For example, while representing an addition to the rather sparse material on fish in Lev 11:9-12, the ruling that a fish must be drained of its blood prior to being consumed (CD 12.13b-14a) is clearly based on the biblical prescription to avoid ingesting blood.⁴⁷ And since, according to the biblical record, blood is representative of life and, as such, can be used as a substitutionary device to atone for the sins or impurities of an individual or group, mankind is not permitted to consume it (Cf. Lev 17:10-14).⁴⁸ Given the emphasis that the Torah places on the ban

⁴⁵ Several theories have been forwarded as to why locusts were considered to be a clean insect that was fit for consumption. In *Purity and Danger*, M. Douglas has suggested that a being’s relationship to the ideal of holiness, which is expressed in the dietary laws of Leviticus through the metaphor of an appropriate method of locomotion for a given environment, dictates whether or not a living being is clean or unclean. In the case of locusts, suggests Douglas, the mode of locomotion is not crawling but hopping, which is considered by Leviticus to be an appropriate means of movement upon dry land. In contrast to Douglas, however, Milgrom has noted that Leviticus does not compare locusts with crawling animals but with winged animals that walk on all fours (Lev 11:20). Furthermore, Milgrom has observed that locusts not only hop and “walk on all fours” (לִלְכוּתָם עַל אַרְבַּעַת - Lev 11:21), but they also fly, which is highly problematic for Douglas’ locomotion hypothesis. By creating an exception for an insect that walks on all fours, hops and flies, it is possible, according to Milgrom, that the practice of eating locusts was deemed permissible as it harkened back to the wilderness period when the Israelites relied on their herds of animals and locusts for their sustenance. M. Douglas, *Purity and Danger: An Analysis of the Concepts of Pollution and Taboo* (1966; repr., London and New York: Routledge, 1992), 41-57, esp. 56; Milgrom, *Leviticus 1-16*, 666, 735-36.

⁴⁶ Representing one of the four words for locusts listed in Lev 11:22, חגבים would eventually come to be used by the rabbis as a generic word for all ritually clean locusts. Milgrom, *Leviticus 1-16*, 666.

⁴⁷ Regardless of whether the animal being discussed was sacrificial (Lev 3:17) or non-sacrificial (Lev 7:26), the biblical position is clear: blood must not be consumed. Cf. Gen 9:4; Lev 3:17; 7:26-27; 17:10-14; 19:26; Deut 12:16, 23; 15:23.

⁴⁸ As Milgrom has noted: “Life is inviolable; it may not be treated lightly. Mankind has a right to nourishment, not to life. Hence the blood, the symbol of life,

against ingesting blood, it is not surprising that the author/redactor of the Damascus Document saw fit to combine this ruling with their dietary concerns regarding fish. What is somewhat more surprising, however, is that the Damascus Document also demands that a fish be “opened alive” (נִקְרָעוּ חַיִּים) – CD 12.13b-14a) and drained of its blood prior to being consumed. Here again, like the material regarding locusts, the indication being that a fish was ritually unclean and unfit for consumption unless it was alive immediately prior to being prepared as food. Rulings such as these seem to suggest that the author/redactor of the Damascus Document practised a form of biblical interpretation that was, from time to time, dependent upon conflation to create a more explicit law that would account for certain biblical rulings not specifically mentioned in conjunction with a particular topic, but were thought to be relevant nonetheless.⁴⁹

The third ruling on clean and unclean animals in the Damascus Document concerns the presence of living or creeping things that are present in food or water (CD 12.11b-13a).⁵⁰ At first glance, this passage appears to function as a general prefatory statement for the subsequent dietary rulings on fish and locusts. Upon closer inspection, however, it has been suggested that, rather than functioning as a preface, this passage represents a dietary ruling in its own right.⁵¹ According to Lieberman, where rabbinic law makes allowances for the consumption of “tiny creatures” that are present in food or liquids, as long as they do not become separated from the foodstuff in question, the Damascus Document rules that an individual should not “make his soul detestable” (שִׁקְץַי אִישׁ אֶת נַפְשׁוֹ) – CD 12.11b) by eating or drinking anything containing a “living or creeping thing” (חַיִּיהָ וְהֶרְמֵשׁ) – CD 12.12).⁵² The implication being that an individual must filter any liquid or wash any foodstuffs containing living or creeping things in order to protect oneself from becoming ritually

must be drained, returned to the universe, to God.” Failure to comply with this ruling would result in an individual being “cut off” (כִּרְתָה) – Lev 17:14) from his people, or destroyed. Milgrom, *Leviticus 1-16*, 713; B. A. Levine, *The JPS Torah Commentary: Leviticus* ויקרא (New York: Jewish Publication Society, 1989), 241-42.

⁴⁹ The ruling on fish in the Damascus Document appears to be a conflation of three different biblical rulings: (1) fish are clean and, as such, are fit for consumption (Lev 11:9-12); (2) an individual must not ingest blood (Lev 17:10-14); and (3) an animal that has died of natural causes or has been killed by another animal is unclean and should not be eaten (Lev 17:15).

⁵⁰ See p. 32 above.

⁵¹ S. Lieberman, *Texts and Studies* (New York: Ktav, 1974), 191-93.

⁵² Lieberman, *Texts and Studies*, 191-193.

impure.⁵³ Such an approach, while not without biblical support (cf. Lev 11:10-12), appears to rely upon a literalistic interpretation of the Torah that would eventually come to be seen by the rabbis as an extremist or heterodox position.⁵⁴

2.2.3 Corpses

The single most contaminating force in the Hebrew Scriptures, corpse impurity is described in the Torah as being dynamic and mobile. According to Num 19, not only could a corpse render an individual impure through direct contact, but it also had the ability to defile people and certain objects by its mere presence. Even the simple act of entering a tent where a corpse was located would have rendered a person ritually unclean and would have required that individual to take part in an expiatory act known as the Red Heifer rite. This rite, which lasted seven days and required an individual to be sprinkled with water that had been mixed with the ashes of an unblemished red cow on the third and seventh days of their contamination, was thought to cleanse an individual from corpse impurity and to protect the sanctity of the sanctuary.⁵⁵

While much has been made of the supposed break between the movement responsible for the authorship of the Damascus Document and the Temple authorities, the author/redactor of the Damascus Document seems to have condoned the practice of the Red Heifer rite (cf., 4Q269 8 ii 3b-6 par.). Although it is not clear whether the author/redactor of the Damascus Document practiced the Red Heifer rite himself, it is clear that he believed in the necessity and efficacy of this act, which may be suggestive of a heightened opinion of the Temple. While a discussion on the relationship between the Damascus Document movement and the Temple authorities is beyond the scope of this study, the following discussion may, nevertheless, shed

⁵³ C. Rabin, *The Zadokite Documents* (Oxford: Clarendon Press, 1954), 61n.12.2; 62n.13.1.

⁵⁴ Lieberman, *Texts and Studies*, 192.

⁵⁵ The fact that the red heifer was slaughtered outside of the camp (Num 19:3), that its blood was sprinkled towards the door of the Tent of Meeting seven times (Num 19:4), and that the priests and individuals performing the rite became impure until evening (Num 19:7-10; 21-22), suggests that, while protecting the sanctuary by sprinkling the blood towards the tent seven times, the act itself was defiling and had to be performed outside of the camp so as to avoid further contamination of the sanctuary. See "Red Heifer," *EncJud* 8:9-13; Milrom, "Israel's Sanctuary: The Priestly Picture of Dorian Gray," 390-99.

some light on this issue.

As with the material on clean and unclean animals, the Damascus Document contains very little information on corpses. Specifically, the manuscripts from Cairo and Qumran contain two different sets of parallel rulings on corpse contamination: CD 12.17b-18 || 4Q266 9 ii 4b-5a and 4Q269 8 ii 3b-6 || 4Q271 2 10b-13. Let us consider the former first:

(CD 12.17b-18)

17b וכל כלי (מסמר) מסמר או יתד בכותל
18 אשר יהיו עם המת בבית וטמאן בטמאת אחד כלי מעשה

- 17b And every vessel, (nail) nail, or peg in a wall,
18 which is with a dead body in a house, is unclean, just as an implement for work is unclean.

Appearing at the end of a section that Hempel has described as “the most disparate and haphazard collection of rulings in the Laws of D,”⁵⁶ this passage is primarily concerned with a corpse’s ability to contaminate inanimate objects within a house. Specifically, the intention of this ruling would seem to be that all inanimate objects, regardless of their size, were susceptible to corpse contamination through the concept of overhang.⁵⁷ Given the subject matter, it stands to reason that the author/redactor of this passage would have had Num 19:14-15 in mind during the composition of this ruling:

(Num 19:14-15)

14 זאת התורה אדם כיימות באהל כל-הבא אל-האהל וכל-אשר
באהל יטמא שבעת ימים:
15 וכל כלי פתוח אשר אין-צמיד פתיל עליו טמא הוא:

- 14 This is the law when a man dies in a tent: every one who comes into the tent, and every one who is in the tent, shall be unclean seven days.
15 And every open vessel, which has no cover fastened upon it, is unclean.

⁵⁶ Hempel, *The Laws of the Damascus Document*, 153.

⁵⁷ Cf. *Sif. Num.* 126.

According to this passage, when a man or woman dies in a tent their corpse releases an invisible yet powerful form of impurity that is trapped by the roof of the tent.⁵⁸ Subsequently, any person or object coming under the roof of a contaminated tent would have contracted corpse impurity for seven days; the only exception to this rule being sealed vessels whose lids would have prevented a vessel's interior and contents from becoming contaminated (Num 19:15). Once rendered impure, the only way that a person or object could be cleansed was to be sprinkled with water containing the ashes of the Red Heifer (Num 19:18). Unsealed earthenware vessels, however, had to be destroyed in that they were incapable of being cleansed (cf. Lev 11:33 and Num 19:15).⁵⁹

Unlike Numbers, the Damascus Document appears to take a slightly more comprehensive stance on inanimate objects and their susceptibility to corpse contamination. For example, where Num 19:15 rules that a sealed vessel and its contents are insusceptible to corpse contamination through overhang,⁶⁰ the Damascus Document rules that "all vessels" ("כל כל" - CD 12.17b), regardless of whether or not they have been sealed, are susceptible. Furthermore, in response to the comprehensive tone of the Damascus Document, Schiffman has noted: "even a nail or peg, which does not actually serve as a container, becomes impure,"⁶¹ suggesting that the author/redactor of the Damascus Document considered the size and function of an object to be irrelevant where the issue of corpse contamination was concerned. Another interesting difference between the Damascus Document and Num 19 centers on the location of a corpse. Specifically, where the MT describes the location of the corpse as being "in a tent" ("באהל" - Num 19:14), the Damascus Document concerns itself with corpses that are "in a house" ("בביתה" - CD 12.18). Although Harrington would describe this divergence as the "expansionist interpretation" of a group that "utilized Scripture's silences to increase contamination or purification rulings in order to

⁵⁸ H. Maccoby, "The Corpse in the Tent," *JSJ* 28 (1997): 195-209.

⁵⁹ D. P. Wright, *The Disposal of Impurity* (Atlanta: Scholars Press, 1987), 95-113.

⁶⁰ As Wright has observed: "every vessel without a fastened cover in a tent where a corpse lies becomes impure. Conversely, by implication, every vessel with a fastened cover does not become impure, or at least not to as great an extent." Wright, *The Disposal of Impurity*, 96.

⁶¹ L. H. Schiffman, "The Zadokite Fragments and the Temple Scroll," in *The Damascus Document: A Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center, 4-8 February, 1998* (ed. J. M. Baumgarten, E. G. Chazon, and A. Pinnick. STDJ 34; Leiden: E. J. Brill, 2000), 141.

safely avoid transgression of Scripture,”⁶² the author/redactor of the Damascus Document was not alone in his decision to apply this ruling to a house rather than a tent.⁶³ Finally, in yet another point of departure from Numbers, the Damascus Document neglects to mention whether or not a person or a house can become contaminated by the presence of a corpse. This last point raises an interesting question: If the author/redactor of the Damascus Document was seemingly more stringent than Numbers regarding inanimate objects that were susceptible to corpse impurity, then why is it that he neglects to mention whether or not a person or a house can become contaminated? While it is quite easy to suggest that the author/redactor of the Damascus Document was only interested in one aspect of the ruling on corpse contamination (i.e., inanimate objects) there may well be another answer to this question.

Appearing immediately before the ruling on corpses in a house, CD 12.15b-17a seems to indicate that raw materials, such as stones, wood, and dust, are susceptible to impurity only if they are stained with oil:⁶⁴

(CD 12.15b-17a)

15b וכל העצים האבנים
16 והעפר אשר יגואלו בטמאת האדם לגאולי שמן בהם כפי
17a טמאתם יטמא הנ[ו]גע בהם

15b And all wood, stones,

16 and dust that are stained by the impurity of man, having oil stains on them, according to

⁶² Furthermore, Harrington has noted: “The Rabbis, enlarge upon the aspect of the ‘tent’ to aver that only items unattached to the ground like tents are susceptible to impurity (*b. Shab.* 81a); permanent structures like houses and other buildings are insusceptible.” Harrington, *The Impurity Systems of Qumran and the Rabbis*, 72, 265.

⁶³ In contrast to the MT, the LXX of Num 19:14 reads: “And this is the law; if a man dies in a house, every one that goes into the house, and all things in the house, shall be unclean seven days” (καὶ οὗτος ὁ νόμος ἀνθρώπου ἕαν ἀποθάνῃ ἐν οἰκίᾳ πᾶς ὁ εἰσπορευόμενος εἰς τὴν οἰκίαν καὶ ὅσα ἐστὶν ἐν τῇ οἰκίᾳ ἀκάθαρτα ἔσται ἑπτὰ ἡμέρας). The similarities between the LXX and CD 12.17b-18 may well indicate that the author/redactor of the Damascus Document used a *vorlage* of the LXX (suggested by Dr. James Davila in a private communication).

⁶⁴ J. Baumgarten, *Studies in Qumran Law* (Leiden: E. J. Brill, 1977), 91; idem, “Liquids and Susceptibility to Defilement in New 4Q Texts,” *JQR* 85 (1994): 91-101.

17a their impurity will he who touches them become impure.

While not directly responsible for contamination, oil, as a liquid, would have functioned as a transmitter for any impurity that it may have come in contact with.⁶⁵ Therefore, if touched by an unclean individual, any wood, stones, or dust that had been stained with oil would become contaminated to the first degree.⁶⁶ Furthermore, any clean individual touching a piece of wood, stone, or dust after it had been contaminated would also become contaminated with the same impurity. If accurate, this interpretation may explain why the Damascus Document does not explicitly state that a house can be defiled by the presence of a corpse: the raw materials that were used to build a house (i.e., wood, stones, and dust) were only capable of becoming defiled if they had been stained with oil.⁶⁷

In an alternate interpretation of this ruling L. Ginzberg has suggested that this passage most likely suffers from homoioteleuton and, in his opinion, refers to different types of vessels rather than raw materials. Specifically, Ginzberg argues that the opening line of this passage should read either: “And every vessel of wood, stones, and dust;” or “And every vessel of wood, stones, and dust.”⁶⁸ In support of Ginzberg’s proposal, H. Eshel has suggested that there are three reasons why this reading is preferable: (1) The ruling on corpse impurity in a house that appears immediately after this passage begins with the phrase: “And every vessel,” which suggests that this ruling may have been rendered in a similar fashion; (2) stone vessels and unfired clay vessels (i.e., dust vessels) are frequently mentioned together in the rabbinic material and are classified as being impervious to ritual impurity, which may indicate that “the sec-

⁶⁵ Baumgarten, *Studies in Qumran Law*, 95.

⁶⁶ Baumgarten, *Studies in Qumran Law*, 95.

⁶⁷ “We can now,” according to Baumgarten, “better understand the law [relating to oil] in the Dam. Doc.. Schechter and Ginzberg both noted the anomalous fact that raw materials (‘wood, stones, or dust’) are here held to be susceptible to defilement ... The explanation, however, is provided by the oil stains which are said to adhere to the materials.” Baumgarten, *Studies in Qumran Law*, 95. Schiffman draws a direct connection between the Damascus Document’s ruling on oil (CD 12.15-17) and the impurity of the dead (CD 12.17-18). Schiffman, “The Zadokite Fragments and the Temple Scroll,” 141.

⁶⁸ Ginzberg, *An Unknown Jewish Sect*, 81-82; H. Eshel, “CD 12:15-17 and the Stone Vessels Found at Qumran.” in *The Damascus Document: A Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center, 4-8 February, 1998* (ed. J. M. Baumgarten, E. G. Chazon, and A. Pinnick. STDJ 34; Leiden: E. J. Brill, 2000), 48.

tarian halakha was formulated in opposition to rabbinic halakha” as represented by *M. Oh.* 5:5;⁶⁹ and (3) without Ginzberg’s reconstruction, dust would be susceptible to corpse contamination. Such a position would be untenable, according to Eshel, in that all the dust in existence would be rendered unclean through the presence of graves.⁷⁰

Although Ginzberg’s suggested reconstruction is, in principle, a possibility, Eshel’s defense of Ginzberg’s reconstruction is problematic. In particular, Eshel’s suggestion that “the sectarian halakha was formulated in opposition to rabbinic halakha” is anachronistic and misleading in that it suggests that there was a conscious decision on the part of the author/redactor of the Damascus Document to formulate a ruling in direct opposition to an established rabbinic position, as represented by *M. Oh.* 5:5.⁷¹ Additionally, Eshel’s argument that all of the dust in the world would have been susceptible to corpse contamination without Ginzberg’s reconstruction would appear to be based on a faulty reading of this passage. It is not simply that wood, stones, and dust could be rendered ritually impure by touch. On the contrary, the Damascus Document rules that raw materials had to have been stained with oil in order to become susceptible to ritual impurity.⁷²

As for the ability of an individual to become contaminated through the miasma of a corpse in a tent or a house, the Damascus Document is completely silent. Given the document’s stringent ap-

⁶⁹ Eshel, “CD 12:15-17 and the Stone Vessels Found at Qumran,” 49, 49n.13.

⁷⁰ Eshel goes on to suggest that “it is difficult to interpret CD 12.15-17 on the basis of 11QTemple 49.11-16 as a reference to floors [i.e., dust] for the following reasons: (a) the house is not mentioned at all in CD; (b) if CD speaks of floors, why is oil alone mentioned in CD and neither wine nor water, as in the Temple Scroll?” There are at least three problems with this position: First, Eshel is attempting to interpret the Damascus Document in light of the Temple Scroll rather than allowing the Damascus Document to speak for itself; Second, not only does the Damascus Document mention a house, but it does so in the ruling on corpse impurity immediately following CD 12.15-17, suggesting that the two rulings may be read in tandem; Third, Eshel is approaching the Dead Sea Scrolls from the standpoint that they contain a cohesive purity system when this has yet to be established. Eshel, “CD 12:15-17 and the Stone Vessels Found at Qumran,” 48-49.

⁷¹ According to Bowman: “If the Qumran sect is pre-seventy A.D., Rabbinic Judaism as represented in the Mishna codified in 200 A.D. and in the Babylonian Talmud c. 500 A.D., cannot throw any reliable light on the laws of purity which would form part of the halakhah of the Qumran sect.” J. Bowman, “Did the Qumran Sect Burn the Red Heifer?” *RevQ* 1/1 (1958): 81; See also, J. Neusner, *Rabbinic Literature & the New Testament: What We Cannot Show, We Do Not Know* (Valley Forge, Pennsylvania: Trinity Press International, 1994).

⁷² See 39n.67.

proach to inanimate objects, as we have seen above, it stands to reason that the author/redactor would have followed the lead of Num 19:14 and ruled that a person entering a house containing a corpse would have been rendered unclean. Furthermore, if the author/redactor of the Damascus Document subscribed to this ruling, then it is also reasonable to assume that he would have believed in the necessity and efficacy of the Red Heifer rite to cleanse an individual from corpse contamination. Although Newton has suggested that “there is no evidence to show that the water prepared from the ashes of the Red Heifer was considered necessary by the Qumran community,”⁷³ two parallel manuscripts of the Damascus Document from Qumran suggest otherwise.⁷⁴

Devoid of any overarching context, the Damascus Document material on the Red Heifer rite is primarily concerned with the purification of inanimate objects from corpse contamination. In particular, 4Q269 8 ii 3b-6 par. describes three types of items that must be sprinkled with the ashes of a red cow in order to be cleansed from corpse impurity:

(4Q269 8 ii 3b-6; par. 4Q271 2 10b-13)

אל יבא איש כול עור ובגד]	3b
<u>וּמִן כּוֹל הַכֵּלִי אֲשֶׁר יַעֲשֶׂה מִן לְאִכָּה בְּהֵם אֲשֶׁר יִטְמָאוּ</u>	4
<u>לְנֶפֶשׁ אָדָם כִּי־אִם הוּוּ כִּמְשִׁפְטִי</u>	
[הַטְּהַרָה בְּמֵי הַנְּדָה בְּקִץ הַרְשָׁעַי אִישׁ טְהוֹר מִכּוֹל	5
<u>טוֹמְאִי תוֹן אֲשֶׁר יַעֲרִיב אִתִּי</u>	
<u>הַשְּׂמֵשׁוּ וְכוֹל נֶעַר אֲשֶׁר לוֹא מְלֹא יְמָיו לַעֲבוֹר עַל</u>	6
<u>הַפְּקוּדִים אִלּוּ יִזְהֶה</u>	

- 3b Let no man bring any sk[in, garment,]
 4 [or from any vessel in which work is done] [that which has been contaminated by] the soul of man, unless they have been sprinkled in accordance with the l[aw]
 5 [of purification in the waters of sprinkling in] the time of wicked[ness by a man purified from] every contamina[tion], who has waited for

⁷³ M. Newton, *The Concept of Purity at Qumran and in the Letters of Paul* (New York: Cambridge University Press, 1985), 31.

⁷⁴ 4Q269 8 ii 3b-6 || 4Q271 2 10b-13. See J. Baumgarten, *Qumran Cave 4. XIII*, 130-32, 173-74.

- 6 [sundown. And any lad who has not filled his days (i.e., come of age), in order to pass among those in attendance, shall n]ot [sprinkle.]

In contrast to the position of Newton, this does not sound like the ruling of a group who considered the Red Heifer rite to be unnecessary. On the contrary, not only does the author/redactor of the Damascus Document appear to have believed in the necessity and efficacy of this rite, referred to here as the “[waters of sprinkling]” (מִי הַנְּדָהּ) - 4Q269 8 ii 5; par. 4Q271 2 12),⁷⁵ but he also appears to have approached it in much the same way that they approached the ruling on corpse impurity in a house: with a strong interest in inanimate objects. Before we discuss this passage in detail, however, a few words of clarification are in order. First, like the corresponding material in Num 19, the Red Heifer rite is referred to in this passage as the “[waters of sprinkling]” (מִי הַנְּדָהּ). Although there has been some discussion as to whether the authors of the Dead Sea Scrolls believed that the מִי הַנְּדָהּ could, in addition to cleansing an individual from corpse contamination, cleanse individuals and objects from more general forms of impurity,⁷⁶ the rite is exclusively associated with corpse contamination in the Bible (cf. Num 19:9, 13, 20, 21). Second, we agree with Baumgarten who has noted that the phrase “soul of man” (נֶפֶשׁ אָדָם) - 4Q269 8 ii 4), when used in conjunction with מִי הַנְּדָהּ, refers to corpses and/or corpse contamination (cf. Num 19:11 and 4Q284 4 5).⁷⁷ Third, based on the presence of the term “in] the time of wicked[ness]” (בְּ[קִץ הַרְשָׁעָה] - 4Q269 8 ii 5), which occurs only four times in CD,⁷⁸ we agree with Davies who has suggested that the laws of the Damascus Document were only valid for a fixed period of time. Specifically, Davies has argued that the term “in the time of wickedness” is best seen through the lens of the Admonition, which understood this period of time as extending “from the exile and subsequent revelation of the true law to the appearance of an eschatological teacher (CD 6.10-11, 15.6-7).”⁷⁹ When

⁷⁵ See Num 19:13, 20, 21 for the use of the term מִי הַנְּדָהּ in relation to corpse contamination and the Red Heifer rite. Cf. 4Q512.

⁷⁶ J. Baumgarten, “The Use of מִי הַנְּדָהּ for General Purification,” in *The Dead Sea Scrolls Fifty Years After Their Discovery: Proceedings of the Jerusalem Congress, July 20-25, 1997* (ed. L. H. Schiffman, E. Tov, and J. C. VanderKam; Jerusalem: Israel Exploration Society, 2000), 481-85.

⁷⁷ Baumgarten, *Qumran Cave 4. XIII*, 131.

⁷⁸ CD 6.10, 14; 12.23; 15.7.

⁷⁹ P. Davies, “The Judaism(s) of the Damascus Document,” in *The Damascus Document: A Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center, 4-8 February, 1998* (ed. J. M. Baumgarten, E. G. Cha-

the text is interpreted in this way it becomes quite clear that the group responsible for the authorship of the Damascus Document thought that they were living “in the time of wickedness.” As such, they believed that they were required to observe certain *halakhic* rulings, like those contained in the Damascus Document, in anticipation of a messianic figure whose appearance would signal the beginning of a new era where the laws of man would no longer be necessary (cf. CD 12.23-13:1).⁸⁰ With that in mind, let us now compare 4Q269 8 ii 3b-6 par. with the corresponding biblical material on corpse contamination and the Red Heifer rite.

When reading 4Q269 8 ii 3b-6 par. one notes that it has three main concerns: (1) any skin, garment, or vessel for work that has been contaminated by a corpse must be cleansed with water containing the ashes of the Red Heifer (Ll. 3b-5a); (2) the individual sprinkling the water containing the ashes of the Red Heifer must be free from all forms of impurity; having waited until sundown to be certain that they are ritually clean (Ll. 5b-6a); and (3), although largely reconstructed, a child is not eligible to sprinkle the water containing the ashes of the Red Heifer (L. 6).

Similar to the passage on corpse contamination in a house, discussed above, 4Q269 8 ii 3b-6 par. takes up inanimate objects as one of its major concerns. However, where the list of inanimate objects in CD 12.17b-18 was a unique creation designed to show that the size and function of an object was irrelevant where the issue of corpse contamination was concerned (i.e., every vessel, nail, or peg in a wall is susceptible to contamination), the author/redactor of 4Q269 8 ii 3b-6 appears to have taken a preexisting list of inanimate objects from one biblical passage and combined that list with a similar passage in order to create a homogenized ruling. Specifically, the author/redactor of the Damascus Document seems to have taken the list of items from Lev 11:32 that were said to become contaminated if the carcass of a dead animal fell upon them (בגד אוֹ-עוֹר אוֹ שֶׁק) (כל־כְּלִי אֲשֶׁר-יִעֲשֶׂה מִלְאֲכָה בָהֶם)⁸¹ and combined it with a similar

zon, and A. Pinnick. STDJ 34; Leiden: E. J. Brill, 2000), 34. See also Baumgarten, *Qumran Cave 4. XIII*, 174-75.

⁸⁰ For subsequent generations of individuals who read or followed the teachings of the Damascus Document, the term “in the time of wickedness” may well have been understood differently. For more, see M. Grossman, *Reading for History in the Damascus Document. A Methodological Method* (STDJ 45; Leiden: E. J. Brill, 2002).

⁸¹ Furthermore, this passage rules that any item upon which the carcass of an animal has fallen must be washed in water and it will be clean at sundown. Cf. Lev 11:32.

ruling from Num 31:20 where objects such as garments and skins that had been defiled by a human corpse must be washed with water containing the ashes of the Red Heifer. This conflation or homogenization of rulings was also noted in relation to the material on clean and unclean animals discussed above.

The second concern of 4Q269 8 ii 3b-6 par. relates to the rabbinic issue of the *tebul yom*, or the person who has washed but not waited until evening to become pure.⁸² According to our text, only a man who had bathed and waited until evening was eligible to sprinkle the water containing the ashes of the Red Heifer (L1.5b-6a). In contrast to this ruling, the Pharisees, as they are described in *M. Parah* 3:7, believed that the *tebul yom* was eligible to perform the Red Heifer rite.⁸³ Furthermore, when in a position to do so, the Pharisees appear to have intentionally defiled the High Priest prior to the preparation of the ashes simply to counter the position of the Sadducees, who, like the author/redactor of the Damascus Document, believed that a *tebul yom* was unclean and incapable of taking part in the Red Heifer rite.⁸⁴ As Baumgarten has observed, “it could hardly have escaped the notice of the Qumran as well as the Sadducean exegetes that in the very chapter which describes the rites of the Red Heifer, there are three references to men who require purification as a result of their participation in these rites (Num 19:7, 8, 10).”⁸⁵ In all three of these references the individual who bathes is described as being unclean until evening, which may well have persuaded the author/redactor of the Damascus Document to adopt a similar position.

Finally, the third concern of 4Q269 8 ii 3b-6 par. deals with the minimum age of those who may sprinkle the water containing the ashes of the Red Heifer. According to Baumgarten’s restoration, “[any lad who has not filled his days (come of age), in order to pass among those in attendance, shall n]ot [sprinkle]” (וְכֹל נֶעֶר אֲשֶׁר) [יְזִידָה] לְ [יְזִידָה] - 4Q269 8 ii 6; cf. 4Q271 2). In relation to this ruling, Baumgarten has suggested that the phrase a “clean man” (אִישׁ טָהוֹר), which is used in Num 19:18 to describe the individual who sprinkles the ashes of the Red Heifer, may have influenced the author/redactor of the Damascus Document to specify that only a ritually clean adult male was eligible to sprin-

⁸² Cf. Lev 11:24, 27, 28; 15:5-7.

⁸³ According to the Mishnah, the Pharisees also seem to have argued that only those who partook of the sacrifices or the *terumah* needed to wait till sunset after bathing. Cf. *M. Kelim* 1:5.

⁸⁴ *M. Parah* 3:8.

⁸⁵ J. Baumgarten, “The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts,” *JJS* 31 (1980): 160.

kle the מִי הַנְּדָה (cf. 4Q269 8 ii 5).⁸⁶ Yet another possible explanation for the prohibition against boys taking part in the Red Heifer rite can be traced to the position of the Pharisees, who, according to the Mishnah, used boys to sprinkle the ashes of the Red Heifer upon the priest performing the rite in order to ensure that the priests would not accidentally render the rite impure through corpse contamination or any other impurities that a boy would not have experienced (cf. *M. Parah* 3:1-2).⁸⁷ Given the position of the Pharisees, Baumgarten has argued that the “emphasis on maturity [in the Qumran texts] was directed against the Pharisaic use of young boys as a means of ensuring purity.”⁸⁸ Although a possibility, there is not enough evidence to prove that the author/redactor of the Damascus Document was responding directly to a Pharisaic position or, worse yet, whether the rabbinic sources have accurately recorded the historical position of the Pharisees during the Second Temple period.⁸⁹ The most that one can say with any certainty is that the position of the Pharisees, as recorded in the Mishnah, appears to contrast with the highly fragmentary material in 4Q266 8 ii 6 and 4Q271 2 regarding the age of those who were deemed fit to sprinkle the מִי הַנְּדָה.

Before leaving our discussion on corpse impurity let us briefly consider a question that was posed at the beginning of this section: Did the group who was responsible for the authorship of the Damascus Document practice the Red Heifer rite and, if so, did they do it in tandem with or apart from the Temple authorities?⁹⁰ Although difficult to answer, one way of approaching this question would be to consider whether or not the authors of the Damascus Document would have considered a Red Heifer that had not been prepared according to his own specifications to be efficacious. Specifically, would a difference of opinion on the issues of *tebul yom* and the age of those sprinkling the מִי הַנְּדָה have been enough to convince the

⁸⁶ Baumgarten, *Qumran Cave 4. XIII*, 131-32.

⁸⁷ J. Baumgarten, “The Red Cow Purification Rites in Qumran Texts,” *JJS* 46 (1995): 118.

⁸⁸ Baumgarten, “The Red Cow Purification Rites in Qumran Texts,” 118.

⁸⁹ For a discussion on the reliability of the rabbinic sources in relation to the Second Temple period, see J. P. Meier, *A Marginal Jew: Rethinking the Historical Jesus* (vol. 3; New York: Doubleday, 2001), 305-10; J. Neusner, *Rabbinic Literature & the New Testament: What We Cannot Show, We Do Not Know* (Valley Forge, Penn.: Trinity Press International, 1994).

⁹⁰ For a consideration of this question in relation to both the Essenes and the Qumran community, see J. Bowman, “Did the Qumran Sect burn the Red Heifer?” *RevQ* 1 (1958): 73-84; J. Baumgarten, *Studies in Qumran Law* (SJLA 24; Leiden: E. J. Brill, 1977), 57-74; A. Baumgarten, “Josephus on Essene Sacrifice,” *JJS* 45 (1994): 169-83.

group responsible for the authorship of the Damascus Document to prepare the Red Heifer apart from the Temple? Considering the fact that 4Q269 8 ii 3b-6 par. rules that any skin, garment or vessel for work that has been defiled through corpse contamination must be sprinkled with the מֵי הַנְּדִבָּה , it stands to reason that the authors believed in the efficacy of the rite and practiced it when necessary. Now, as for the question of whether or not the authors of the Damascus Document prepared the Red Heifer rite apart from the Temple authorities, there is very little evidence in the text to suggest that this might have been the case. For one thing, 4Q269 8 ii 3b-6 does not actually discuss the preparation of the Red Heifer, rather, it concerns itself with the age and purity of the individual who is to sprinkle the ashes onto contaminated objects or people. Whether this issue was enough to persuade the group that was responsible for the authorship of the Damascus Document to prepare their own Red Heifer is impossible to prove, but given that they appear to have used the rite on occasion one must either assume that: (1) the authors took part in the Temple's version of the rite regardless of the age or purity status of the individual who was sprinkling the מֵי הַנְּדִבָּה ; (2) the Temple authorities did not always use boys to sprinkle the ashes of the Red Heifer; (3) the Temple made special allowances for the authors of the Damascus Document by permitting them to replace the adolescent sprinkler with an adult who had bathed and waited until sundown; (4) the authors of the Damascus Document rejected the Temple's interpretation of the rite, or were not allowed by the Temple to make any alterations to it, thereby forcing the authors to prepare their own Red Heifer; (5) a variation between numbers 1-4, or the like, depending on the *halakhic* stance of the Temple authorities and that of the movement behind the Damascus Document at different times throughout their respective histories; or (6) the Damascus Document material relating to the Red Heifer was an idealized or utopian version of the rite that was never actually practiced.⁹¹ Given the paucity of evidence however, one can do little more than speculate at this juncture.

2.2.4 Bodily Discharges

Of the six Damascus Document manuscripts containing information on bodily discharges, five are located in the material from Qumran

⁹¹ Suggested by Dr. James Davila in a private communication.

(4Q266 6 i 14-16; 4Q266 6 ii 1-13; 4Q270 2 ii 15-16; 4Q272 1 ii 3-18; and 4Q273 5 4b-5), while the sixth is recorded in the manuscripts from Cairo (CD 5.6-7).⁹² In addition to the disproportionate number of references to bodily discharges in the Qumran material as compared to that of the Cairo manuscripts, it is interesting to note that in two of the documents from Qumran the rulings on bodily discharges appear immediately after a section on skin diseases (cf. 4Q266 6 i and 4Q272 1 ii), thereby following the order of Lev 13, 14, 15.⁹³ This order is retained, even after the transition from skin diseases to bodily discharges, when the Qumran material emulates the sequence of Lev 15 itself by beginning with a discussion on the bodily discharges of a man (cf. 4Q266 6 i 14-16 || 4Q272 1 ii 3b-7a; Lev 15:1-15) and continues with a section on the discharges of a woman (cf. 4Q272 1 ii 7b-18; Lev 15:19-30). Let us consider the former first.

Not to be confused with a man who has a nocturnal emission or ejaculates during the course of normal sexual relations with a woman,⁹⁴ the זֶן, or man with an abnormal discharge from his penis, renders unclean any object that he touches, sits, lies, or expectorates upon (cf. Lev 15:2-12).⁹⁵ Furthermore, any clean person who touches a זֶן, or an object that has been contaminated by a זֶן, is rendered unclean and they must wash their clothing, bathe, and will remain unclean until sundown. Once his abnormal discharge has stopped, the זֶן must count seven consecutive days without a relapse in order to be cleansed of his impurity (Lev 15:13). And on the eighth day after his issue has ceased, the former זֶן must take two turtle doves and two pigeons to the Temple priests so that they might

⁹² Although this list includes all of the manuscripts from the Damascus Document containing references to bodily discharges, four of these documents are concerned with the issue of sexual relations with a menstruant or a pregnant woman (4Q266 6 ii 1b-2; 4Q270 2 ii 15-16; 4Q273 5 4b-5; and CD 5.6-7). Given that the primary issue in these passages is sexual intercourse and not the impurity of a menstruant or parturient, we will discuss this material in section 2.2.5 below.

⁹³ J. Baumgarten, "Zab Impurity in Qumran and Rabbinic Law," *JJS* 45 (1994): 274.

⁹⁴ Rather than referring to this man as a זֶן, Leviticus describes the individual who has ejaculated, either voluntarily or involuntarily, as one who has had an "emission of semen" (שִׁכְבַּת זֶרַע - Lev 15:16-18). Such a man must bathe, launder any clothing or leather that his semen may have come in contact with, and he will remain unclean until evening. Furthermore, if a man has a שִׁכְבַּת זֶרַע during sexual relations with a woman, both the man and the woman must bathe and are prohibited from participating in the cult until evening (Lev 15:18). See Milgrom, *Leviticus 1-16*, 926-34.

⁹⁵ In relation to the word זֶן and the affliction being described, most scholars now believe that the abnormal discharge in question was most likely gonorrhoea. See Milgrom, *Leviticus 1-16*, 907.

make atonement for him by sacrificing his offerings before the entrance of the Temple (Lev 15:14-15). One exception to the laws dealing with a זב however, involves the issue of whether or not a person with an abnormal discharge washes his hands prior to touching another person. According to Lev 15:11, if a זב touches another individual without first washing his hands, then the person who has been touched by the זב is rendered unclean and they must wash their clothing, bathe, and will remain unclean until evening. Conversely, this passage seems to imply that if a זב were to wash his hands prior to touching another individual, then the impurity of the זב would not be transmitted. The implications of this are “far-reaching,” argues Milgrom, in that “if the *zab* takes the precaution of rinsing his hands he can touch persons, vessels, utensils - anything (unless it is underneath him). Thus he can live at home!”⁹⁶

Given the extremely fragmentary nature of the Damascus Document material from Qumran on the issue of the זב, it is difficult to compare this material with its biblical counterpart. Specifically, the Damascus Document manuscripts from Cave 4 concerning the זב contain roughly five lines of text. Fortunately, both the beginning and the end of this passage have survived giving us a sense of its overall length and scope:

(4Q272 1 ii 3b-7a; par. 4Q266 6 i 14-16)

	[	זְמַשׁ [פֶּט הַזָּב אֶת זֵר] בְּו כְּוֹל אִישׁ	]	3b
		אֲשֶׁר זָב יָזַב מִבְּשָׂרוֹ אִו אֲשֶׁר יַעֲלֶה עָלָו מִחֶשְׁבֶּת זְמָה אִו אֲשֶׁר		4
		מִגַּעַר כַּמְגַע הִי		5
		וְכַבֵּס בְּגָדָיו וְרָחַץ בַּמַּיִם		6
		כִּי הִנוּגַע בּוֹ וְרָחַץ		7a

3b	[		]	And the ru[le concerning one who has a
				dis]charge: A[ny man]
4				[who has a discharge from his member, or one who brings upon
				himself th]oughts of lust, or one who
5				] his touch is like that of the [
6				[he will wash his clo[th]ing [and bathe in water
7a				him, the one who touches him will ba[the

⁹⁶ This position is at odds with Num 5:2, which suggests that any individual that has been rendered unclean through a skin disease, abnormal discharge, or corpse impurity must leave the camp. Cf. CD 11.21-22. See Milgrom, *Leviticus 1-16*, 920, 929.

Other than the fact that this passage deals with the concept of the זִי , it appears to have very little in common with its biblical counterpart. For example, unlike Lev 15, there are no references in this passage to uncleanness (vv. 2, 4, 5, 6, 7, 8, 9, 10, 11, 16, 17, 18), bedding (vv. 4, 5), sitting (vv. 4, 6), lying down (v. 4), spitting (v. 8), riding (v. 9), saddles (v. 9), carrying or touching any objects that have been underneath a זִי (v. 10), washing of hands to prevent contamination (v. 11), earthenware vessels (v. 12), wood vessels (v. 12), or the purification procedures for a זִי (vv.13-15). Although Himmelfarb has rightly noted that the vocabulary of lines 5-7a seems to represent a summarization of “Leviticus 15's rules of purification for a person who has had contact with the זִי , his spittle, or anything he lies, sits, or rides upon (Lev 15:5-10),”⁹⁷ the fragmentary nature of the passage as a whole prevents us from making any definitive statements about the relationship of these lines to the preceding material. One possible interpretation of this passage however, suggests that the author/redactor of the Damascus Document was attempting to compare the defiling touch of the זִי with the touch of those who have experienced other types of bodily discharges in an effort to answer a question that Leviticus had failed to answer: Do those individuals who have experienced a seminal emission or a discharge of semen during sexual intercourse render individuals or objects unclean by their touch?⁹⁸

Although Lev 15 makes a point of noting that the touch of a זִי contaminates both individuals and objects, it is completely silent about the touch of a man who has had an emission of semen.⁹⁹ The silence of the biblical material in relation to the touch of a man who has had a seminal emission may well have resulted in the author/redactor of the Damascus Document practicing a form of “gap-filling” whereby the rules concerning the touch of a זִי were applied to those who have had a seminal emission.¹⁰⁰ The key phrase

⁹⁷ M. Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” *DSD* 8/1 (2001): 19.

⁹⁸ Here we follow Himmelfarb’s interpretation of lines 4 and 5, which suggests that the discharge that is caused by thoughts of lust (l. 4) should be understood as referring to a man who has had a seminal emission (Lev 15:16), while the third discharge in line 5, now missing from the text, is a man who has experienced a seminal emission during sexual intercourse (Lev 15:18). Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 18.

⁹⁹ While Leviticus specifies that the man who has had an emission of semen is unclean and that his semen will contaminate any garment or leather that it comes in contact with, the touch of those who had had a seminal emission is not addressed. Cf. Lev 15:16-18.

¹⁰⁰ For a discussion on the concept of “gap-filling” see Harrington, *The Impurity Systems of Qumran and the Rabbis*, 27.

with respect to this interpretation appears at the end of line 5: “his touch is *like* [my emphasis] that of the[” (מגועו כמגע ה] (מגועו כמגע ה]. Here we would restore the word זב in order to read מגועו כמגע ה]זב “his touch is *like* [my emphasis] that of the [individual with a discharge.” The restoration of הזב as the last word in line 5 fits well with Baumgarten’s reconstruction of line 6 (ורחין] ורבס בג]ד]ו¹⁰¹ וכבס בג]ד]ו⁶ [ה]זב^{5b} (במים),¹⁰¹ which emulates the word order of both Lev 15:6 and 7 (הזב) (וכבס בגדיו ורחין במים) and would have provided a natural comparison for those with a seminal emission without necessarily indicating that they were a זב proper.

Perhaps the single greatest problem with this interpretation, however, is the fact that the word זב appears to have been understood by the author/redactor of the Damascus Document not as a specific term for an abnormal discharge, but as a general term for all discharges. This is evidenced by the inclusion of both normal and abnormal discharges under the heading “And the ru[le concerning one who has a dis]charge” (ומש]פט הזב את זו]ב¹⁰² - 4Q272 1 ii 3b).¹⁰² In order for our interpretation of this passage to work, therefore, one must assume that the word זב was being used by the author/redactor of the Damascus Document in both a general sense and in a more specific sense in the same passage. For example, in the opening line of our text the word זב would need to be understood as referring to male discharges in general. However, when dealing with the touch of the זב in line 5, the word would need to be understood more specifically to be referring to a man with an abnormal discharge. While problematic, a similar situation occurs in Lev 15:32-33 where the subscript in verse 32 has been interpreted by many individuals, both ancient and modern, as a summarization of Lev 15's rules on bodily discharges: “This is the law for one who has a discharge:” (זאת) (תורת הזב). The confusion over whether the presence of הזב in verse 32 summarizes Lev 15 in general or whether it specifically refers to an abnormal discharge most likely influenced a later editor to insert verse 33, which, according to Milgrom, altered the sequence of the chapter by listing the discharges in a different order than that of Lev 15 and repeated the word הזב in order to specifically relate it to abnormal discharges.¹⁰³

Proposing a more stringent reading of the material, Himmelfarb

¹⁰¹ Baumgarten, *Qumran Cave 4*. XIII, 190.

¹⁰² Cf. lines 3b-5 where the author/redactor lists a man with a discharge from his member (i.e., an abnormal discharge) alongside that of an individual with a discharge that has been brought on by thoughts of lust (i.e., a seminal emission).

¹⁰³ Milgrom, *Leviticus 1-16*, 947-48.

has suggested that the author/redactor of the Damascus Document was not content to compare the touch of a זָרָא with the touch of those who had experienced a seminal emission, as we have suggested above. Rather, argues Himmelfarb, the author/redactor of the Damascus Document appears to have considered the זָרָא and those who had experienced an emission of semen to be one and the same. Therefore, “because 4QD understood those with seminal emissions to fall into the category of זָרָא, it also understood the more severe impurity of the man with a flow to apply to those who had had seminal emissions.”¹⁰⁴ While overcoming what we have described above as the somewhat ambiguous use of the word זָרָא in our text, this interpretation is not without difficulties of its own. For example, if the author/redactor of the Damascus Document considered a man who has had a seminal emission to be equal in impurity to that of the זָרָא, then why is it that our text does not apply the purification procedures for the זָרָא (cf. Lev 15:13-15) to the man who has had a seminal emission?¹⁰⁵ Although Himmelfarb recognizes this as a potential problem, she further weakens her position when she states: “Perhaps 4QD is silent because it could not insist on sacrifice after seminal emission.”¹⁰⁶ Such a statement, albeit made in passing, runs counter to Himmelfarb’s overall interpretation of the passage, which suggests that 4QD understood those who had experienced an emission of semen to have contracted the same level of impurity as that of the זָרָא. Another difficulty with Himmelfarb’s interpretation concerns her reconstruction of line 5 as having to do with sexual relations.¹⁰⁷ If the author/redactor of the Damascus Document believed that impurity of the זָרָא also applied to a man who has had an emission of semen during sexual intercourse, then one would expect to find examples of this interpretation in the Damascus Document’s numerous references to sexual activity, but we do not.

Immediately following the material concerning the זָרָא, the Da-

¹⁰⁴ Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 19.

¹⁰⁵ 4Q272 1 ii par. does not mention the seven day period of cleansing for a זָרָא (Lev 15:13) or the offerings at the Temple (Lev 15:14-15) as being requisite for those who have had an emission of semen or sex with a woman. While the purification procedures for the זָרָא are also absent from the 4QD material, the Damascus Document does describe the sacrifices that are incumbent upon the parturient (4Q266 6 ii 12-13), which suggests that their omission in relation to the זָרָא may be significant.

¹⁰⁶ Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 19.

¹⁰⁷ “As we have seen, the surviving text of 4QD indicates the existence of a third type of זָרָא, but breaks off before describing him. I suspect that he is the man who has had a seminal emission in the course of sexual relations (Lev 15:18).” Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 18.

mascus Document provides us with an extremely fragmentary discussion on the זבה, or woman with a bodily discharge (4Q272 1 ii 7b-17). In contrast to the somewhat ambiguous use of the word זב in the passage discussed above however, the author/redactor of the Damascus Document seems to have used the word זבה only when describing a woman who has experienced a normal bodily discharge: the נדה, or menstruant (cf. Lev 15:19-24):

(4Q272 1 ii 7b-17)

		7b	[ומשפט [הזבה כול אשה]
	8	הזבה דם שב[עת ימים תהיה בנד]תה ב[	ת]שב א[ת]
	9	שבעת הימים]	[הנדה כ]ול]
	10	[הנו]ג[ע בה]	[
	11	ובע o]	[
	12	תקוץ [דם זובה (?)	[
	13	המים]	[
	14	] oooo	[
	15	ובמי הנדה]	המים]
	16	החיי[ם] שני'	[
	17	ידה']	[

7b	And] the rule concerning [a woman who has a discharge: Any woman]
8	who has a discharge of blood [she will be in her men]strual impurity se[ven days she] will remain fo[r]
9	the seven days[]the menstruant and a[ll]
10	[tou]ch her[]
11	[]
12	stir up [the blood of her discharge (?)
13	the waters []
14	[]
15	and in the waters of purification []
16	the livin[g waters]
17	her hand[]

Like the material on the זב, this passage is presented with the help of an introductory formula: “and] the rule concerning [a woman who

has a discharge” (הַזֹּבָה] מִשִּׁפֹּט - 4Q272 1 ii 7b). This line has been restored based three factors: (1) the presence of the word מִשִּׁפֹּט in line 7b, which parallels the introductory formula in the preceding passage (וְאִמְשַׁלְּפֹט הַזֹּבָה - 4Q272 1 ii 3b || 4Q266 6 i 14); (2) the overall context of the passage, which includes the word הַזֹּבָה at the beginning of line 8; and (3) the positioning of the passage itself, which mimics the order of Lev 15 by appearing immediately after the material on the זֹבָה. Although the ending of this text is no longer extant, Himmelfarb has suggested that the author/redactor of the Damascus Document may have continued his discussion of the menstruant in 4Q266 6 ii 1-2, which we will consider momentarily.¹⁰⁸ Before we leave this passage, however, a few brief observations are in order.

First, although largely restored, lines 7b-8 appear to be concerned with the menstruant’s normal discharge of blood and the seven-day period of impurity that would have accompanied it (cf. Lev 15:19). Second, similar to the material concerning the זֹבָה, line 10 seems to be concerned with those individuals who have touched a menstruant, but given this text’s poor state of preservation it is difficult to tell whether the Damascus Document followed Lev 15:19 (i.e., “whoever touches her shall be unclean until the evening”), or whether the author/redactor of the Damascus Document was attempting to address a particular concern that they had with the biblical material. Third, Baumgarten has observed a similarity between מְקִיץ דָם in 4Q270 2 ii 16 and the word תְּקִיץ in line 12, which he has subsequently restored as [דָם זֹבָה] תְּקִיץ, or to “stir up [the blood of her discharge (?)].”¹⁰⁹ While this restoration and translation is a possibility, Baumgarten has noted that the phrase מְקִיץ דָם could also be understood as referring to a “cessation of the flow of blood,” which may well be a better understanding of the word תְּקִיץ in line 12 given the overall context and structure of the passage.¹¹⁰ Specifically, the close proximity of תְּקִיץ to several lines dealing with “waters” (הַמַּיִם - L.13), “waters of sprinkling” (וּבַמַּיִ הַנִּדְרָה - L.15), and “livin[g waters]” ([הַחַיִּים] הַחַיִּים) - Ll. 15b-16; cf. Lev 15:13) seems to indicate that once the discharge of the woman in question had ceased she would be able to take part in certain expiatory rites that would

¹⁰⁸ Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 21.

¹⁰⁹ Baumgarten, *Qumran Cave 4*. XIII, 145-46, 190-91.

¹¹⁰ In relation to the phrase מְקִיץ דָם Baumgarten has noted: “The expression מְקִיץ דָם 4Q270 2 ii where the possibility that the verb denotes the cessation of the flow of blood is to be considered, although this remains uncertain.” Baumgarten, *Qumran Cave 4*. XIII, 191.

cleansed her from her impurities. The difference between this and the biblical presentation of the menstruant being that Leviticus does not mention anything about a woman having to bathe once she has stopped menstruating (cf. Lev 15:19-24). While this may indicate that the author/redactor of the Damascus Document was attempting to fill the gap present in Leviticus by applying the purification procedures for a male with an abnormal discharge (cf. Lev 15:13) to a woman with a normal discharge, it is equally possible, given the fragmentary nature of this passage, that the references to “waters,” “waters of sprinkling,” and “livin[g waters]” should be understood in relation to the cleansing that was to take place if one were to touch a menstruant or an object that had been contaminated by her (cf. Lev 15:21-22). Finally, the presence of the term מִי נְדָה in line 15 has led Baumgarten to suggest that the author/redactor of the Damascus Document may have, in addition to its association with corpse impurity and the Red Heifer rite (Num 19), required those individuals who had experienced a bodily emission to be sprinkled with the מִי נְדָה in order to be cleansed from their impurity.¹¹¹ The rationale behind this position, according to Baumgarten, may stem from a simple word association between the term מִי נְדָה, meaning “waters of sprinkling” or “waters of impurity,” and the word נְדָה, which is used in Lev 15 to describe a woman during her menstrual cycle.¹¹² Another possible reason for connecting the מִי נְדָה with bodily emissions may be based on a conceptual association between the loss of certain bodily fluids and death. According to Milgrom, “the loss of vaginal blood and semen, both containing seed, meant the diminution of life and, if unchecked, destruction and death. And it was a process unalterably opposed by Israel’s God, the source of its life.”¹¹³ In this respect, an individual’s failure to be cleansed from the deathlike quality of their bodily discharge, by not allowing themselves to be sprinkled with the מִי נְדָה, could ultimately result in the contamination of the land and, by extension, the Holy of Holies: “Thus you shall keep the people of Israel separate from their uncleanness, so that they do not die in their uncleanness by defiling my tabernacle that is in their midst” (Lev 15:31). Once again however, the fragmentary nature of the material from the Damascus Document prevents us from making any definitive statements about the relationship between the מִי נְדָה and the מִי

¹¹¹ Baumgarten, “The Use of מִי נְדָה for General Purification,” 481-85.

¹¹² Baumgarten, “The Use of מִי נְדָה for General Purification,” 485.

¹¹³ Milgrom, *Leviticus 1-16*, 767.

נדה.¹¹⁴

As mentioned above, Himmelfarb has suggested that 4Q266 6 ii 1-13 “either continues or returns to the question of the impurity imparted by the impure woman” that was first discussed in 4Q272 1 ii 7b-17.¹¹⁵ True to Himmelfarb’s observation, 4Q266 6 ii opens with a fragmentary statement concerning sexual intercourse with a menstruant and continues from there to discuss a woman with an abnormal discharge. The text ultimately draws to a close with a series of rules relating to pregnancy, the majority of which appear to coincide with the material in Lev 12. Before discussing the rules concerning a woman with an abnormal discharge however, let us briefly consider the Damascus Document’s stance on childbirth by comparing it with the parallel material in Leviticus.

According to Lev 12, when a woman gives birth to a son she will be unclean for seven days, fourteen days for a daughter, and her uncleanness will be “as during her period of menstrual impurity” (כִּימֵי נִדֵּה דִוְתָהּ - Lev 12:2). On the eighth day after the birth of a male child, Leviticus rules that the child must be circumcised and that the mother is to remain in a state of contamination for an additional thirty-three days, albeit a lesser state of contamination than the first seven days after the child’s birth.¹¹⁶ Similarly, after the initial two weeks of impurity for a female child, where the mother is described as being “in her menstrual impurity” (כִּינִדְתָּהּ - Lev 12:5), the mother is to remain in a state of contamination for an additional sixty-six days. Throughout the entire period of her contamination, be it forty days or eighty days, the new mother is not allowed to touch any consecrated objects or to enter into the sanctuary (Lev 12:4). On the forty-first day after the birth of a male child, the eighty-first day after

¹¹⁴ Although Baumgarten has noted several texts from the Qumran corpus that appear to discuss the נִדֵּה in reference to the topic of bodily discharges, or to forms of impurity that are, on the surface, not directly related to corpse contamination, (i.e., 4Q277, 4Q284, 4Q512), the Damascus Document, in and of itself, does not allow us to make any definitive statements about the relationship between bodily discharges and the נִדֵּה. See Baumgarten, “The Use of the נִדֵּה for General Purification,” 481-85.

¹¹⁵ Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 21.

¹¹⁶ In reference to the lesser state of impurity that a woman must endure after the initial seven or fourteen days of menstrual-like impurity following the birth of a child, Milgrom has suggested: “But as all statements regarding the duration of impurity automatically imply, if they do not explicitly affirm, that it must terminate with ablutions, the mere statement that the period of the parturient’s severer impurity lasts seven (or fourteen, v.5) days assumes that this period is terminated by ablutions.” Milgrom, *Leviticus 1-16*, 746.

the birth of a female child, the new mother is expected to bring a lamb and a pigeon or turtledove to the Temple priests in order that the animals might be sacrificed on her behalf: one as a burnt offering and one as a sin offering. However, in the event that the woman could not afford to purchase a lamb, a second pigeon or turtledove could be used as a substitute for the lamb (Lev 12:8).

With only a few exceptions, the material from 4Q266 6 ii follows the same basic structure and order found in Lev 12. Nevertheless, several points of departure between the two texts are worth discussing. Specifically, after having outlined the rules concerning the birth of a male and female child, including the material on circumcision and the extended periods of contamination in both cases, the Damascus Document slightly alters the prohibition in Lev 12:4 against touching consecrated objects by ruling that the contaminated mother must “not eat [any consecrated food or enter into the sanctuary, for] it is a capital [of]fence” (לא תוכל [קודש ולא תבו אל המקדש]). Although heavily reconstructed by Baumgarten, the words לא תוכל are partially visible in line 9, which, according to Milgrom, agrees with the rabbinic interpretation of Lev 12:4 as referring to a prohibition against eating consecrated food rather than it being a prohibition against touching consecrated objects: “for the likelihood is that the only sancta she will chance to touch will be sacred food for her table.”¹¹⁷

A second point of departure between 4Q266 6 ii and Lev 12 concerns the purity status of a newborn child. Despite the fragmentary state of the text, Baumgarten has reconstructed 4Q266 6 ii 10b-11 to read: “[let her give the ch]ild to a wet nurse in her puri[ty]” (התן איה) לה לנקה בטוה[רה].¹¹⁸ If accurate, this restoration answers a question that is not addressed in Lev 12: Does the post-partum impurity of a mother, which is twice compared to menstrual impurity (Lev 12:2, 5), contaminate her newborn child? Based upon the restored ruling above, the author/redactor of the Damascus Document seems to have been of the opinion that a mother could transmit impurity to her newborn child and, in order to prevent this from happening, the author/redactor made allowances for a ritually clean wet nurse to wean the child until its mother had waited the appropriate length of time and had brought the proper animals to the Temple priests in

¹¹⁷ Milgrom, *Leviticus 1-16*, 751.

¹¹⁸ Baumgarten, *Qumran Cave 4. XIII*, 55-57.

order that they might be sacrificed on her behalf. The silence of the biblical material regarding the ability of an infant to become contaminated by its mother is somewhat surprising given that other cultures in the ancient Near East believed that a mother and her child were both rendered impure after birth.¹¹⁹ However, as Himmelfarb has noted: “The consequences of impurity as specified in Leviticus 12 are hardly relevant to a newborn, who is most unlikely to have the opportunity to enter the sanctuary or touch holy things and who is certainly incapable of eating sacrificial meat and other kinds of consecrated food.”¹²⁰ In this respect, it seems as if the authors of Lev 12 may have neglected to mention the purity status of a newborn child because they did not think that it was necessary to do so. Regardless of the possible motivations behind its absence in Lev 12 however, the Damascus Document’s concern with the purity of a newborn child seems to represent an example of gap-filling whereby the author/redactor of the Damascus Document has created a ruling to protect a newborn child from the impurity of its mother, an issue not addressed in the Bible.

A third point of departure between Lev 12 and 4Q266 6 ii involves the positioning of the material on childbirth in relation to the material on bodily discharges. In Leviticus, the rules relating to childbirth are situated between a chapter on clean and unclean animals (Lev 11) and two chapters on diseases (Lev 13-14). In the Damascus Document, however, the material on childbirth immediately follows the rulings on sex with a menstruant (4Q266 6 ii 1-2; cf. Lev 15:24) and a woman’s abnormal discharge (4Q266 6 ii 2b-4; Lev 15:25-30). Furthermore, Leviticus’ description of a new mother as being “in her menstrual impurity” (בַּנְדֻתָּהָ - Lev 12:5) or “as during her period of menstrual impurity” (בְּיָמֵי נְדֻתָּהָ - Lev 12:2) suggests that in order for one to understand the type of impurity being described in Lev 12 one must first have an understanding of the ritual purity rulings on menstruation in Lev 15. Following this line of thinking Wellhausen has argued that the composition of Lev 12 must have followed that of Lev 15 before it was placed into its present location by a later redactor.¹²¹ While it would be difficult to prove that the author/redactor of the Damascus Document was familiar

¹¹⁹ Milgrom, *Leviticus 1-16*, 746.

¹²⁰ Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 26.

¹²¹ J. Wellhausen, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin: G. Reimer, 1899), 151.

with a recension of Leviticus that exhibited a different order than that of the final form of text, the ordering of the material in the Damascus Document does echo Wellhausen's argument thereby suggesting that the author/redactor of the Damascus Document either had access to a different recension of Leviticus or that he reordered the material himself.

As noted above, a brief ruling on the abnormal discharge of a woman is located just before the material on childbirth in the Damascus Document. It is to this material that we now turn.

(4Q266 6 ii 2b-4)

ואם ראתה [עו]ל והיא לא לו [בעת] 2b
 [נדתה] שבעת ימים והיא לא תוכל קודש ואל ת[בו] 3
 אל המקדש עד בו השמש ביום השמיני vacat 4

- 2b and if she sees [aga]in (blood) and it is not [at the time of]
 3 [her menstruation] of seven days, she will not eat any consecrated things or en[ter]
 4 into the sanctuary until sunset on the eighth day vacat

If one were to remove the words that have been reconstructed by Baumgarten in this passage, there would be some doubt as to whether or not it was referring to an abnormal female discharge. For example, if we were to omit the words “[aga]in,” “(blood),” and “[at the time of her menstruation],” we would be left with a somewhat vague reference to a woman seeing something relating to a seven day period of time that prevents her from eating any consecrated food or entering the Temple (cf. Lev 12:4). Given that this passage immediately precedes the material on childbirth and that the prohibition against eating consecrated food and entering the Temple is repeated just five lines later (4Q266 6 ii 9), one might feel justified in understanding lines 2b-4 as being more closely related to the material on childbirth than to an abnormal female discharge. That being said, there does appear to be sufficient evidence for Baumgarten's reconstruction of the passage given the presence of the word נדה in line 2a: “¹ [the one who] approaches [] ^{2a} [her has the s]in of menstrual impurity upon him” (אליה ע[ו]ן נדה) ^{2a} [] ¹ [אשר י]קרב [] (ע[ו]ן נדה עלו) - 4Q266 6 ii 1-2a). Although heavily reconstructed itself, line 2a does retain most of the phrase “the s]in of menstrual impurity upon him” (ע[ו]ן נדה עלו), which is immediately followed by the construction וא], thereby connecting lines 2b-4 with the material in

lines 1-2a.¹²² With that in mind, let us now briefly consider 4Q266 6 ii 2b-4 in light of the material on abnormal female discharges in Lev 15:25-30.

Similar to the material on the נִי in 4Q272 1 ii, discussed above, 4Q266 6 ii 2b-4 has very little in common with its biblical counterpart. Aside from the reference to seeing blood at a time other than during her seven days of menstruation in lines 2b-3 (cf. Lev 15:25) our text bears absolutely no resemblance to the biblical material on a woman with an abnormal discharge. In particular, the Damascus Document neglects to mention anything relating to the contaminating touch of woman with an abnormal discharge or the way in which a person might go about cleansing themselves if they have touched said woman or any objects that have been contaminated by her (cf. Lev 15:26-27). No mention is made of the cessation of an abnormal discharge (Lev 15:28), the counting of seven consecutive clean days from the point at which an abnormal discharge has stopped (Lev 15:28), or the animals that were to be sacrificed on the eighth day in order to cleanse the woman in question from her impurity (Lev 15:29-30). In addition to these divergences 4Q266 6 ii 2b-4 also includes a reinterpretation of a ruling associated with childbirth from Lev 12:4 and relates it to the regulations on abnormal discharges. Specifically, where Lev 12:4 reads “she shall not touch any hallowed thing, nor come into the sanctuary, until the days of her purifying are completed” the author/redactor of the Damascus Document has altered the ruling to read “she will not eat any consecrated things or en[ter] into the sanctuary until sunset on the eighth day” (4Q266 6 ii 3b-4). Like the material on childbirth in 4Q266 6 ii 9-10, the emphasis in this passage has been changed from a prohibition against touching consecrated things to a prohibition against eating consecrated food. The implication here is that the only consecrated objects a woman might come in contact with would be sacred food.¹²³ In addition to this minor yet significant difference, the author/redactor of the Damascus Document has also included a further prohibition in this passage against allowing a woman who is in the process of being cleansed to participate in the cultus before sunset on the eighth day.¹²⁴ Although not stated explicitly, this would seem to imply that any woman who has been cleansed from an abnormal discharge, waited seven days, and has had the proper animals sacrificed on her

¹²² Compare the use of נִי as a conjunction between clauses in line 2 with the *vacat* at the end of line 4, which signifies the beginning of a new topic: childbirth.

¹²³ Milgrom, *Leviticus 1-16*, 751.

¹²⁴ Cf. *M. Kelim* 1:5.

behalf by the Temple priests must wait until the evening of the eighth day before her purification is complete.¹²⁵ This observation is even more significant when one considers that of the nineteen times the phrase “and be unclean until evening” (וַתִּטְמָא עַד־הָעֶרֶב) appears in the Bible, eleven of those occurrences are in Lev 15.¹²⁶ No doubt it was this strong relationship between bodily discharges and having to wait until sundown in order to be cleansed from one’s impurity that influenced the author/redactor of the Damascus Document to conflate Lev 12:4 with the notion of being unclean until evening.¹²⁷

2.2.5 Sexual Misdeeds

Depending on the type of sexual activity that a person has engaged in they will either become ritually impure or both ritually and morally impure at the same time. While the differences between ritual and moral impurity have been the subject of many studies in recent years,¹²⁸ a detailed examination of this discussion is beyond the scope of our study. That being said, it will be helpful nevertheless to make several comments regarding ritual impurity, moral impurity, and sexual misdeeds. First, according to Lev 15:18, we note that any couple who have engaged in the act of sexual intercourse are rendered ritually impure: “If a man lies with a woman and has an emission of semen, both of them shall bathe in water, and be unclean until the evening.” Although there has been some debate concerning the rationale behind this ruling, Wenham and Milgrom have convincingly argued that this form of impurity is directly related to the presence of semen, which, like blood, is associated with life and death. According to Milgrom, “the loss of vaginal blood and semen, both containing seed, meant the diminution of life and, if unchecked, destruction and death. And it was a process unalterably opposed by Israel’s God, the source of its life.”¹²⁹ To this Wenham adds: “Those

¹²⁵ Cf. Lev 15:28-30.

¹²⁶ Lev 15:5, 6, 7, 8, 10, 11, 16, 17, 21, 22, 27. Cf. Lev 11:22, 25, 28, 40 (x2); 17:15; Num 19:8, 10.

¹²⁷ See Baumgarten, “The Pharasaic-Sadducean Controversies about Purity and the Qumran Texts,” 157-61.

¹²⁸ J. Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000); H. Harrington, “The Nature of Impurity at Qumran,” in *The Dead Sea Scrolls Fifty Years After Their Discovery: Proceedings of the Jerusalem Congress, July 20-25, 1997* (ed. L. H. Schiffman, E. Tov, and J. C. VanderKam; Jerusalem: Israel Exploration Society, 2000), 610-16; J. Neusner, *The Idea of Purity*, 54; Himelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 9-37.

¹²⁹ Milgrom, *Leviticus 1-16*, 767, 933-34, 1000-4.

who suffer the loss of ‘life liquids’, whether it be blood or semen, are debarred from worship until they have recovered from that loss.”¹³⁰ Therefore, any sexual activity that is accompanied by the presence of semen or blood is, first and foremost, ritually defiling.¹³¹ Second, given its strong association with moral impurity, some scholars may object to the inclusion of sexual misdeeds in a project dealing with ritual impurity. There are at least three problems with this: (1) As noted above, all sexual activity, legal or illegal, results in ritual impurity;¹³² (2) The categories of ritual impurity and moral impurity, as defined by Klawans, are not as distinct from one another as he would have us believe. For example, in contrast to ritual impurity, which results in temporary defilement and can be expiated through various acts such as bathing or sacrifice, Klawans argues that moral impurity results in a “long-lasting, if not permanent, degradation of the sinner” that is without a rite of purification.¹³³ This is not entirely accurate, however. As Milgrom has noted, the scapegoat rite on the Day of Atonement (Lev 16:1-34) not only purges the sanctuary from any defilement but it also cleanses Israel from any moral impurities:¹³⁴ “For on this day atonement shall be made for you, to cleanse you; from all your sins you shall be clean before the Lord” כִּי־בַיּוֹם - הַזֶּה יִכַּפֵּר עַל־יִכְּם לַטְהַר אֶתְכֶם מִכָּל חַטָּאתֵיכֶם לִפְנֵי יְהוָה תִּטְהַרְוּ: (Lev 16:30); And (3) impurity, whether ritual or moral, is an affront to God who is both perfect and holy. Any accumulation of impurity would eventually drive God away from his abode in the Holy of Holies thereby rendering the cult ineffective and leaving the Israelites defenseless (cf. Deut 23:14). While there are certainly some important differences between ritual and moral impurity,¹³⁵ the issues

¹³⁰ G. J. Wenham, “Why Does Sexual Intercourse Defile (Lev 15:18)?” *ZAW* 95 (1983): 434.

¹³¹ This would include masturbation (Lev 15:16), nocturnal emissions (Lev 15:16), heterosexual sex (Lev 15:18), sex with a menstruant (Lev 15:19; 18:19), incest (Lev 18:6-17), adultery (Lev 18:20), homosexual acts (Lev 18:22), and bestiality (Lev 18:23). Not on this list is lesbianism, which is nowhere mentioned in Leviticus. However, if one or both of the women were menstruating, lesbianism would, at the very least, result in ritual impurity.

¹³² Compare this with Klawans who argues that sexual sins “brings about an impurity that *morally* – but not *ritually* – defiles the sinner (Lev 18:24), the land of Israel (Lev 18:25; Ezek 36:17), and the sanctuary of God (Lev 20:3; Ezek 5:11).” This statement undermined, however, when Klawans notes: “But of course *all* sexual acts – proper or sinful – are ritually defiling to some degree.” Klawans, *Impurity and Sin*, 26; 173n.33.

¹³³ Klawans, *Impurity and Sin*, 26.

¹³⁴ Milgrom, *Leviticus 1-16*, 37.

¹³⁵ Ritual impurity usually results from natural or unavoidable circumstances and it can be transmitted to a person or an object through either direct or indirect contact.

raised above justify the inclusion of sexual misdeeds in our study. With that in mind let us now examine the presentation of sexual misdeeds in the Damascus Document.

In an article published in 1992, Baumgarten discusses three regulations from the so-called Qumran penal code that are extant in 4Q270 7 i and “without parallel in any of the other texts” of the Damascus Document.¹³⁶ Containing a unique ordinance that calls for the expulsion of any member who “murmurs” (לָלוּן) against the “fathers” (הַאֲבוֹת) of the ambiguously titled group known as the Many, and a significantly less severe but no less unique regulation which “penalized” (וַנְעַנֵּשׁ) for ten days any individual who murmured against “the mothers” (הַאֲמוֹת) of the Many (4Q270 7 i 13b-15a), the author/redactor of 4Q270 7 i also urged the members of his community to avoid having sexual relations in a manner not in keeping with the law:

(4Q270 7 i 12b-13; par. 4Q267 9 vi 4b-5)

12b וְאִשֶּׁר יִקְרָא בַּ
לְזָנוֹת לְאִשְׁתּוֹ אֲשֶׁר לֹא כַמְשַׁפֵּט וַיֵּצֵא וּלֹא יָשׁוּב עוֹד 13

12b And one who draws nea[r]

13 in order to fornicate with his wife in a way that is contrary to the law will leave and not return again.

In addition to noting that this ordinance was “obviously” directed at those members of the community who were married, (i.e., “And one who draws nea[r] in order to fornicate with his wife”), Baumgarten contemplates the meaning of the phrase “contrary to the law” (לֹא כַמְשַׁפֵּט) in line 13 by questioning whether it refers to the act of having sexual relations with a woman during her menses (cf. CD 5.6b-7a) or whether it refers to married individuals within the community who have agreed to undergo a period of sexual abstinence but end up breaking their agreement.¹³⁷ Leaning more heavily towards

Moral impurity, on the other hand, is the result of sinful activity and it cannot be passed to others through direct contact.

¹³⁶ J. Baumgarten, “The Cave 4 Versions of the Qumran Penal Code,” *JJS* 43 (1992): 270.

¹³⁷ Baumgarten, “The Cave 4 Versions of the Qumran Penal Code,” 270; cf. S. Talmon, “The Community of the Renewed Covenant,” in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls* (ed. E. Ulrich and J. VanderKam; Notre Dame: University of Notre Dame Press, 1994), 9.

the latter explanation than the former, Baumgarten cautiously admits that a rule of abstinence, which is nowhere mentioned in the Damascus Document, is only a possibility and nothing more.¹³⁸

In direct response to Baumgarten's interpretation of this passage, Menahem Kister has offered an alternate solution for the phrase "to fornicate with his wife in a way that is contrary to the law" by suggesting that it refers to a "ban against sexual relations without the intention of procreation."¹³⁹ Basing his interpretation on Josephus' description of the Essenes in the *Jewish War* and several passages from the Jerusalem Talmud and the Mishnah,¹⁴⁰ Kister argues that the prohibition against having sex for pleasure rather than for procreation would have prevented the authors of the Damascus Document from having sexual relations with women who were barren, women who had gone through menopause, and women who were pregnant. Although Kister's argument has been strengthened somewhat by the publication of 4Q270 2 ii, which appears to label as sinners those members of the Damascus Document community who have had sexual relations with pregnant women, the focus of 4Q270 2 ii seems to be on the potential physiological and ritual consequences of having sexual relations with a pregnant woman (i.e., the possibility of bleeding) and not with any overarching moral concerns about procreation.¹⁴¹

More recently Baumgarten has returned to this passage in order to reevaluate its potential meaning.¹⁴² "Although we previously considered it," notes Baumgarten, "the possibility that the term לַזְנוּת was applied to a violation of some rule of temporary abstinence does not seem very persuasive."¹⁴³ Starting with this reassessment of his previous position, Baumgarten then offers several possible explanations for the type of fornication referred to in 4Q270 7 i. Torn between focusing on the word לַזְנוּת or מִשְׁפָּט, Baumgarten offers two examples of sexual impropriety recorded in the Damascus Document, such as the act of having sexual relations with a woman during her menses (CD 5.6-7) and "[one who ap]proaches his wife on the day [of the Sabbath]" (? אִשְׁתּוֹ בַיּוֹם הַשַּׁבָּת) - 4Q270 2 i 18b-19a; cf.

¹³⁸ Baumgarten, "The Cave 4 Versions of the Qumran Penal Code," 270.

¹³⁹ M. Kister, "Notes on Some New Texts from Qumran," *JJS* 44 (1993): 281.

¹⁴⁰ *Jewish War* 2.8.13 § 160-161; *y. Yebamot* 6:5 (7c); cf. *m. Sotah* 4:3 for positions that contrast with R. Judah and with Josephus' description of the Essenes.

¹⁴¹ See pp. 92-93 below.

¹⁴² Baumgarten, *Qumran Cave 4. XIII*, 164-65.

¹⁴³ Baumgarten, *Qumran Cave 4. XIII*, 164-65.

Jub 50:8),¹⁴⁴ but concludes that neither of these passages have a clear connection with 4Q270 7 i as they do not contain the words לזנוה or משפט. Baumgarten then turns his attention to 4Q271 3 10b-15 where the word כמ[ש]פט is used in reference to marital relations. In what Baumgarten has described as “the procedure for avoiding a false claim of non-virginity against a bride of uncertain virtue,” 4Q271 3 allows for an experienced woman to examine a prospective bride in order to establish whether the bride’s virginity had been compromised. According to Baumgarten: “The law of fraud (Lev 25:14) [was] applied to the arrangement of marriages, presumably by the father of the bride. He must make full disclosure of any blemishes so as not to “mislead the blind” (Deut 27:18). Nor should he give his daughter to an incompatible husband, which would be tantamount to plowing with animals of different species (Deut 22:10).”¹⁴⁵ Baumgarten’s last observation concerning the rule of כלאים, or the ban on combining different types of mixtures, seems to have been especially important to the author/redactor of the Damascus Document, who, in relation to marriage and sexual partners, mentions the concept twice implicitly (CD 2.14-21; 8.3-9) and once explicitly: “Also he should not give her to one who is not prepared for her, for [that is *kil’ayim*, o]x and ass; wearing wool and linen together.” וגם אל יתנהה ל אשר לו הוכן לה כי [הוא כלאים ש]ור (4Q271 3 9b-10; par. 4Q269 9 2-3; 4Q270 5 15b-17a).¹⁴⁶

¹⁴⁴ While it is certainly possible that the author/redactor of the Damascus Document had banned all sexual activities on the Sabbath, the absence of the word השבתה in 4Q270 2 i has prompted Schuller to suggest that this passage could also be interpreted as prohibiting individuals from having intercourse on the Day of Atonement (cf. *m. Yoma* 8:1). E. Schuller, “Women in the Dead Sea Scrolls,” in *The Dead Sea Scrolls After Fifty Years* (vol. 2; ed. P. W. Flint and J. C. VanderKam; Leiden: E.J. Brill, 1999), 126; Baumgarten, *Qumran Cave 4*. XIII, 143.

¹⁴⁵ Baumgarten, “The Laws of the Damascus Document in Current Research,” 54; idem, *Qumran Cave 4*. XIII, 165, 175-77; J. Tigay, “Examination of the Accused Bride in 4Q159: Forensic Medicine at Qumran,” *JANESCU* 22 (1993): 129-34.

¹⁴⁶ As Shemesh has noted concerning the rule of כלאים: “Leviticus outlaws mating two species of animals, an injunction which does not appear in Deuteronomy, whereas Deuteronomy specifically prohibits plowing with an ox and a donkey.” Shemesh continues: “Is it merely coincidental that the ban on כלאים in Leviticus immediately precedes the pericope of the handmaid promised to a man (שפחה) - Lev 19:20-21), and that the deuteronomic one immediately precedes the pericope dealing with accusations of premarital unchastity (Deut 22:13-19)? Or should we assume that the members of the sect were certainly aware of the structure of the biblical text and relied upon this juxtaposition in their exegesis ... ?” A. Shemesh, “4Q271: A Key to Sectarian Matrimonial Law,” *JJS* 49 (1998): 263.

Once the bride's virginity had been established, the groom was then permitted to "take" his bride but was required to do so "in accordance with the l[a]w [and he shall not t]ell about [her]" (כַּמְשַׁבֵּט [ש]פֹּט) [וּלְאִ] - 4Q271 3 15b).¹⁴⁷ Heavily reconstructed and relying upon the phrasing of Deut 22:13-19 and 4Q159 2-4, Baumgarten suggests that while the "end of the sentence is missing [Ll. 15b-16] ... it apparently refers to the possibility that the absence of virginal blood may be due to the improper nature of the conjugal act. Such unnatural intercourse could not only lead to the unjust defamation of the bride, but it would be illicit according to Qumran moral principles."¹⁴⁸ Aside from the fact that he never actually defines what he means by the term "unnatural intercourse," Baumgarten's reconstruction of line 15b is highly problematic, which calls into question his interpretation of the missing line 16. Specifically, the photograph of 4Q271 3 does not allow for the reconstruction of the word עֲלֵי [ה] at the end of line 15 as the *lamed* simply cannot fit into the vertical tear in the leather that bisects the word in question and extends from the bottom of the fragment to a point halfway between the bottom of line 14 and the top of line 15. Furthermore, the so-called *ayin* at the beginning of עֲלֵי [ה] is partially missing and is significantly smaller than any other example of the letter *ayin* in 4Q271 3 adding further difficulty to Baumgarten's restoration. Although the reconstruction of the word יָגִיד is a possibility, given the clear presence of the second and third letters (i.e., נִי), the complete absence of the word [וּלְאִ] and the difficulties with the restoration of the word עֲלֵי [ה] call into question Baumgarten's interpretation of lines 15b-16 and brings us no closer to understanding the phrase "to fornicate with his wife in a way that is contrary to the law."¹⁴⁹

In contrast to the efforts of Baumgarten and Kister, we would like to suggest that the phrase "to fornicate with his wife in a way that is

¹⁴⁷ Baumgarten, *Qumran Cave 4. XIII*, 175-77.

¹⁴⁸ Baumgarten, *Qumran Cave 4. XIII*, 165.

¹⁴⁹ After discussing the material relating to the claim of non-virginity in 4Q271 3, Baumgarten examines the association between the word מְשַׁבֵּט and sexual relations in IQSa I 10-11. At the conclusion of his discussion, Baumgarten notes: "The use of מְשַׁבֵּט for sexual rules suggests that the wife upon her nuptials must promise (מְשַׁבֵּטוֹת הַתּוֹרָה) to admonish (לְדַעַיֵד) her husband about the laws (תִּקְבֹּל) concerning sexual intercourse, with which she is to familiarize herself by learning them (בְּמִשְׁמַע מְשַׁבֵּטִים) and fulfilling them (וּבְמַלּוֹא בּוֹ)." While this may well have been the case for the Damascus Document community, the sexual rules alluded to by the word מְשַׁבֵּט in IQSa and DD are not specified. Baumgarten, *Qumran Cave 4. XIII*, 165.

contrary to the law” be understood not in terms of its specific vocabulary or as referring to only one type of sexual activity. Rather, it seems more likely that this phrase represents a general pronouncement that has in mind any number of illicit sexual activities, which, if practiced, would result in the expulsion of an individual from the community or communities associated with the Damascus Document.¹⁵⁰ With that in mind, let us now turn our attention to the presentation of sexual misdeeds in the Damascus Document.

The first of four passages containing a general ruling against improper sexual conduct, CD 2.14-21 (par. 4Q266 2 ii 13b-21b and 4Q270 1 i 1-3) is located in the Admonition and is directed at those individuals who were members of the Damascus Document community:

(CD 2.14-21)

14 ועתה בנים שמעו לי ואגלה עיניכם לראות ול הבין במעשי
 15 אל ולבחור את אשר רצה ולמאוס כאשר שנא להתהלך תמים
 16 בכל דרכיו ולא לתור במחשבות יצר אשמה ועני זנות כי רבים
 17 תעו בם וגבורי חיל נכשלו בם מפנים ועד הנה בלכתם
 בשרירות
 18 לבם נפלו עידי¹⁵¹ השמים בה נאחזו אשר לא שמרו מצות אל
 19 ובניהם אשר כרום ארזים גבהם וכהרים גיוותיהם כי נפלו
 20 כל בשר אשר היה בחרבה כי גוע ויהיו כלא היו בעשותם את
 21 רצונם ולא שמרו את מצות עשיהם עד אשר חרה אפו בם

- 14 And now sons, listen to me and I will uncover your eyes so that you can see and understand the deeds of
 15 God and choose that which pleases him and reject that which he hates in order that you may walk with integrity
 16 in all of his ways and not go about with guilty or impulsive thoughts nor with eyes of fornication. For many

¹⁵⁰ Here we agree with Kugler who, having examined the semantic range for the word זנה and its variants in such texts as Leviticus, *Aramaic Levi*, 4QMMT, 4Q513, CD, and 4Q270 7 i, has argued that “the interpretation of זנה from Lev 21:14 (through *Aramaic Levi*) has been expanded considerably [by the authors of the Damascus Document] beyond its meaning there and in *Aramaic Levi*. It now seems to relate to any sexual or marital conduct unbecoming a member of the sect.” See R. Kugler, “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* (ed. M. Bernstein, F. García Martínez, and J. Kamen; STDJ 23; Leiden: E. J. Brill, 1997), 131-40.

¹⁵¹ Read עירי. See Broshi, *The Damascus Document Reconsidered*, 13n.14.

- 17 have wandered about because of them (i.e., guilty impulses and eyes of fornication) and mighty warriors have stumbled because of them from then until now. The Watchers of heaven walked in the stubbornness
- 18 of their hearts and they fell. They were caught by it for they did not keep the commandments of God,
- 19 as were their sons, who were as tall as cedars, whose bodies were as tall as mountains.
- 20 For all flesh that was on dry land fell; for they died and were as if they had not been, when they were doing
- 21 what they desired and did not keep the commandments of their maker until his anger was kindled against them.

Although much can be said about this passage and the material immediately following this section, which contains references to various patriarchs who were either obedient or disobedient to the will of God (cf. CD 3.1-13), we will try to limit our comments to this passage and its relationship with *I Enoch* by asking a very specific question: What does the author/redactor of the Damascus Document mean when he warns his audience not to “go about with guilty impulses and eyes of fornication” and how does the material from *I Enoch* illuminate this passage? Let us consider the latter half of this question first.

As Olson has noted, there are at least five passages in the Book of the Watchers (i.e., chapters 6-19 of *I Enoch*) that specifically discuss the issue of sexual relations between the Watchers and the “daughters of men.”¹⁵² In each of these passages the Watchers are described as becoming defiled through the act of having sexual intercourse with mortal women: “And they went in to the daughters of men together, and lay with those women, and became unclean” (*I Enoch* 9:8; cf. 7:1; 10:11; 12:4).¹⁵³ It is not until *I Enoch* 15:3-7, however, that we are told why the act of having sexual relations with the daughters of men defiled the Watchers:

¹⁵² D. C. Olsen, “‘Those Who Have Not Defiled Themselves with Women’: Revelation 14:4 and the Book of Enoch,” *CBQ* 59/1 (1997): 496-97.

¹⁵³ M. Knibb, *The Ethiopic Book of Enoch: A New Edition in the Light of the Aramaic Dead Sea Fragments* (vol. 2; Oxford: Oxford University Press, 1978), 86; see also M. Black, *The Book of Enoch and I Enoch: A New English Edition* (SVTP 7; Leiden: E. J. Brill, 1985).

(1 *Enoch* 15:3-7)

Why have you left the high, holy and eternal heaven, and lain with the women and become unclean with the daughters of men, and taken wives for yourselves, and done as the sons of the earth and begotten giant sons? And you (were) spiritual, holy, living an eternal life, (but) you became unclean upon the women, and begat (children) through the blood of flesh, and lusted after the blood of men, and produced flesh and blood as they do who die and are destroyed. And for this reason I gave them wives, (namely) that they might sow seeds in them and (that) children might be born by them, that thus deeds might be done on the earth. But you formerly were spiritual, living an eternal, immortal life for all the generations of the world. For this reason I did not arrange wives for you because the dwelling of the spiritual ones (is) in heaven.¹⁵⁴

What appears to be at the heart of God's grievances against the Watchers is the issue of $\square\text{ל}^{\text{ל}}\text{א}^{\text{ל}}$ or the ban against combining two different types of mixtures (cf. 4Q271 3 9b-10; 4QMMT B 75-85; Lev 19:19 and Deut 22:9-11). On the one hand we have the Watchers: angelic and spiritual beings (i.e., non-corporeal) who lived an immortal life in heaven and were without the need to procreate. While on the other hand we have the daughters of men: creatures of flesh and blood (i.e., corporeal) who lived a mortal life on earth and perpetuated themselves through the act of procreation. When the Watchers saw "the handsome and beautiful daughters" of men, as *1 Enoch* 6:2 renders it, they left heaven, had sexual intercourse with women, and begot giant offspring who sinned against animals, ate men, and eventually turned against themselves by eating one another and drinking blood (*1 Enoch* 6:1-7:6).¹⁵⁵ It was this violation of the order of creation (i.e., the act of combining heavenly and earthly substances) and God's subsequent judgment and punishment of the Watchers and their sinful offspring that is the focus of CD 2.20-21: "For all flesh that was on dry land fell; they died and were as if they had not been, they were doing what they desired and did not keep the commandments of their maker until his anger was kindled against

¹⁵⁴ Knibb, *The Ethiopic Book of Enoch*, 2:100-01.

¹⁵⁵ In addition to these violations the Watchers are also accused of divulging secrets to the daughters of men, such as how to perform charms and spells, how to cut roots and trees, and how to make weapons, armour, jewellery, and cosmetics. See *1 Enoch* 7:1; 8:1.

them.” One of the keys to understanding both this passage and CD 2.14-21 as a whole is found in the phrase: “they were doing what they desired and did not keep the commandments of their maker” (בַּעֲשׂוֹתָם אֵת רְצוֹנָם וְלֹא שָׁמְרוּ אֵת מִצְוֹת עֲשִׂיהֶם) - CD 2.20-21). Although CD 2.16 seems to imply that it is an individual’s thoughts that dictate whether or not a person is sinful (i.e., one should not “go about with guilty impulses and eyes of fornication”; cf. Matt 5:27-28), the Damascus Document makes it clear that God did not punish the Watchers simply for harboring lustful thoughts and guilty impulses. Rather, God’s anger was kindled against the Watchers and their offspring because they were acting on their thoughts and impulses and they were “doing what they desired.”

Returning to the question of what the author/redactor of the Damascus Document may have meant when he warned his audience not to “go about with guilty impulses and eyes of fornication,” we can now offer several suggestions. First, as we noted in relation to the Watchers in the Book of Enoch, the issue of כְּלֵאִים seems to have been of primary importance for the author/redactor of the Damascus Document. Not only would the addressees of the Damascus Document have understood the Watchers’ violation of the order of creation as falling under the umbrella of כְּלֵאִים, but, given the seemingly allegorical nature of the Book of the Watchers,¹⁵⁶ one could argue that the author/redactor of the Damascus Document was using the material in *1 Enoch* to provide his audience with a very specific example of how to behave sexually (i.e., do not violate the law of כְּלֵאִים as the Temple priests have done by marrying women who you are not allowed to marry). Second, in contrast to a specific complaint involving marriage regulations, the story of the Watchers and the emphasis on the notion of כְּלֵאִים can also be interpreted in a more general sense as referring to a ban on various acts that involved the combination of incompatible sexual partners, such as bestiality (Lev 18:23), homosexuality (Lev 18:22; 20:13), or incestuous unions

¹⁵⁶ In relation to the allegorical nature of *1 Enoch*, Suter notes: “There is a parallel between the separation that the myth seeks to draw between the angelic and human realms and the tendency toward endogamy in priestly marriages. By entering into marriage with a family beyond the circle of priesthood and certain families of the laity, the priest ran the danger of profaning his seed or family line.” Cf. Lev 21:7-9, 13-15; *Ar. Levi* 16-17. D. Suter, “Fallen Angel, Fallen Priest: The Problem of Family Purity in *1 Enoch* 6-16,” *HUCA* 50 (1979): 124. See also, G. Nickelsburg, “Enoch, Levi, and Peter: Recipients of Revelation in Upper Galilee,” *JBL* 100/4 (1981): 575-600.

(Lev 18:7-18). And third, the references to the blood of women in the Book of the Watchers (*1 Enoch* 15:4), although not explicitly mentioned in the Damascus Document, could have suggested to those who were familiar with the Enochic material that they were to refrain from having sexual intercourse with women during their menstrual cycle in order to avoid becoming contaminated by their blood (cf. 4Q273 5 4b-5; 4Q266 6 ii 1b-2; CD 5.6b-7a).¹⁵⁷

In contrast to CD 2.14-21 and its utilization of the Watchers' myth to emphasize the importance of the rule of בל אים, CD 7.1-2 (par. 4Q266 3 iii 2b-3; 4Q269 4 ii 4-5; and 6Q15 4 3-4) does not rely upon any pseudepigraphic material to illuminate its meaning. Rather, appearing midway through a list of regulations concerning the proper conduct for an individual who has "entered the new covenant in the land of Damascus" (באי הברית החרשה בארץ דמשק) - CD 6.19), CD 7.1-2 contains a vague statement urging its audience "to separate (themselves) from committing fornication in accordance with the law" (להזיר מן הזונות כמשפט). In response to this admonition, Davies has suggested that the word זונות should be translated as "whoredom" or "lust" (cf. CD 8.5) and that the passage, as a whole, seems to represent a ruling against a second marriage (i.e., polygamy; cf. CD 4.20-5:11) or against any forbidden marriages, which would also include all incestuous relationships.¹⁵⁸ While there is much to be said for this interpretation, Baumgarten has moved away from a similar position¹⁵⁹ and has, more recently, argued that CD 7.1-2 was "most likely directed against homosexual tendencies which may manifest themselves in a celibate order."¹⁶⁰ Basing his argument on what he sees as a bifurcation of the group described in the Damascus Document, Baumgarten has noted: "the writer refers to sectarians who followed the normal way of life, residing, in various camps, marrying and having children, but he also knew of those who never married or at a late stage in life renounced the continuation of marital relations because they aspired to the 'perfection of holiness'."

¹⁵⁷ Suter, "Fallen Angel, Fallen Priest," 119.

¹⁵⁸ P. R. Davies, *The Damascus Covenant: An Interpretation of the Damascus Document* (Sheffield: JSOT Press, 1982), 131-32.

¹⁵⁹ In 1985 Baumgarten wrote: "In the Damascus Document the term זונות is applied to polygamy and niece marriages." J. Baumgarten, "Halakhic Polemics in New Fragments from Qumran Cave 4," in *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, April 1984* (ed. J. Amitai, Jerusalem: Israel Exploration Society, 1985), 392.

¹⁶⁰ Baumgarten, "Qumran-Essene Restraints on Marriage," 19.

One of the arguments for seeing a bifurcation of the group described in the Damascus Document involves the construction and content of CD 7.6-9a. Appearing immediately after a list of obligations that were incumbent upon those individuals who were attempting to walk in “perfect holiness” (CD 6.11b-7.5), the Damascus Document abruptly changes its focus in CD 7.6 through the use of a *vacat* and the adversative construction וְאִם ¹⁶¹ in order to discuss what seems to be a second group of individuals:

(CD 7.6-9a; par. CD 19.2-5)

	וְאִם מַחֲנוֹת יִשְׁבוּ כִסְרֵךְ הָאָרֶץ וּלְקַחוּ	<i>vacat</i>	6
	נָשִׁים וְהוֹלִידוּ בָנִים וְהִתְהַלְכוּ עַל פִּי הַתּוֹרָה וּכְמִשְׁפַּט		7
	הַיְסוּרִים כִּסְרֵךְ הַתּוֹרָה כְּאִשֶּׁר אָמַר בֵּין אִישׁ לְאִשְׁתּוֹ וּבֵין אָב		8
	לְבָנוֹ		9a

- 6 *vacat* And if they live in camps in accordance with the rule of the land, and take
 7 wives and beget children, they will walk in accordance with the law and according to the regulation
 8 of the teachings, according to the rule of the law, it was said: ‘Between a man and his wife, and between a father
 9a and his son’.¹⁶²

While we agree that there appears to be a bifurcation of the movement being described in the Damascus Document, this does not necessarily indicate that the phrase “to separate from committing fornication in accordance with the law” specifically refers to a ban on homosexual activity within a celibate order. For one thing, the extent to which these two groups were different has yet to be established. Although it is possible that the author/redactor of the Damascus Document had in mind two separate and distinct groups that were similar to the two types of Essenes described by Josephus (i.e., a celibate brotherhood who lived apart from society and married individuals who lived in various cities and villages),¹⁶³ there is not enough evidence in the Damascus Document to prove that the group

¹⁶¹ Baumgarten, “Qumran-Essene Restraints on Marriage,” 18. Concerning adversative constructions with the conjunction *vav*, see R. J. Williams, *Hebrew Syntax: An Outline* (2nd ed.; Toronto: University of Toronto Press, 1996), 71.

¹⁶² Cf. Num 30:17 (MT).

¹⁶³ *Jewish War* 2.8.2 f 120, 2.8.13 f 160.

in question was Essene, that they practiced celibacy, or that the bifurcation among the Damascus Document movement was as distinct as that of Josephus' description of the Essenes.¹⁶⁴ Taking into consideration these facts and the overall tone of the material from the Damascus Document itself, it seems more plausible that the author/redactor understood his movement as one that happened to contain a variety of individuals (male and female; young and old) who, because of their personal inclination, social status, or age, were either single or married. While neither position was considered sinful, a single life was understood to be more conducive to focusing on God, purity, and holiness (CD 6.11b-7.5; cf. 1 Cor 7:32). A married life on the other hand, although causing one's attention to be divided between God and one's spouse (CD 7.6-9a; cf. 1 Cor 7:33-34), facilitated the continuation of life through the act of procreation: an act ordained by God (Gen 1:27-28). There is very little in the Damascus Document itself, save the adversative construct in col.7 line 6 and the division between those who lived in the "camp" (מחנה - CD 13.4, 5, 7, 13, 16) and those who resided in various "camps" (מחנות - CD 7.6; 13.20; 14.3, 9), married, and had children, to suggest that the single and married members of the movement could not have lived, worked, and prayed alongside one another in a manner not unlike that of Paul's description of the Corinthian church in 1 Cor 7.¹⁶⁵

¹⁶⁴ Beginning with the notion of Essene celibacy, as it is described by Josephus and Philo, Baumgarten frames his discussion on the marriage restraints of the Qumran community by suggesting that we adopt a comparative approach that has two objectives: "We should determine first, whether Qumran laws regarding marriage may have contributed to a tendency toward sexual abstinence, and, second, whether there is any textual evidence that celibacy was actually practiced by any part of the Qumran community." Pointing to the material from CD 6.11-7.6, Baumgarten notes: "Returning to the above-mentioned passage in the Damascus Document, if our interpretation is valid, we have here an important attestation in a Qumran source of the bifurcation in the practice of celibacy among the Essenes." This approach is flawed, however, as it not only identifies the group responsible for the authorship of the Damascus Document as Essenes, a fact that has yet to be established, but it also forces us to understand the Damascus Document through the lens of the ancient historians who wrote about the Essenes. As we have already seen regarding the issue of sex with a parturient, the evidence in the scrolls does not always agree with the ancient historians and their interpretations of the Essenes. Baumgarten, "Qumran-Essene Restraints on Marriage," 14, 19. For a critique of Baumgarten's methodology, see E. Qimron, "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* (ed. J. Treballe Barrera and L. Vegas Montaner, Leiden: E. J. Brill, 1992), 287-94.

¹⁶⁵ If García Martínez and Tigchelaar's reconstruction and translation of CD 13.12b-18 (par. 4Q266 9 iii 1-6) is accurate, we may then have evidence that the members of the movement who lived in "the camp" (המחנה - CD 13.13) were also

Albeit difficult to prove, an argument such as this could account for the apparent bifurcation between the men who walked in “perfect holiness” (CD 6.11b-7.5) and those who married “in accordance with the rule of the land” (CD 7.6-9a) without having to go to the extreme of suggesting that the Damascus Document movement had been divided into celibate and married communities who lived, worked, and prayed in isolation from one another.¹⁶⁶ With that in mind, let us now reconsider Baumgarten’s interpretation of CD 7.1-2 as referring to a ban on homosexual activity.

Given that the author/redactor of the Damascus Document provides his entire audience with a general warning against participating in homosexual intercourse in the catalogue of transgressions (4Q270 2 ii 15b-17a // 6Q15 5 1-5)¹⁶⁷ one wonders why the author/redactor would not have specified that homosexuality was the issue at stake in CD 7.1-2 if that was what he had intended to say in the first place? This question is even more difficult to answer when one considers that of the eighteen times the Damascus Document mentions sexual misdeeds, fourteen of those occurrences deal with specific sexual activities: sex with a menstruant (4Q266 6 ii 1b-2); sex with a parturient (4Q270 2 ii 15b-16a); and incestuous unions (4Q270 2 ii 16) to name but three. Finally, given the presence of the word זנות in CD 7.1-2, which, as we have noted above, appears to have a rather wide semantic range, it seems more likely that the admonition against “committing fornication in accordance with the law” encompassed all forms of illicit sexual activity, including homosexuality, and was

allowed to take wives and have children ([וּבְנֵי לְבָנָיִם] לְ[וֹרְקָה] אֲשֶׁר[הֵן] – CD 13.16), provided they were given permission by the “Overseer” (מְבַקֵּר – CD 13.13, 16). Adopted by both Broshi and Hempel, this reading is at odds with Baumgarten who argues: “Its adversative formulation beginning with the conditional ‘And if’ indicates that the previously mentioned aspirants to perfect holiness did not dwell in scattered dwelling places in the conventional manner of the land, did not take wives, and did not beget children. Instead they resolved ... to live in close association with other brethren.” This view is also espoused by Qimron: “The adversative formulation beginning with the conditional ‘and if’ indicates that the group mentioned before did not dwell in ‘camps’, and did not take wives but rather implies that they live in one ‘camp’. They did not beget children.” García Martínez and Tigchelaar, *The Dead Sea Scrolls Study Edition, Vol. 1*, 572-73; Broshi, *The Damascus Document Reconsidered*, 34-35; Hempel, *The Laws of the Damascus Document*, 114-15, 126; Baumgarten, “Qumran-Essene Restraints on Marriage,” 18; Qimron, “Celibacy in the Dead Sea Scrolls,” 290.

¹⁶⁶ This position is further supported by the Damascus Document’s overwhelming interest in rules relating to sexual intercourse and the elevated status of women in the movement (cf. 4Q270 7 i 13b-15a), both of which would be of little interest to men who had chosen to live celibate lives in a male order.

¹⁶⁷ Cf. Lev 18:22, 20:13.

not limited to one particular act.

The third general statement concerning improper sexual conduct in the Damascus Document occurs in CD 8.3-9 (par. CD 19.15-21; 4Q266 3 iv 1-6; 4Q269 6 1-2). In this passage the “princes of Judah” (שרי יהודה), who were most likely the political/religious leaders of the day,¹⁶⁸ are accused of not turning from “the path of deceitfulness” (מדרך בוגדים) and of taking part in acts of “fornication” (זנות) and “debauchery” (זמה):

(CD 8.3-9; par. CD 19.15-21)¹⁶⁹

3 היו שרי יהודה אשר תשפוך עליהם העברה
4 כי יחלו למרפא וידקמום כל מורדים מאשר לא סרו מדרך
5 בוגדים ויתגוללו בדרכי זונות ובהון רשעה ונקום וניטור
6 איש לאחיו ושנא איש את רעהו ויתעלמו איש בשאר בשרו
7 ויגשו לזמה ויתגברו להון ולבצע ויעשו איש הישר בעיניו
8 ויבחרו איש בשרירות לבו ולא נזרו מעם ויפרעו ביד רמה
9 ללכת בדרך רשעים

- 3 The princes of Judah are those upon whom the rage will be vented
- 4 for they hope to be healed but the defect sticks (to them); all are rebels in that they have not turned from the path
- 5 of deceitfulness and have defiled themselves in paths of fornication and in wicked wealth, and avenging themselves,
- 6 and each one bearing a grudge against his brother, and each one hating his fellow, and each one despising his blood relative;
- 7 they have approached for debauchery and have manipulated with pride for wealth and gain. Each one did what was right in his eyes
- 8 and each one has chosen the stubbornness of his heart and has not kept apart from the people and have rebelled with insolence
- 9 walking on the path of wickedness.

¹⁶⁸ Hempel, *The Damascus Texts*, 32; Davies, *The Damascus Covenant*, 119.

¹⁶⁹ There are a number of variant readings and orthographic differences between CD 8.4-9 and CD 19.16-21. For example, where CD 8.4-5a reads כל מורדים כי יחלו למרפא וידקמום, CD 19.16 reads מאשר לא סרו מדרך בוגדים ולא נזרו מעם ויפרעו ביד רמה. Compare also CD 8.8-9 with CD 19.20-21. Although the variants between CD-A and CD-B are worthy of further discussion, such an undertaking is beyond the scope of our study. For an overview of this issue, See Hempel, *The Damascus Texts*, 77-78.

Perhaps the most obvious comment to be made about this passage involves its striking similarity to CD 2.14-21 and the Watchers' material. In addition to the reference to the "paths of fornication" (דרכי זנוות) in line 5, which parallels the Watchers' "eyes of fornication" (ועני זנוה) in col. 2 line 16, the author/redactor of the Damascus Document use such phrases as "each one has chosen the stubbornness of his heart" (ויבחרו איש בשרירות לבו) - CD 8.8) and "each one did what was right in his eyes" (ויעשו איש הישר בעיניו) - CD 8.7) to describe the actions of the princes of Judah. These descriptions are comparable to the depiction of the Watchers in CD 2:14-21 who are characterized as "walking in the stubbornness of their hearts" (בלכתם בשרירות לבם) - CD 2.17-18) and "doing what they desired" (בעשותם את רצונם) - CD 2.20-21). Furthermore, the accusation that the princes of Judah had "not kept apart from the people" (ולא נזרו מעם) - CD 8.8) and that they had "defiled themselves in paths of fornication" (ויתגוללו בדרכי זנוות) - CD 8.5) echoes God's denunciation of the Watchers in *1 Enoch*: "Why have you left the high, holy and eternal heaven, and lain with the women and become unclean with the daughters of men?" (*1 Enoch* 15:3). In each of these instances the issue at stake seems to be a concern over כלאים.

As noted above, it was the combination of heavenly and earthly substances that rendered both the Watchers and the inhabitants of the earth unclean. Similarly, it was the commingling of the princes of Judah with the people (עם), among other things, that led to the defilement of the princes.¹⁷⁰ While we are not told who these עם were, or why the princes of Judah were to keep their distance from them, this accusation, when combined with the charge that the princes had been defiled through acts of fornication (CD 8.5), brings to mind the postexilic marriage reforms of Ezra and Nehemiah.¹⁷¹ However, where Ezra suggests that it was the fifth century "princes" (השרים) who had accused the people of Israel, the Levites, and the priests of "not separating from the peoples of the lands and their abominations"

¹⁷⁰ CD 19.20-21 reads "an they have not kept apart from the people and their sins" (ולא נזרו מעם ומחטאתם).

¹⁷¹ See Ezra 9-10 and Neh 9-10.

(Ezra 9:1),¹⁷² the author/redactor of the Damascus Document suggests that it was their own contemporaries, “the princes of Judah” (שרי יהודה - CD 8.3), who were not able to separate themselves from the people. Here again, like the material in 4Q271 3 9-10 and CD 2.14-21, we appear to have a reference to the rule of בלאים. In particular, the author/redactor of the Damascus Document seems to have accused his political/religious leaders of taking incompatible sexual partners.

The fourth general statement concerning illicit sexual conduct occurs in a passage that has quite possibly received more scholarly attention than any other passage in the Damascus Document:¹⁷³ CD 4.12-5.11 (par. 4Q269 3 1-2; 4Q270 2 ii 15b-17a; 6Q15 1 2-3). Given the overall length of this passage and the fact that it contains both the word זנות (CD 4.17, 20) and references to three specific sexual activities (CD 4.19b-5.11), we have decided to divide this material into two separate groups. The first group contains information regarding the activity of Belial as well as general references to illicit sexual conduct, wealth, and defilement of the Temple (CD 4.12-19a), while the second group records three specific sexual practices that were considered to be unlawful by the author/redactor of the Damascus Document: polygamy, sex with a menstruant, and incest (CD 4.19b-5.11). With that in mind, let us now consider CD

¹⁷² In Ezra 9:1 the reference to “the peoples of the lands” is specifically related to the gentiles: “the Canaanites, the Hittites, the Perizzites, the Jebusites, the Ammonites, the Moabites, the Egyptians, and the Amorites.”

¹⁷³ Baumgarten, “Qumran-Essene Restraints on Marriage,” 14; G. Brin, “Divorce at Qumran,” in *Legal Texts and Legal Issues: Proceedings from the Second Meeting of the IQQS* (ed. M. Bernstein, F. García Martínez, and J. Kampen; STDJ 23; Leiden, E. J. Brill, 1997), 237-44; Davies, *The Damascus Covenant*, 116; J. Fitzmyer, “Divorce Among First-Century Palestinian Jews,” *ErIsr* 14 (1978): 103-10; T. Holmen, “Divorce in CD 4.20-5.2 and in 11QT 57:17-18: Some Remarks on the Pertinence of the Question,” *RevQ* 71 (1998): 398-403; J. Kampen, “The Matthean Divorce Texts Reexamined,” in *New Qumran Texts and Studies: Proceedings from the First Meeting of the International Organization for Qumran Studies Paris 1992* (ed. G. J. Brooke; Leiden: E. J. Brill, 1994), 152-54; J. Murphy-O’Connor, “An Essene Missionary Document? CD II,14-VI,1,” *RB* 77 (1970): 220; L. Schiffman, *Reclaiming the Dead Sea Scrolls*, 130; A. Shemesh, “4Q271: A Key to Sectarian Matrimonial Law,” *JJS* 49 (1998): 245-46; E. Schuller, “Women in the Dead Sea Scrolls,” in *The Dead Sea Scrolls After Fifty Years* (vol. 2; ed. P. W. Flint and J. C. VanderKam; Leiden: E. J. Brill, 1999), 123-27; A. Schremer, “Qumran Polemic on Marital Law: CD 4:20-5:11 and its Social Background,” in *The Damascus Document a Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center, 4-8 February, 1998* (ed. J. Baumgarten, E. G. Chazon and A. Pinnick; STDJ 34; Leiden: E. J. Brill, 2000), 147-60; G. Vermes, “Sectarian Matrimonial Halakha in the Damascus Rule,” *JJS* (1974): 197-202.

4.12b-19a:

(CD 4.12b-19a)

	ובכל השנים האלה יהיה	12b
בליעל משולח בישראל כאשר דבר אל ביד ישעיה הנביא בן		13
אמוץ לאמר פחד ופחת ופח עליך יושב הארץ פשרו		14
שלושת מצודות בליעל אשר אמר עליהם לוי בן יעקב		15
אשר הוא תפש בהם בישראל ויתנם פניהם לשלושת מיני		16
הצדק הראשונה היא הזנות השנית ההין ¹⁷⁴ השל ישית		17
טמא המקדש העולה מזה יתפש בזה והניצל מזה יתפש		18
בזה		19a

- 12b And during these years
 13 Belial will be sent against Israel, as God has said by means of the prophet Isaiah, son of
 14 Amoz, saying: Panic, pit and net against you, earth-dweller. Its explanation:
 15 They are Belial's three nets about which Levi, son of Jacob spoke,
 16 in which he catches Israel and makes them appear before them like three types of
 17 justice. The first is fornication; the second, wealth; the third,
 18 defilement of the temple. He who eludes one is caught in another and he who is freed from that, is caught
 19a in another.

Combining several different elements, this passage opens with the phrase “And during these years” (ובכל השנים האלה - CD 4.12b), which, according to Davies, refers to “the whole period of existence of the [Damascus Document] community.”¹⁷⁵ It was during this time

¹⁷⁴ The word appearing in CD 4.17 is הַהִין, which in BH means “liquid measure.” Given the difficulty of this reading, (i.e., how can one be caught in a net of liquid measure?) and the fact that this line is not attested in the Qumran material, it is generally accepted that the word should read הַהִין. Although this could be construed as a case of scribal error, *vav/yod* interchange was a common practice at Qumran and occurs several times in CD lending support to the notion that the word in question is הַהִין. See Broshi, *The Damascus Document Reconsidered*, 17n.10; J. Greenfield, “The Words of Levi Son of Jacob in Damascus Document IV, 15-19,” *RevQ* 13 (1988): 322.

¹⁷⁵ This period would most likely have extended from the Babylonian exile and establishment of the group associated with the authorship of the Damascus Document up to the appearance of an eschatological teacher. Cf. pp. 28-29. Davies, *The Damascus Covenant*, 108.

that the figure known as Belial (בל יעל - CD 4.13, 15)¹⁷⁶ roamed the earth in order to confuse those outside the Damascus Document community into believing that they had properly interpreted Scripture, when, in the opinion of those within the community, they had not.¹⁷⁷ In this passage, Belial's activities and the metaphorical "nets" he uses to ensnare unsuspecting victims are derived from an interpretation of Isa 24:17, ("Panic, pit and net against you earth-dweller"), which itself is interpreted through a reference to the words of "Levi, son of Jacob" (לוי בן יעקב - CD 4.15). Although the Damascus Document does not provide its audience with an explicit quotation from Levi, the force of this passage indicates that the interpretation of Isa 24:17 is dependent upon a tradition about Levi that was sufficiently well known that it did not need to be quoted.

In an article written in 1988, Jonas Greenfield was the first to suggest that the reference to the words of "Levi, son of Jacob" in CD 4.15 could be traced back to a text known as *Aramaic Levi*, which, like the Damascus Document, was also discovered in both the Cairo Genizah and at Qumran.¹⁷⁸ In this text the patriarch Isaac counsels his grandson Levi concerning proper marital relations for priests (cf. Lev 21:7, 13-15):

(*Ar. Levi* 16-17)

ל	לקדמין היודהר לך ברי מן כל פחו וטמאה ומן כל זנות	16
ו	ואנת אנתתא מן משפחתי סב לך ולא תחל זרעך עם זניאן ארי	17
	זרע קדיש אנת וקדיש זרעך היך קודשא ארו כהין קדיש אנת	
	מתקררי לכל זרע אברהם	

16 First, keep yourself pure, my son, from all lewdness, and uncleanness, and from all fornication.

¹⁷⁶ As Mach has noted: "The understanding of Belial and Mastemah as demonic beings best fits the context of the Qumran sect ... The world outside the covenant is under Belial's rule; yet, even the convenanters might be afflicted by him. During his reign, Belial lies in wait extending three nets; those of unchasteness, wealth, and defiling the sanctuary (CD iv.12-18). It is evident that such warnings describe a group who fears these nets more than the demons or their leader." M. Mach, "Demons," *EDSS* 1:191.

¹⁷⁷ According to Davies: "The community's knowledge is contrasted with the ignorance of those outside, and those whom God has chosen are contrasted with those whom He has allowed to stray." Davies, *The Damascus Covenant*, 109.

¹⁷⁸ J. Greenfield, "The Words of Levi Son of Jacob in Damascus Document IV, 15-19," 319-22.

- 17 And you, take a wife from my family to yourself and do not defile your seed with fornication. For you are holy seed, and holy is your seed, like the holy [Temple]. For you are a holy priest called for all the seed of Abraham.

Paralleling the material discussed above on the notion of כְּלֵאִים, the author/redactor of the Damascus Document appears to have combined the tripartite division of “lewdness” (פְּחֹז), “uncleanness” (טְמֵאָה), and “fornication” (זְנוּת) from *Aramaic Levi* with Isa 24:17's threefold list of “panic” (פַּחַד), “pit” (וּפְחֹת), and “net” (וּפְח) in order to suggest that Belial had at his disposal three nets which he used against Israel: “fornication” (זְנוּת), “wealth” (הוֹן), and “defilement of the Temple” (טְמֵאָה הַמִּקְדָּשׁ).¹⁷⁹ While one is inclined to agree with Greenfield's identification of *Aramaic Levi* as being a source text for the author/redactor of the Damascus Document, this hypothesis is not without difficulties. For example, although *Aramaic Levi* 16-17 and CD 4.17-18 both contain the words זְנוּת and טְמֵאָה there is not a perfect one-to-one correlation between these two lists; if there were one would expect the nets of Belial to be “lewdness” (פְּחֹז), “uncleanness” (טְמֵאָה), and “fornication” (זְנוּת) rather than “fornication” (זְנוּת), “wealth” (הוֹן), and “defilement of the Temple” (טְמֵאָה הַמִּקְדָּשׁ). In response to this issue Greenfield has suggested that *Aramaic Levi* “goes on to make it clear that ‘impurity’ [טְמֵאָה] means defiling the sanctuary.”¹⁸⁰ But even if we grant that the reference to טְמֵאָה in *Aramaic Levi* refers to the defilement of the Temple we are still hard-pressed to understand why it is that the author/redactor of the Damascus Document list “wealth” (הוֹן) as one of Belial's nets rather than “lewdness” (פְּחֹז) as in *Aramaic Levi*. This problem is further compounded by the fact that, unlike fornication (CD 4.20) and defilement of the Temple (CD 5.6), wealth is not mentioned at all in the lines immediately following the description of Belial's activities.

In an effort to overcome the lack of agreement between *Aramaic Levi*, Belial's nets, and the references to polygamy, sex with a menstruant, and incest in CD 4.19b-5.11, Greenfield has argued that the scribe responsible for copying CD-A in the tenth century CE must

¹⁷⁹ CD 4.17-18.

¹⁸⁰ Greenfield, “The Words of Levi,” 321.

have “misread” הפחז or הפחזו in the copy of the Damascus Document that he was using and replaced it with הההן .¹⁸¹ In support of this theory Greenfield offers three arguments: (1) differences in the readings and spellings between CD-A and CD-B attest to the fact that the scribes who copied these manuscripts made mistakes; (2) “lewdness” (פחז) fits the context of polygamy, sex with a menstruant, and incest better than “wealth” (ההן); and (3) פחז alliterates with Isa 24:17's list of “panic” (פחר), “pit” (ופחר), and “net” (ופח), whereas ההן and ההן do not.¹⁸²

While we agree that *Aramaic Levi* 16-17 appears to have been a source text for the Belial material in CD 4.12-19a,¹⁸³ Greenfield's efforts to overcome the lack of agreement between *Aramaic Levi* and the Damascus Document fall short. For one thing, the observation that scribes made mistakes is not so much an argument as it is a statement of fact. There is no denying that scribes made mistakes, but this does not prove that a scribe in the tenth or eleventh century CE mistakenly wrote the word הההן when he should have written the word הפחז . Aside from the definite article and the letters ה and פ , there are no obvious visual similarities between the words הההן and הפחז , which argues against this being a simple case of graphic confusion.¹⁸⁴ As for Greenfield's third argument concerning the issue of

¹⁸¹ See 77n.174.

¹⁸² According to Greenfield: “It would be natural that PHZ which alliterates with these three words would be in quotation from the words of Levi son of Jacob. The scribe, who copied the Damascus Document in the tenth or eleventh century, often misread what he had before him ... We may assume that HPHZ (HPHWZ) of the copy of the Damascus Document that he used was misread as HHYN.” Greenfield, “The Words of Levi,” 322.

¹⁸³ There are at least three factors which lend support to the notion that the text of *Aramaic Levi* 16-17 lies behind the material in CD 4.12-19a: (1) the words of “Levi, son of Jacob” are explicitly referred to in CD 4.15; (2) both *Aramaic Levi* 16-17 and CD 4.12-19a contain tripartite lists that contain the words זונה and זנא ; and (3) *Aramaic Levi* and the Damascus Document are both concerned with the notion of כל אדם and proper marital relationships for religious authorities (CD 2.14-21; 8.3-9).

¹⁸⁴ In addition to the lack of visual similarities between הההן and הפחז , the photograph of CD 4.17 clearly exhibits an unusually large amount of space on either side of the phrase השניה הההן , which suggests that the author/redactor made an intentional effort to set-off each of Belial's nets from the next for special consideration. While a move such as this implies that the scribe performed his task with a certain amount of precision and care, one cannot overlook the fact that the word הההן seems to have been misspelled as הההן . However, as noted above, the difference in spelling could easily be explained as an example of *vav/yod* interchange. Broshi, *The Damascus Document Reconsidered*, 9, 16-17.

alliteration, while it is possible that *Aramaic Levi* was originally chosen by the author/redactor of the Damascus Document because it contained a single word that alliterated with Isa. 24:17's list of פִּחַד, וּפְחָה, and וּפְחָ, this is hardly a convincing argument for Belial's second net having been פִּחַד prior to the tenth century CE. Greenfield is on much stronger ground when he suggests that "lewdness" (פְּחָד) fits the context of polygamy, sex with a menstruant, and incest better than "wealth" (וְחָד), but given the fact that זְנוּת has a much wider semantic range in the Damascus Document than it does in *Aramaic Levi*, one wonders whether or not the author/redactor of the Damascus Document would have considered the inclusion of both זְנוּת and פִּחַד to be redundant. As Kugler has noted, the author of *Aramaic Levi* "understood זְנוּת narrowly as a priest's marriage with any woman who is not a virgin from the priestly line."¹⁸⁵ Compare this with the understanding of the word זְנוּת in the Damascus Document, which is used to describe not only the illicit marital relationships of the Watchers (CD 2.14-21) and the religious/political authorities (CD 4.19b-5.11; 8.3-9), but it is also used to denote any unlawful sexual acts (4Q270 7 i 12b-13; CD 7.1-2). Given that the author/redactor of the Damascus Document needed only one term to describe both illegal marriages and illicit sexual conduct, whereas the authors of *Aramaic Levi* needed two, it is entirely possible that the author/redactor of the Damascus Document purposely removed the redundant word פִּחַד and replaced it with וְחָד in order to address an entirely different issue. Unfortunately, while this hypothesis may be able to account for the absence of the word פִּחַד, it cannot necessarily account for the presence of the word וְחָד or the absence of any discussion of wealth in the lines immediately following the description of Belial's nets.¹⁸⁶ With that let us now turn our attention to CD 4.19b-5.11.

In contrast to the somewhat vague references to fornication, wealth, and defilement of the Temple in CD 4.12-19a, CD 4.19b-

¹⁸⁵ Kugler, "Halakhic Interpretative Strategies," 134.

¹⁸⁶ Concerning this issue, Murphy-O'Connor has noted: "The second net of Belial, riches, is not mentioned at all. There is no need to suppose that it was deliberately excluded or accidentally omitted by a copyist because IV,18 makes it clear that not everyone would be caught in all three nets. It is likely that the authors wished to preserve the number three, and considered the fault, discussed in V, 11b [i.e., "defiling their holy spirit"] as more important than any abuse of riches. This line of argumentation might tend to suggest that at one stage the Belial midrash enjoyed an independent existence." Murphy-O'Connor, "An Essene Missionary Document," 222n.57.

5.11 records three specific sexual violations that are directed against a group referred to as the “builders of the wall” (בּוֹנֵי הַחֵיץ - CD 4.19).¹⁸⁷ Although it is tempting to try and identify the builders of the wall with the Temple establishment, Hempel has emphasized caution when attempting to assign the various designations in the Admonition to specific groups in the Second Temple period.¹⁸⁸ At the very least, however, one can say with some confidence that the builders of the wall were doctrinal opponents of the community responsible for the authorship of the Damascus Document:¹⁸⁹

(CD 4.19-5.2)

...	בּוֹנֵי הַחֵיץ	4.19
הם נִיתְפְּשִׁים	בְּזִנוּת לַקַּחַת	4.20
שְׁתֵּי נָשִׁים	בְּחַיֵּיהֶם וַיִּסּוּד הַבְּרִיאָה זָכָר וּנְקֵבָה בְּרָא אֹתָם	4.21
וּבָאֵי הַתְּבָה	שְׁנַיִם שָׁנִים בָּאוּ אֶל הַתְּבָה וְעַל הַנְּשִׂא כְּתוּב	5.1
לֹא יִרְבֶּה	לוֹ נָשִׁים	5.2

- 4.19 The builders of the wall ...
 4.20 are caught twice in fornication: by taking
 4.21 two wives in their lifetime, even though the principle of creation is male and female he created them.
 5.1 And the ones who entered the ark: two by two they went into the ark. And concerning the prince, as it is written:
 5.2 He should not multiply wives to himself.

In this passage the builders of the wall are accused of being caught twice in Belial’s net of “fornication” (זְנוּתָה) by taking two wives “in their lifetime” (בְּחַיֵּיהֶם). This accusation is then followed by three biblical proof texts, (two explicit and one implicit), which are used to support the author/redactor’s accusations: “Male and female he created them” (זָכָר וּנְקֵבָה בְּרָא אֹתָם - Gen 1:27), “And the ones who entered the ark: two by two they went into the ark” (cf. Gen 7:7-9), and “He should not multiply wives to himself” (לֹא יִרְבֶּה לוֹ נָשִׁים - Deut 17:17). While much of the discussion on this passage has focused on the word בְּחַיֵּיהֶם and the fact that it contains a masculine

¹⁸⁷ Cf. Ezek 13:10.

¹⁸⁸ Hempel, *The Damascus Texts*, 65.

¹⁸⁹ G. Vermes, “Sectarian Matrimonial Halakhah in the Damascus Rule,” *JJS* (1974): 197.

pronominal suffix, Vermes has convincingly argued that the key to understanding the nature of this offence, which he maintains is polygamy, lies not in the word **בַּחֲיֵיהֶם** but in the proof texts employed by the author/redactor.¹⁹⁰

The first and least convincing of the three proof texts, Gen 1:27 can be interpreted as supporting the concept of monogamy,¹⁹¹ but this verse has also been used to support the view that a man may not remarry after divorcing his first wife unless she has been unfaithful to him (cf. Matt 19:3-9; Mark 10:2-12). As for the reference to those who entered the ark “two by two” (cf. Gen 7:7-9), what possible interpretation can one have of this passage other than it being a rejection of the concept of polygamy? Not only did Noah and his sons enter the ark, each with his respective wife, but the animals are also described as entering the ark as monogamous pairs:

(Gen 7:7-9)

And Noah and his sons and his wife and his sons' wives with him went into the ark, to escape the waters of the flood. Of clean animals, and of animals that are not clean, and of birds, and of everything that creeps on the ground, two and two, male and female, went into the ark with Noah, as God had commanded Noah.

In addition to the emphasis on monogamy, one is struck by the fact that Noah and his family enter the ark in order to escape from “the waters of the flood” (**מֵי הַמַּבּוּל** - Gen 7:7). Given the connection between the flood and the actions of the Watchers (Gen 6:1-7), who, as noted above, incited God’s anger by having sexual relations with the daughters of men thus violating the order of creation (cf. CD 2.14-21; *1 Enoch* 15:3-7), one is inclined to see Noah and the members of his family as occupying an antithetical position to that of the Watchers: Where the Watchers had given in to their “eyes of fornication” (**וְעֵינֵי זְנוּתָהּ** - CD 2.16) and had violated the rule of **בְּלֹא אִיִּם**, Noah and his sons were understood to have been obedient to the law by taking only one wife each from their own kind.

The third proof text employed by the author/redactor of the Damascus Document comes from Deut 17:17: “And concerning the

¹⁹⁰ Vermes, “Sectarian Matrimonial Halakhah in the Damascus Rule,” 197-202.

¹⁹¹ “Male and female (i.e., *one* male and *one* female) created he them.” Vermes, “Sectarian Matrimonial Halakhah in the Damascus Rule,” 200.

prince, as it is written: He should not multiply wives to himself” (ועל הנשיא כתוב לא ירבה לו נשים) - CD 5.1-2; cf. Deut 17:17; 11QT 57.17-19). When read in conjunction with the other two proof texts there is little doubt that the offence being referred to here is polygamy. This notion is further reinforced when one considers the reference to David immediately following the citation of Deut 17:17:

(CD 5.2-6)

But David had not read in the sealed book of the law, which was in the ark, for it had not been opened in Israel since the day of the death of Eleazar and of Jehoshua, and Joshua and the elders who worshipped the Ashtaroth had hidden the public (copy) until Zadok stood up. And David's deeds were praised, except for Uriah's blood, and God allowed them to him.

As Vermes has noted: “Now clearly, the only matrimonial offence for which David is excused here is polygamy: until the arrival of Zadok, it was unknown that everybody, including the king, was to be bound by the “principle of creation”, the union of one man and one woman.”¹⁹² Regardless of the strength of his argument, it goes without saying that not all scholars have agreed with Vermes. In addition to polygamy, at least three other theories have been forwarded concerning the identification of the illicit sexual activity described in CD 4.19b-5.2. While some have suggested that the offence in question should be understood as a combination of both polygamy and marriage after divorce,¹⁹³ others have proposed that it is either divorce alone¹⁹⁴ or two marriages in one lifetime¹⁹⁵ that is being condemned. By far in a way the weakest of these theories is the suggestion that it is the rite of divorce that has been outlawed. Not only is there virtually no evidence to support the notion that divorce was the issue under consideration in CD 4.19b-5.2,¹⁹⁶ but given that the Damascus Document seems to have allowed for the practice of divorce (cf. CD 13.16-17; par. 4Q266 9 iii 4-6) it stands to reason that the author/redactor of the Damascus Document did not have a problem

¹⁹² Vermes, “Sectarian Matrimonial Halakhah in the Damascus Rule,” 201.

¹⁹³ Schechter, *Documents of Jewish Sectaries*, XXXVI.

¹⁹⁴ R. H. Charles, *The Apocrypha and Pseudepigrapha of the Old Testament* (vol. 2; Oxford: Oxford Press, 1913), 796.

¹⁹⁵ Murphy-O'Connor, “An Essene Missionary Document,” 220.

¹⁹⁶ Holmen, “Divorce in CD 4.20-5.2 and in 11QT 57:17-18,” 397-408.

with this particular issue.

While polygamy is the most convincing explanation for the accusation leveled against the builders of the wall in CD 4.19b-5.2, this theory is not without difficulties. Most notably, it has been suggested that this hypothesis cannot satisfactorily account for the presence of the word **בַּחִייהֶם**. As Vermes has observed: “the prohibition of simultaneous or consecutive bigamy would seem to require **בַּחִייהָ** with the feminine form of the pronominal suffix, i.e., whilst both women are alive, and not the masculine one which applies, apparently, to the lifetime of the husband.”¹⁹⁷ In other words, if the word **בַּחִייהֶם** was feminine rather than masculine there would be little doubt that the passage was referring to polygamy, however, since the word is masculine, the ruling would seem to suggest that a man could be married once and only once for the entire duration of his life, regardless of whether or not his wife had died or if he had divorced her.¹⁹⁸ Several theories have been proposed in order to circumvent this problem ranging from scribal error to highlighting the fact that biblical Hebrew frequently uses the third masculine plural form in place of the feminine,¹⁹⁹ but Murphy-O’Connor has countered such efforts by arguing that “the suffix should be taken at face value, unless there are strong reasons to the contrary.”²⁰⁰ Given the proof texts discussed above, however, and the fact that both biblical and Mishnaic Hebrew do, in fact, exhibit a tendency to substitute the third masculine plural suffix for the feminine, one is inclined to believe that it is polygamy, and not divorce or two wives in one lifetime, that is the focus of CD 4.19b-5.2.

The second sexual violation under consideration in CD 4.19b-5.11 is the act of having intercourse with a menstruant:

(CD 5.6b-7a)

וגם מטמאים הם את המקדש אשר אין הם 6b
מבדיל כתורה ושוכבים עם הרואה את דם זובה 7a

¹⁹⁷ Vermes, “Sectarian Matrimonial Halakhah in the Damascus Rule,” 198.

¹⁹⁸ Murphy-O’Connor, “An Essene Missionary Document,” 220.

¹⁹⁹ E. Kautzsch, ed., *Gesenius’ Hebrew Grammar* (2nd ed.; Oxford: Clarendon Press, 1910): 440 § 135 o.

²⁰⁰ Murphy-O’Connor, “An Essene Missionary Document,” 220.

- 6b And they also defiled the sanctuary by not
 7a separating according to the law but by lying with one who sees
 the blood of her menstrual impurity.

Perhaps the most pressing question behind the accusations in CD 5.6b-7a is how the author/redactor of the Damascus Document would have known that the *בּוֹנֵי הַחַיִּץ* had slept with women during their menstrual cycle. Outside of having actually witnessed a sexual union between one of the *בּוֹנֵי הַחַיִּץ* and a menstruating woman, which seems unlikely, there are at least three other scenarios that could possibly explain this accusation: (1) the author/redactor of the Damascus Document was once associated with the *בּוֹנֵי הַחַיִּץ* and was familiar with their sexual practices; (2) the accusation was either slanderous or a stereotypical judgment on the part of the author/redactor of the Damascus Document (i.e., the in-group) that was thought to be an accurate portrayal of the *בּוֹנֵי הַחַיִּץ* (i.e., the out-group);²⁰¹ or (3) the accusation was an educated guess that was based upon an interpretation of several biblical passages. For example, if one were attempting to conflate all of the relevant rulings on sex with a menstruant in order to protect the sanctity of the Temple and to avoid inadvertently transgressing the Torah, one might combine Lev 15:31, 18:19, and 20:18 with Num 5:2. In doing so, one could come up with a threefold ruling which demanded that individuals (1) separate themselves from the uncleanness of bodily discharges, lest they die by defiling the Temple (Lev 15:31); (2) restrain themselves from having sex with a menstruant, in order to avoid being “cut off” from one’s people (Lev 18:19, 20:18); and (3) remove women from the city of the sanctuary during their menses, so as to not contaminate the sanctuary (Num 5:2). Therefore, if the *בּוֹנֵי הַחַיִּץ* did not physically separate themselves from women who were menstruating, either by sleeping in a separate bed, bedroom, house, or if Num 5:2 was seen as coming into play, by having the women temporarily remove themselves from the city of the sanctuary, one could very easily have accused the *בּוֹנֵי הַחַיִּץ* of being ritu-

²⁰¹ Such an opinion could be based upon knowledge, whether accurate or not, of one or more members of the *בּוֹנֵי הַחַיִּץ* who had had sexual relations with a menstruant. In turn, this knowledge could then be seen as being stereotypical of the group to which they belonged. For a discussion on group dynamics and stereotyping, see B. Malina, *The New Testament World: Insights from Cultural Anthropology* (3rd ed.; Louisville: Westminster John Knox Press, 2001), 58-80, 198-220.

ally impure, morally impure, and of defiling the Temple.²⁰² It is only a short distance from there, metaphorically speaking, to accuse the בִּוּנֵי הַחֵי"ץ of having had sexual relations with menstruating women, regardless of whether or not it was true.²⁰³

Two other manuscripts of the Damascus Document from Qumran are concerned with the issue of sexual relations with a menstruant. In the case of 4Q273 5 4b-5 the Damascus Document simply makes a prohibitive statement: "No man should take a wom[an] from the days in which she has counted the blood of [] until []." Most likely based upon the material from the Holiness Code (H), there is little to distinguish 4Q273 5 4b-5 from its biblical equivalent: "You shall not approach a woman to uncover her nakedness while she is in her menstrual uncleanness" (Lev 18:19).

The third passage to discuss sex with a menstruant, 4Q266 6 ii 1b-2, seems to use Lev 15:24 as its base text: "If any man lies with her, and her impurity falls on him, he shall be unclean seven days; and every bed on which he lies shall be unclean." Unlike Lev 15:24, however, 4Q266 6 ii 1b-2 does not mention anything about the length of time that a man remains contaminated or whether the man in question conveys menstrual impurity to any objects that he sits or lies upon: "[one who] approaches [] [her has the s]in of menstrual impurity upon him." (אֲשֶׁר יִקְרַב [] [אֵלֶיהָ עֹן וְנָדָה עָלָיו]) - 4Q266 6 ii 1b-2). In light of this ruling from the Damascus Document, Baumgarten has noted that "the association between impurity and sin (עֹן) is characteristic of the Qumran outlook."²⁰⁴ Himmelfarb has countered Baumgarten's observation, however, by suggesting that he has failed to take into consideration the biblical material that lies behind 4Q266 6 ii 1b-2. "Sexual relations with a menstruant," argues Himmelfarb, "is the only instance of contact with an impure person that Leviticus treats as a sin; it is prohibited in both

²⁰² Although the location of the בִּוּנֵי הַחֵי"ץ is not specified by the author/redactor of the Damascus Document, the reference to defiling the Temple in CD 5.6b-7a suggests that the בִּוּנֵי הַחֵי"ץ may well have resided in Jerusalem during the period of time being described in the Admonition.

²⁰³ The author of the *Psalms of Solomon* expresses a similar concern regarding his contemporaries who, because they walked "with menstrual blood (on them)" (*Ps. Of Sol.* 8:12) and committed various illicit sexual acts, defiled the Temple and contaminated the land. Cf. *Ps. of Sol.* 2:11-13; 8:8-13. R. B. Wright, "Psalms of Solomon: A New Translation and Introduction" in *The Old Testament Pseudepigrapha* (ed. J. H. Charlesworth; vol. 2; New York: Doubleday Press, 1985), 639-70.

²⁰⁴ Baumgarten, *Qumran Cave 4*. XIII, 56.

Leviticus 18 (v. 19) and Leviticus 20 (v. 18).”²⁰⁵ Himmelfarb goes on to suggest, quite rightly, that the sin being described in 4Q266 6 ii is not the impurity of the menstruant, rather, it is the act of having sex with a menstruant, which results in both ritual impurity and moral impurity (Lev 15:18, 24; 18:19; and 20:18).

Incest, the third illicit sexual activity to be considered in CD 4.19b-5.11, is twice discussed in the Damascus Document: CD 5.7b-11a and 4Q270 2 ii 16. In both of these passages the author/redactor takes issue with marriages between uncles and nieces: a union not included in the list of incestuous relationships in Leviticus. However, where 4Q270 2 ii 16 simply lists the offence in question without explaining the logic behind it, “[or he who approaches] the daughter [of his brother]” [אחי] בַּת [א]לְ[א] יִקְרַב אִישׁ,²⁰⁶ CD 5.7b-11a not only contains a biblical passage to support its position (Lev 18:13), but it also enlarges the scope of its ruling in order to include both the daughter of one’s brother and the daughter of one’s sister:

(CD 5.7b-11a)

		לוקחים	7b
איש את בת אחיה (ם) ואת בת אחותו	<i>vacat</i>	ומשה אמר אל	8
אחות אמך לא תקרב שאר אמך היא ומשפט העריות לזכרים			9
הוא כתוב ובהם הנשים ואם תגלה בת האה את ערות אחי			10
אביה והיא שאר			11a

- 7b And each man takes
 8 the daughter of his brother and the daughter of his sister *vacat*
 but Moses said:
 9 Do not approach your mother’s sister, she is your mother’s kin.
 And the rules of incest
 10 were written for men, and women are like them for if a daughter
 uncovers the nakedness of her
 11a father’s brother, they are kin.

As one might expect, virtually all commentators have observed that the accusation of incest against the builders of the wall is in excess of biblical requirements. Not only is there no ruling in the Torah against uncle/niece marriages but, as Schiffman has observed, “the

²⁰⁵ Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 21.

²⁰⁶ This offence appears in the list of transgressions (4Q270 2 i 9-ii 21) between a reference to sex with a parturient and homosexuality.

Pharisees ... as we know from later Talmudic sources, permitted such marriages and even praised them.”²⁰⁷ While it would be premature to associate the builders of the wall with the Pharisees of the Second Temple period, such an identification could go a long way towards explaining why sexual relations with a menstruant and marrying one’s niece would have defiled the sanctuary (מטמאים הם אה המקדש - CD 5.6b).²⁰⁸ As for the rule itself, what we appear to have here is an attempt to gap-fill the biblical material by way of analogy.²⁰⁹ For example, where Lev 18:13 rules that a man should not have sexual relations with his mother’s sister (i.e., his aunt), the author/redactor of the Damascus Document concludes that the laws of incest were binding on both men and women. The result of this interpretation was to suggest that one should avoid sexual relations not only with one’s aunt but also one’s uncle: “For if the daughter of a brother uncovers the nakedness of her father’s brother, they are kin.”²¹⁰

Having discussed all but one of the rulings concerning illicit sexual activity in the manuscripts from Cairo, let us now consider a passage from the Cairo texts (CD 12.1-2a) that takes as its topic the issue of sexual relations “in the city of the sanctuary” (בעיר המקדש) - CD 12.1):

(CD 12.1b-2a; par. 4Q271 5 i 17-18a)

אל ישכב איש עם אשה בעיר המקדש לטמא 1b
את עיר המקדש בנדתם 2a

- 1 A man should not lie with a woman in the city of the sanctuary defiling
2a the city of the sanctuary with their impurity.

No doubt related to Lev 15:18, (“If a man lies with a woman and has an emission of semen, both of them shall bathe themselves in water,

²⁰⁷ Schiffman, “The Zadokite Fragments of the Temple Scroll,” 140.

²⁰⁸ Regarding the charge of defiling the Temple, see Davies, *The Damascus Covenant*, 115-16.

²⁰⁹ Compare this with the Rabbinic position, as described by Cohn: “This list [of incestuous unions in Leviticus] is exhaustive and may not be added to by analogies (*Sifra, Aharei-Mot* 13:15), since creation of any criminal offence requires the express pronouncement both of the conduct prohibited and the resulting punishment.” H. H. Cohn, “Incest,” *EnJu* 8:1316.

²¹⁰ CD 5.10b-11a. Cf. 11QT 66.15-17 and 4QHalakha^a 17 2-3.

and be unclean until the evening”), this passage suggests that the impurity of a couple who have had sexual intercourse is not confined to the individuals in question or to any objects that may have come in contact with the man’s semen. Like the impurity of a corpse in a tent or a house,²¹¹ which contaminates not only through direct contact but also through its mere presence, the author/redactor of the Damascus Document seems to be suggesting that the impurity resulting from a couple who have had sexual intercourse affects not only the individuals involved but it also contaminates the city of the sanctuary.²¹² This interpretation represents an intensification of the rules relating to sexual activity that go beyond that of the biblical material.²¹³

As for the reference to the “city of the sanctuary” (עיר המקדש - CD 12.1), Ginzberg has noted: “There is absolutely no reason to understand by ‘the city of the sanctuary’ any city other than Jerusalem.”²¹⁴ While we agree with this interpretation, one wonders how to reconcile such a ruling with that of CD 5.6b-7a: “And they also defiled the sanctuary by not separating according to the law but by lying with one who sees the blood of her menstrual impurity.” If the builders of the wall defiled the sanctuary by having sexual relations with their wives during their menstrual cycles, logic would dictate that they were either performing such activities near the Temple or that they entered the Temple and its precincts shortly after having had sex with a menstruant. Surely such an act would have involved having sexual relations in the city of the sanctuary thus making CD 12.1-2a superfluous. In order to account for this difficulty, Rabin has suggested that the ruling against having sexual relations in the city of the sanctuary was most likely “a ‘fence’ regulation to prevent defilement of the Temple, meant, like the similar Islamic law, to apply only to pilgrims, not to the population of the city.”²¹⁵ This interpretation accords well with the material at the end of col. 11 where the author/redactor of the Damascus Document describes two other types of activities that would, if practiced, have contaminated the altar and the Temple: (1) sending offerings to the altar by means of an unclean individual (CD 11.18b-21); and (2) entering the “house of prostra-

²¹¹ See pp. 35 ff.

²¹² Cf. 11QT 45.7-12.

²¹³ The closest the Bible comes to such a regulation occurs in Deuteronomy where those who have experienced a nocturnal emission were expected to leave the war camp, bathe, and were permitted to return at sunset (Deut 23:10-12).

²¹⁴ Ginzberg, *An Unknown Jewish Sect*, 73.

²¹⁵ Rabin, *The Zadokite Documents*, 59n.2.1.

tion” (בית השתחוות) - CD 11.22)²¹⁶ while in a state of ritual uncleanness that necessitated bathing (CD 11.21-12.1).²¹⁷ In each of these cases the focus seems to be on those individuals who were inexperienced or unfamiliar with the regulations concerning the Temple (i.e., pilgrims), but we cannot dismiss the possibility that these rulings were directed at the builders of wall or some other group who were considered to be less scrupulous than the group behind the authorship of the Damascus Document.

Yet another possible interpretation of CD 12.1-2b involves the similarity between the phrase “city of the sanctuary” (עיר המקדש) and the biblical phrase “city of David” (עיר דוד), which corresponds with the “Temple Mount” (הר הבית) in the rabbinic material.²¹⁸ From this perspective the rule against having sexual relations in the עיר המקדש would refer to the Temple Mount rather than the city of Jerusalem. Although this interpretation reads well with 2 Chron 8:11, which contains a reference to both the עיר דוד and the phrase לא תשב אשה, suggesting that 2 Chron 8:11 may have been the source text for CD 12.1-2b, we nevertheless agree with Ginzberg who understands the phrase “city of the sanctuary” as a reference to the city of Jerusalem as a whole rather than the Temple precincts.²¹⁹

Aside from a handful of virtually illegible texts that may once have contained additional rules on proper sexual conduct (4Q266 14 a-f), the manuscripts of the Damascus Document from Qumran con-

²¹⁶ There has been some debate as to whether or not the phrase “house of prostration” should be understood as signifying the Temple in Jerusalem. Regarding this issue, Ginzberg has argued: “Now since it is out of the question that our author should give instruction for visitors to the Temple in Jerusalem, we must assume that in the prayer-houses of the sect, or at least in the one in Damascus, the trumpets were blown by the priests at the end of certain ceremonies and that thereupon the people prostrated themselves and prayed to God.” Certainly the phrase “house of prostration” is somewhat ambiguous, which does lend some support to Ginzberg’s argument, but given that the context of the passages surrounding CD 11.21-21.1 deal with protecting both the sanctity of the altar (CD 11.18b-21) and the city of the sanctuary (CD 12.1-2a) one is inclined to interpret the “house of prostration” as representing the Temple in Jerusalem. See Ginzberg, *An Unknown Jewish Sect*, 73; A. Steudel, “The Houses of Prostration CD XI, 21-XII, 1 – Duplicates of the Temple,” *RevQ* 16 (1993): 49-68.

²¹⁷ Concerning the issue of purification in water, the author/redactor of the Damascus Document required that the place of bathing contain an amount of clean water that was sufficient to cover a man. If the water was not clean or if there was not enough water it was considered to be ineffectual as a ritual bath. Cf. CD 10.10b-13; 4Q266 8 iii 9-10; 4Q270 6 iv 20-21.

²¹⁸ Ginzberg, *An Unknown Jewish Sect*, 74.

²¹⁹ Cf. n.216 above.

tain one additional passage on illicit sexual activity with enough written material to warrant further discussion: 4Q270 2 ii 15b-16a.

Located in the so-called catalogue of transgressions, which has been interpreted by Baumgarten as representing a list of sinful activities, 4Q270 2 ii 15b-16a takes as its topic the issue of sexual relations with a pregnant woman. Interestingly, this passage appears immediately after a passage on slaughtering pregnant animals and has no analogue in the Hebrew Scriptures:²²⁰

(4Q270 2 ii 15b-16a; par. 6Q15 5 2)

[או אשי ישכב עם] 15b
 אשה הרה מקוץ דם 16a

15b [Or one who lies with]

16a a pregnant woman, causing blood to stir²²¹

Given its location in the catalogue of transgressions one is inclined to believe that the act of having sexual intercourse with a pregnant woman was understood by the author/redactor of the Damascus Document to be a sinful activity. Like the inclusion of skin diseases

²²⁰ “It is significant to observe that in the passage under discussion we have two laws pertaining to pregnancy, animal and human, which are juxtaposed. Even if they do not directly derive from the same principle, that is, the independent status of the foetus, they do appear to reflect a conceptual association between different laws concerning the incipient stages of life.” J. Baumgarten, “A Fragment of Fetal Life and Pregnancy in 4Q270,” in *Pomegranates and Golden Bells: Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom*, (ed. D. P. Wright, D. N. Freedman, and A. Hurvitz; Winona Lake: Eisenbrauns, 1995), 448.

²²¹ Regarding the translation of this passage, Baumgarten has noted: “The precise meaning of מקוץ דם here remains unclear. Qimron suggests reading דם מקוץ דם, which he would take to mean ‘from the ceasing of blood’. i.e., the interruption of the menses after conception. We have taken מקוץ דם to be a *Hifil* participle from the root קוץ ‘to awaken’, and since it is masculine we presume that its subject is the man who lies with the pregnant woman. Coital pressure might perhaps cause bleeding, thus making intercourse illicit.” Baumgarten, *Qumran Cave 4. XIII*, 146. In contrast to Baumgarten and Qimron, García Martínez and Tigchelaar have reconstructed this passage to read: אשה הרה מקוץ דמן [או אשי ישכב עם] “[or (one) who sleeps with] a pregnant woman because of the heat of [his] blood.” While this reconstruction and translation is attractive in that it supports Josephus’ description of the Essenes as avoiding sexual relations with pregnant women due to certain moral considerations (i.e., it denied the procreative aspect of sexual intercourse an promoted lustful self-indulgence. Cf. *Jewish War* 2.8.13 § 160-61), the reconstruction of the phrase מקוץ דמן is not possible given the clear presence of the final *mem* in the photograph of the word דם in 4Q270 2 ii 16a. García Martínez and Tigchelaar, *The Dead Sea Scrolls Study Edition*, 608-09.

and unclean bodily discharges in the catalogue of transgressions (cf. 4Q270 2 ii 12), which were considered sinful not because an individual defied the laws of the community by contracting them but because they were an affront to God (cf. 4Q270 2 ii 17-18), the association between sin and the act of having sexual relations with a parturient appears to have been based upon physiological factors (i.e., the possibility of bleeding; cf. CD 5.6-7) and not upon any overarching moral concerns about the lack of intention to procreate.²²²

Similar to the Damascus Document, Josephus also depicts the act of having sexual relations with a pregnant woman in a less than flattering light. In the *Jewish War*, for example, Josephus describes the Essenes as avoiding sexual relations with pregnant women because they revered the procreative aspect of sex more highly than they did self-indulgence.²²³ Unlike the Damascus Document, however, Josephus describes the Essenes as focusing upon the moral concerns behind the act and does not mention anything about the possible physiological ramifications. While it is tempting to draw a direct connection between the moral concerns of the Essenes and the association between sin and sexual intercourse with a parturient in the catalogue of transgressions, one is inclined to agree with Baumgarten's overall interpretation of 4Q270 2 ii 15b-16a: "The mention of 'blood' in our text might conceivably refer to harmful consequences for the foetus. The fact that the foetus was regarded at Qumran as a separate creature, as indicated in the preceding prohibition of slaughtering pregnant animals, would add weight to such a concern. Yet, it seems more likely that דן ין קן pertains to the fear that coital pressure during pregnancy might lead to bleeding, thus making intercourse illicit."²²⁴

2.3 Significance

Before offering a synthesis of the Damascus Document's position on ritual purity, it will be helpful, given the length and detail of the material discussed above, to provide a brief summary of our findings.

Generally speaking, the material on skin diseases in the Damascus Document can be divided into three areas of concern: (1) a rule di-

²²² Baumgarten, "A Fragment of Fetal Life and Pregnancy in 4Q270," 447.

²²³ *Jewish War* 2.8.13 § 160-61.

²²⁴ Baumgarten, "A Fragment of Fetal Life and Pregnancy in 4Q270," 448.

recting the Overseer to educate priests, regardless of whether or not they are “simpletons” (פְּתוּיִם), on the proper diagnosis of a skin disease (CD 13.4b-7a); (2) specific regulations and guidelines concerning the diagnosis of scalls and skin diseases (4Q266 6 i 1-13; par. 4Q269 7 1-13; 4Q272 1 i 1-20, 1 ii 1-2; 4Q273 4 ii 2-11); and (3) a brief reference to skin-diseased individuals in the catalogue of transgressions (4Q270 2 ii 12). As we have seen above, the author/redactor of the Damascus Document is far more interested in diagnosing skin diseases and streamlining the convoluted examination procedures of Leviticus 13 than he is in discussing those who have already been ruled unclean by a priest. Although the inclusion of skin diseases in the catalogue of transgressions does appear to indicate that the author/redactor considered a skin-diseased individual to be sinful (4Q270 2 ii 12), this position is not too far removed from that of the Hebrew Scriptures (Lev 26:21; Num 12:9-11; Deut 28:27; 2 Sam 3:29; Isa 3:17) and the Rabbis (*t. Neg.* 6.7). Finally, whereas the activity of the “spirit” (רוּחַ - 4Q266 6 i 6; 4Q272 1 i 2) may be understood as an evil or demonic entity that disrupts the normal flow of blood in an artery, thereby resulting in the presence of an unclean skin disease, the author/redactor’s attempts to simplify the examination procedures in Leviticus, when combined with the activity of the “spirit of life” (רוּחַ הַחַיִּים - 4Q266 6 i 12; par. 4Q272 1 i 7, 1 ii 1), indicates that the רוּחַ is not necessarily an evil spirit and that the author/redactor may have been trying to describe the physiological manifestations of a skin disease within the parameters of ancient medical experience.²²⁵

In contrast to the laws on the diagnosis of skin diseases, which are considerably shorter and more lenient than their biblical counterparts, the Damascus Document’s regulations on clean/unclean animals have been expanded beyond the corresponding rulings in Leviticus 11. These expansions fall into two categories: (1) the conflation of two or more biblical laws to form a more comprehensive law and (2) enlarging the scope of a biblical law beyond the witness of the Torah. Concerning the latter, the author/redactor has added the stipulation that all clean locusts must be cooked or boiled alive before they can be consumed (CD 12.14b-15a). This expands on the witness of the Torah, which simply lists the four types of locusts that are considered to be ritually clean (Lev 11:20-24). Similarly, the Damascus Document prohibits individuals from eating or drinking anything, including the larvae of bees (i.e., honey), in which there

²²⁵ Baumgarten, “The 4Q Zadokite Fragments on Skin Disease,” 162; idem, “Cave IV, V, VI Fragments Related to the Damascus Document,” 61-62.

might be a living or creeping thing (CD 12.11b-13a). Here again the author/redactor has created a ruling that goes beyond the witness of the Torah by suggesting that all liquids must be filtered and all food-stuffs must be washed so as to prevent individuals from becoming contaminated. As for the author/redactor's attempts to combine two or more biblical laws to form a more comprehensive law, one notes the regulation in CD 12.13b-14a that requires a live fish to be drained of its blood before it can be consumed. Although it has been, and will continue to be, a common practice throughout the world to gut a live fish and slit its throat from gill to gill so as to allow the heart to pump out any remaining blood, thereby preventing the spread of bacteria and preserving the quality of the meat, it is important to recognize that this law seems to have been arrived at by combining three separate biblical regulations: (1) fish are ritually clean (Lev 11:9-12); (2) blood must not be consumed (Lev 17:10-14); and (3) an animal that has died of natural causes or has been killed by another animal renders those who eat them ritually impure (Lev 17:15).

Corpse impurity, which is by far and away the most serious form of ritual contamination in the Bible, takes up relatively little space in the Damascus Document. In the two passages that discuss this issue, a grand total of four sub-topics are discussed: (1) all inanimate objects in a corpse-contaminated house, regardless of the item's size, are rendered impure (CD 12.17b-18); (2) inanimate objects that have been rendered impure by a corpse must be sprinkled with the מֵי הַנְּדָה (4Q269 8 ii 3b-5a; par. 4Q271 2 10b-12a); (3) the person who sprinkles the מֵי הַנְּדָה must be free from all impurities, having waited until evening (4Q269 8 ii 5b-6a; par. 4Q271 2 12b-13a); and (4) young boys are not permitted to sprinkle the מֵי הַנְּדָה (4Q269 8 ii 6b; par. 4Q271 2 13b). Regarding the first sub-topic, the author/redactor seems to have expanded on the witness of Numbers 19 by claiming that all inanimate objects, as opposed to unsealed vessels (Num 19:15), are rendered impure. Moreover, the author/redactor changes the location of the corpse from that of a tent (Num 19:14) to that of a house (CD 12.18). Although one could argue that the author/redactor's emphasis on all inanimate objects is a far more stringent view than that which is espoused by the Torah,²²⁶ the change in location from tent to house and the emphasis on everything in a corpse-contaminated house being rendered impure is also

²²⁶ Harrington, *The Purity Texts*, 76-77.

shared by the Septuagint's rendering of Num 19:14,²²⁷ which may well indicate that the author/redactor used a *vorlage* of the Septuagint in the creation of his ruling. As for the Damascus Document's insistence that corpse-contaminated items be sprinkled with the מִי הַנְּדָה (4Q269 8 ii 3b-6a; par. 4Q271 2 10b-13a), we appear to have yet another example of the conflation of two or more biblical rulings. Specifically, the author/redactor seems to have combined the list of items from Lev 11:32 that were thought to be susceptible to contamination by the carcass of a dead animal with a similar ruling from Num 31:20, which rules that objects such as clothing and skins that have been rendered impure by a corpse must be washed in water containing the ashes of the Red Heifer. Finally, with the exception of the sprinkler of the מִי הַנְּדָה having to be ritually clean (4Q269 8 ii 5; cf. Num 19:18-19), the Damascus Document's insistence that only those who had waited until evening and those who were of an appropriate age were eligible to sprinkle goes beyond the witness of the Torah. Although difficult to prove, it has been suggested elsewhere that the author/redactor created these rulings in direct opposition to the Pharisees who believe that the *tebul yom* and young boys were ritually clean and capable of sprinkling the מִי הַנְּדָה (cf. *M. Parah* 3).²²⁸

The Damascus Document's interest in bodily discharges is concentrated in three areas: (1) the impurity of the זֶבַע (4Q270 2 ii 12; 4Q272 1 ii 3b-7a; par. 4Q266 6 i 14-16); (2) the impurity of the זֶבֶח and נְדָה (4Q266 6 ii 2b-4; 4Q272 1 ii 7b-18); and (3) the impurity of the parturient (4Q266 6 ii 5-13). Aside from a fragmentary reference to the sinful nature of a man with a running issue (4Q270 2 ii 12), the remaining material on the זֶבַע is too fragmentary to discern the author/redactor's position on this form of impurity. That being said, it has been argued above that the author/redactor seems to equate the touch of those who have experienced a seminal emission with the defiling touch of a זֶבַע. The material on the זֶבֶח and נְדָה is also quite fragmentary, however, like the material on the זֶבַע, the author/redactor appears to be interested in the ability of the זֶבֶח and נְדָה to contaminate others through physical contact. To this, one notes the close proximity between the words נְדָה (4Q272 1 ii 9) and מִי הַנְּדָה (4Q272 1 ii 15) suggesting that the author/redactor may

²²⁷ "And this is the law; if a man dies in a house, every one that goes into the house, and all things in the house, shall be unclean seven days" (καὶ οὗτος ὁ νόμος ἀνθρώπου ἐὰν ἀποθάνῃ ἐν οἰκίᾳ πᾶς ὁ εἰσπορευόμενος εἰς τὴν οἰκίαν καὶ ὅσα ἐστὶν ἐν τῇ οἰκίᾳ ἀκάθαρτα ἔσται ἑπτὰ ἡμέρας – Num 19:14)

²²⁸ Harrington, *The Purity Texts*, 78-80.

have gone beyond the witness of the Torah by suggesting that the *מִי הַנְּדָה* was an appropriate rite of purification for a woman at the conclusion of her menstrual cycle.²²⁹ The author/redactor also goes beyond the witness of the Torah when he rules that a *זִבָּה* is not to enter the sanctuary or eat any consecrated food until her flow has stopped and she has waited until sundown on the eighth day (4Q266 6 ii 2b-4). Finally, although the author/redactor's position on the impurity of the parturient follows the same basic structure of Leviticus 12, the Damascus Document departs from its biblical counterpart in at least two ways: (1) the author/redactor changes the biblical law that prohibits a parturient from touching consecrated objects (Lev 12:4) to a prohibition against eating consecrated food (4Q266 6 ii 9-10); and (2) the author/redactor goes beyond the witness of the Torah by directing a parturient to give her child to a wet nurse so as to avoid transmitting her menstrual-like impurity to the child (4Q266 6 ii 10b-11).

Somewhat surprisingly, the author/redactor devotes more attention to the topic of sexual misdeeds than to any other form of impurity. Among the sexual activities that the author/redactor argues against are sex with a menstruant (CD 5.6b-7a; 4Q266 6 ii 1-2a; 4Q273 5 4b-5), homosexual unions between two men (4Q270 2 ii 16b-17a; par. 6Q15 5 3), sex on the Sabbath or *יּוֹם הַכַּפּוּרִים* (4Q270 2 i 18-19a), sex with a pregnant woman (4Q270 2 ii 15b-16a; par. 6Q15 5 2), and incestuous unions between uncles and nieces (CD 5.7b-11a; 4Q270 2 ii 16). Also frowned upon are sexual relations in the city of the sanctuary (CD 12.1-2a; par. 4Q271 5 i 17-18a) and polygamy (CD 4.19-5.2), both of which are expressly prohibited by the Damascus Document. Stern warnings and severe judgments are also levelled at those who engage in *זְנוּת* (CD 2.14-21, 4.17, 7.1-2, 8.3-9, 19.15-21; 4Q270 7 i 12b-13). As we have argued above, *זְנוּת* appears to have been a generic term that was used by the author/redactor to describe any type of sexual activity that was thought to be illicit. Not only would the word *זְנוּת* have covered all of the sexual misdeeds mentioned above, but it also appears to have been used by the author/redactor to describe both the unlawful sexual activities within the bonds of marriage (4Q270 7 i 12b-13; par. 4Q267 9 vi 4b-5) and marital unions that were considered to be a combination of inappropriate or incompatible partners (i.e., *כִּלְאִים* - 4Q271 3 9b-10; cf. CD 2.14-21, 8.3-9). Although the Damascus Document goes beyond the witness of the Torah on several occa-

²²⁹ Baumgarten, "The Use of *מִי הַנְּדָה* for General Purification," 481-85.

sions, such as when it prohibits sex in the city of the Temple, sex with a pregnant woman, and incestuous unions between uncles and nieces, it is important to recognize that the author/redactor does not explicitly condone or promote celibacy.²³⁰ Given the author/redactor's overwhelming interest in sexual misdeeds, and the wide variety of sexual activities that are mentioned in the Damascus Document, the emphasis in this text would seem to be on engaging in proper sexual conduct rather than abstaining from sexual relations altogether.

Contrary to Harrington who argues that the "brand of exegesis" exhibited by the author/redactor of the Damascus Document "is stringent throughout,"²³¹ the discussion above has revealed that this is simply not the case. Although the Damascus Document does contain a number of purity rulings that are more severe than those of the Torah, such as the prohibitions against having sexual relations in Jerusalem (CD 12.1-2a; par. 4Q271 5 i 17-18a) or intercourse with a pregnant woman (4Q270 2 ii 15b-16a; par. 6Q15 5 2), our examination of the purity rulings in the Damascus Document has uncovered several regulations that are actually more lenient than their biblical counterparts, such as the material on the proper diagnosis of skin diseases (4Q266 6 i 1-13; 4Q269 7 1-13; 4Q272 1 i 1-20, 1 ii 1-2; 4Q273 4 ii 1-11). This lack of consistency raises an interesting question: if the exegetical approach exhibited in the Damascus Document is inconsistent, then what, if anything, can we say about the author/redactor's attitude towards ritual purity? Although difficult to answer, the key to solving this problem may well lie in the Damascus Document's composite structure.

According to Hempel, the legal material in the Damascus Document can be divided into two main literary strata: general *halakha* and communal legislation.²³² The former, which includes the vast

²³⁰ See 1.3.1 above.

²³¹ Harrington, *The Purity Texts*, 47.

²³² We have elected to utilize Hempel's hypothesis concerning the composite nature of the Damascus Document for two reasons. First, unlike every other literary and source-critical study on the subject to date, Hempel's is the only study that takes into consideration all of the Damascus Document manuscripts from both the Cairo *genizah* and Qumran. This was a major consideration for the present study in that the vast majority of the purity rulings are only present in the Qumran manuscripts. Second, although working independently, Hempel and R. Davis not only agree with Davies' contention that the Damascus Document is a composite text and that it has been edited by members of the *yahad*, but they also divide the legal material into similar although not identical chronological categories. See Hempel, *The Laws of the Damascus Document*; Davies, *The Damascus Covenant*; R. Davis, "The History of the Composition of the Damascus Document Statutes (CD 9-16 + 4QD)" (Ph.D. diss., Harvard, 1992); A. Rubinstein, "Urban Halakhah and Camp Rules in the Cairo

majority of the material on skin diseases, bodily discharges, and corpse impurity, can be characterized as having a nationalistic tone that is not reflective of any particular community in Israel. The generic tone of the *halakha* is further emphasized, argues Hempel, by its strong basis in the Torah, its overwhelming preoccupation with priestly concerns, and the absence, by and large, of any discernable redactional activity or polemics.²³³ By contrast, the communal legislation, which includes the law against approaching one's wife in order to have sexual relations in a way that is "contrary to the law" (לוֹא כַמִּשְׁפָּט – 4Q270 7 i 13) and the reference to the "Overseer" (מִבְּקֵר) being responsible for the instruction of priests in the proper diagnosis of a skin disease (CD 13.4b-7a), exhibits a high degree of redactional activity. According to Hempel, this activity is the work of a *Serekh* redactor who attempted to revamp the organizational structure of the community behind the Damascus Document and to bring some of the document's legal material in line with that of 1QS.²³⁴

The upshot of Hempel's hypothesis regarding the composite nature of the laws is that the Damascus Document would appear to contain the legal opinions of two or more groups: the *halakha* of an earlier author/redactor who was responsible for composing rulings and collecting pre-existing legal material that was inserted into the text, and the communal legislations of a later redactor who amended and updated portions of the legal material in the Damascus Document in order to bring it in line with the beliefs of the community that is represented by 1QS. In order to justify this hypothesis and challenge those who might question the presence of two different groups in the Damascus Document, Hempel notes:

It seems likely that the material in this stratum [i.e., the general *halakha*] comprises traditional halakhic exegesis that was cherished and handed on in priestly circles, and that these traditions were shared by, though not confined to, the community reflected in the communal legislation.²³⁵

In other words, while the *Serekh* redactor appears to have both agreed with and retained some of the legal material in the Damascus

Fragments of the 'Damascene Covenant,'” *Sefarad* 12 (1952): 283-96; P. Tiller, "The Laws of the Damascus Document and Qumran," *HNTSP* (1987).

²³³ Hempel, *The Laws of the Damascus Document*, 187-92.

²³⁴ Hempel, *The Laws of the Damascus Document*, 191. Cf. Davies, *The Damascus Covenant*, 173-201.

²³⁵ Hempel, *The Laws of the Damascus Document*, 189.

Document, he also appears to have amended those laws that he considered to be at odds with the evolving needs and beliefs of his community. Although this would account for the presence of two different types of legal material in the Damascus Document, it is important to recognize that the earlier author/redactor would not necessarily have agreed with the *Serekh* redactor's exegetical moves or his legal positions. It is this observation in particular that makes any categorical statements about the Damascus Document's stance on ritual purity a difficult proposition.

In the category described above as general *halakha*, Hempel has included the following purity rulings: (1) the diagnosis of scalls and skin diseases (4Q266 6 i 1-13; par. 4Q269 7 1-13; 4Q272 1 i 1-20; 1 ii 1-2; 4Q273 4 ii 2-11); (2) inanimate objects that have been rendered impure by a corpse must be sprinkled with the מִי הַנְּדָה (4Q269 8 ii 3b-5a; par. 4Q271 2 10b-12a); (3) the impurity of the זֶבַח (4Q272 1 ii 3b-7a; par. 4Q266 6 i 14-16); (4) the impurity of the זֶבַח and הַנְּדָה (4Q266 6 ii 2b-4; 4Q272 1 ii 7b-18); (5) the impurity of the parturient (4Q266 6 ii 5-13); and (6) the prohibition against marital unions between a man and a woman who are considered to be inappropriate or incompatible partners (4Q271 3 9b-10). In each case Hempel has argued that these rulings exhibit a strong nationalistic tone and emphasis on the priesthood. This is very similar to the biblical paradigm and, as such, Hempel has suggested that these rulings may have been accepted by a much wider cross-section of Second Temple Judaism than those who are represented by the witness of the Damascus Document.²³⁶ The classification of these laws as general *halakha* is further strengthened, argues Hempel, by the presence of formal coherence²³⁷ and the complete absence of any discernable redactional activity, the latter being a feature that one would expect to find had this material been updated or amended by the *Serek* redactor.²³⁸

As for the material that Hempel has labelled as falling into the category of communal legislation, she includes the following rulings: (1) the Overseer must educate priests on the proper diagnosis of a skin disease (CD 13.4b-7a); (2) the Overseer must be consulted before a member of the community can marry or divorce (CD 13.16b-18a); and (3) one must not have sexual relations with his wife in a

²³⁶ This is a somewhat dubious claim and Hempel does not provide any evidence to support her hypothesis. Hempel, *The Laws of the Damascus Document*, 70.

²³⁷ According to Hempel, the headings עַל plus X, לֹא plus jussive plus שִׁי , and scriptural citation formulas, such as וְזֶה סֵדֶרְךָ , are important formal characteristics of the general *halakha*. Hempel, *The Laws of the Damascus Document*, 26-29.

²³⁸ Hempel, *The Laws of the Damascus Document*, 24-72.

way that is contrary to the law (4Q270 7 i 13). Regarding these laws, Hempel notes that the organizational structure of the community behind these rulings seems to have evolved over time from one that was ruled by priests to one that was led by an Overseer. Based upon this observation and on the presence of additional redactional activity, Hempel has suggested that these rulings would appear to be reflective of the parent group behind the community described in 1QS.²³⁹

In addition to the two major categories of legal material outlined above, Hempel has also attempted to account for a number of rulings that do not necessarily exhibit characteristics that would qualify them as general *halakha* or communal legislation. Regarding these rulings Hempel has created two additional categories of material: miscellaneous *halakha* and miscellaneous traditions/redactional passages. Under the title “miscellaneous *halakha*” Hempel has placed the following material: (1) the rulings on clean/unclean animals (CD 12.11b-15a); (2) the susceptibility of stones, wood, and dust to impurity through the presence of oil (CD 12.15b-17a); (3) the impurity of all inanimate objects in a corpse-contaminated house (CD 12.17b-18); and (4) the ban on sexual relations in the city of Jerusalem (CD 12.1b-2a). Hempel’s rationale for calling these laws miscellaneous *halakha* is based upon the absence of any formal coherence,²⁴⁰ which she sees as being an important feature of the general *halakha*, and the lack of references to a particular community or its organizational structure, which are the defining characteristics of the communal legislation. Also included in this category is the rule prohibiting sexual relations within the city of the sanctuary (CD 12.1b-2a), which is the only passage in the Damascus Document to express concern over the purity of Jerusalem. According to Hempel, this lone reference to the purity of Jerusalem suggests that this ruling is an interpolation that may have originated from the same background as that of a similar ruling in the Temple Scroll (11Q19 45.11-12a).²⁴¹ As for the remaining passages in this category, Hempel argues that this “disparate and haphazard collection of rulings” is devoid of any overarching context or formal coherence and it most likely existed independently before being inserted into text.²⁴²

Finally, under the category miscellaneous traditions/redactional passages, Hempel places the following material from the catalogue

²³⁹ Hempel, *The Laws of the Damascus Document*, 73-151.

²⁴⁰ See 100n.236.

²⁴¹ Hempel, *The Laws of the Damascus Document*, 156, 162.

²⁴² Hempel, *The Laws of the Damascus Document*, 153, 162.

of transgressions: (1) the skin diseased (4Q270 2 ii 12a); (2) a man with a running issue (i.e., the זָר – 4Q270 2 ii 12b); (3) homosexual relations between two men (4Q270 2 ii 16b-17a; par. 6Q15 5 3); (4) sex on the Sabbath or יוֹם הַכַּפּוּרִים (4Q270 2 i 18-19a); (5) sex with a pregnant woman (4Q270 2 ii 15b-16a; par. 6Q15 5 2); and (6) incestuous unions between uncles and nieces (4Q270 2 ii 16). Given that the catalogue of transgressions contains material that is similar to the Admonition (4Q270 2 ii 17b-21) and laws that have much in common with the Damascus Document's legal section, Hempel is unwilling to assign the catalogue of transgressions to either the general *halakha* or the communal legislation. By way of a compromise, Hempel, following Baumgarten and Milik,²⁴³ has suggested that the catalogue of transgressions may have existed independently before being inserted into the text by a Damascus redactor who was attempting to create a smooth transition between the hortatory material in the Admonition and the legal rulings that dominate the rest of the document.²⁴⁴

Although we agree with the vast majority of Hempel's study, we must nevertheless take issue with three of her conclusions. As Cecilia Wassen has rightly observed, the material that Hempel calls "miscellaneous *halakha*", which includes the laws on clean/unclean animals (CD 12.11b-15a), the defiling nature of oil (CD 12.15b-17a), the impurity of inanimate objects in a corpse-contaminated house (CD 12.17b-18), and the prohibition against having sexual relations in Jerusalem (CD 12.1b-2a), displays many of the same characteristics that Hempel has used to define the category of general *halakha*.²⁴⁵ Not only do these laws fail to exhibit any signs of redaction or the hallmarks of the *yahad*, but they also appear to have a strong biblical orientation. Although Hempel claims that the miscellaneous *halakha* does not contain any of the formal coherence that is present in the general *halakha*, Wassen correctly observes that the material on the diagnosis of a skin disease, bodily discharges, and childbirth, all of which Hempel places into the category of general *halakha*, do not exhibit any of the formal coherence that is supposedly characteristic of general *halakha*.²⁴⁶ That being said, we find ourselves in agreement with Wassen who argues that the purity laws that Hempel

²⁴³ Baumgarten, *Qumran Cave 4. XIII*, 13.

²⁴⁴ Hempel, *The Laws of the Damascus Document*, 163-70.

²⁴⁵ C. Wassen, *Women in the Damascus Document*, (SBLAB 21; Atlanta: Society of Biblical Literature, 2005), 40.

²⁴⁶ Wassen, *Women in the Damascus Document*, 40.

has labelled as miscellaneous *halakha* should be reclassified as general *halakha*.²⁴⁷

A second concern with Hempel's hypothesis deals with her argument that the general *halakha* of the Damascus Document may have been accepted by a relatively wide cross-section of Jews during the Second Temple period.²⁴⁸ Beyond the fact that Hempel does not provide any support for this statement, except to say that the aforementioned laws are closer to the biblical paradigm that places the priesthood in control of the purity regulations, (i.e., laws that were incumbent upon all Jews), Wassen has argued that the legal positions in the general *halakha* are much more stringent than those that would have been embraced by the general populace and that the general *halakha* is representative of "particular priestly circles that were marked by a strict halakhic position."²⁴⁹

Although Hempel's argument regarding the broad application of the general *halakha* during the Second Temple period is somewhat dubious,²⁵⁰ Wassen's counter argument concerning the overwhelming stringency of the general *halakha* is only partially accurate. As our discussion above has shown, the Damascus Document does indeed contain a large number of purity regulations that go beyond the witness of the Torah. That these laws can be described as strict or stringent cannot be denied. However, in addition to these stringent rulings we have also noted several exegetical interpretations that are more lenient than their biblical counterparts (4Q266 6 i 1-13; 4Q269 7 1-13; 4Q272 1 i 1-20, 1 ii 1-2; 4Q273 4 ii 1-11). What is more, the Damascus Document also contains at least one purity ruling that is equal in severity to that of the Torah (4Q273 5 4b-5). While the argument can be made that the disproportionately large number of stringent rulings, as compared to the relatively few that are lenient or equal in severity to the Torah, validates the hypothesis that the author/redactor's exegetical approach to ritual purity was strict, this is rather like saying that all Republicans in Washington, D.C. are conservative or that all Democrats are liberal. While not without merit, this sort of approach tends to emphasize the dominant interpretations or beliefs of a particular group at the expense of those within the group who represent the minority opinion(s). Moreover,

²⁴⁷ Wassen, *Women in the Damascus Document*, 40.

²⁴⁸ See p.100n.231.

²⁴⁹ Wassen, *Women in the Damascus Document*, 39-40.

²⁵⁰ By Hempel's own admission she is not an "expert in halakhah" and she rather modestly calls on those who "are more qualified than [herself] to elucidate the halakhic issues that are raised by" her study. Hempel, *The Laws of the Damascus Document*, 23.

by applying the label “strict” to the Damascus Document, (i.e., a text that contains the legal positions of two or more groups from different periods of time), one is inclined to ignore the possibility that the text bares witness to a spectrum of severe rulings, from the strict rulings of an earlier group to the excessively stringent rulings of a later community. As mentioned above, although the *Serekh* redactor would appear to have agreed with some of the earlier author/redactor’s legal positions, the reverse is not necessarily true. It is this observation that brings us to our final concern with Hempel’s hypothesis.

As noted above, Hempel is unwilling to assign the catalogue of transgressions to either the general *halakha* or the communal legislation. Hempel’s caution with regard to the catalogue is based upon the presence of material that is similar to both the Admonition and the laws.²⁵¹ This diverse material would, according to Hempel, seem to indicate that the catalogue of transgressions most likely enjoyed an independent existence before being inserted into the text by a Damascus redactor who was attempting to create a transition between the hortatory material at the beginning of the document and the legal material that followed it.²⁵² While we agree with the notion that this material was inserted between the Admonition and the laws to act as a transition, we disagree with the proposal that this material was pre-existent and that its placement was facilitated by a Damascus redactor.

What has gone unnoticed by Hempel is that the purity material in the catalogue of transgressions appears to treat those who have become ritually defiled as if they are sinners.²⁵³ As Klawans has observed, the combination of ritual and moral impurity deviates from the biblical position, which understands these impurities as falling into two distinct categories.²⁵⁴ Furthermore, the integration of these two ideas into a single conception of defilement is unique to the sectarian documents from Qumran (i.e., 1QS, 1QH, 1QM, 4Q277, 4Q414, 4Q512) and it has not been identified in those documents that are considered to be protosectarian (i.e., 4QMMT and 11QT).²⁵⁵ This

²⁵¹ Hempel, *The Laws of the Damascus Document*, 163-70.

²⁵² Hempel, *The Laws of the Damascus Document*, 164.

²⁵³ Baumgarten, *Qumran Cave 4*. XIII, 12-13.

²⁵⁴ In an attempt to summarize the biblical position on ritual and moral impurity, Klawans notes: “In ancient Israel, then, ritual impurity was perceived to be natural, unavoidable, and not sinful, for both males and females.... It is not sinful to be ritually impure, and ritual impurity does not result from sin.” Klawans, *Impurity and Sin*, 1-42, esp. 40-42.

²⁵⁵ Klawans, *Impurity and Sin*, 67-91.

would seem to suggest that the catalogue of transgressions was the product of a *Serekh* redactor who was attempting to bring the legal opinions of the earlier author/redactor in line with his own by suggesting that those who were afflicted with a skin disease (4Q270 2 ii 12a), a man with a bodily discharge (4Q270 2 ii 12b),²⁵⁶ and certain types of sexual misdeeds (4Q270 2 i 18-19a, 2 ii 15b-17a) were both ritually and morally unclean.²⁵⁷ In other words, by inserting an introduction to the general *halakha* after the Admonition, the *Serekh* redactor was trying to give the impression that the purity laws in the remainder of the document were to be read through the lens of the catalogue of transgressions. This redactional move would have effectively brought the general *halakha* on skin diseases, bodily discharges, and sexual misdeeds in line with the beliefs of the *Serekh* redactor and his community without having to edit the entire document and recast each of the purity rulings individually. Not only does this hypothesis jibe with Klawans' argument that the Damascus Document "articulates some ideas that are fully in line with the previous Jewish literature and others that are more distinctively sectarian,"²⁵⁸ but it would also seem to suggest that it is impossible to make any categorical statements about the Damascus Document's approach to ritual purity.

It is clear from our discussion above that the Damascus Document contains a spectrum of purity rulings, from those of an earlier author/redactor to those of a later redactor who was attempting to update the document in order to bring it in line with the evolving needs of the community associated with 1QS. The purity rulings of the earlier author/redactor, although frequently severe, include several rulings that are less severe or equal in severity to that of the Torah. Rather than being stringent for its own sake, the earlier author/redactor appears to have been far more interested in taking a systematic approach to the Torah that attempted to conflate two or

²⁵⁶ Given the fragmentary nature of the catalogue of transgressions, it seems plausible to suggest that the *Serekh* redactor would have considered the $\overline{\text{ר}}\overline{\text{ב}}\overline{\text{ר}}$ to be both ritually and morally defiled as well.

²⁵⁷ We acknowledge that the catalogue of transgressions fails to mention whether or not sex on the Sabbath (4Q270 2 ii 18-19a), sex with a pregnant woman (4Q270 2 ii 15b-16a), sex between uncles and nieces (4Q270 2 ii 16), and homosexual relations between two men (4Q270 2 ii 16b-17a) are ritually defiling acts. It has been noted above, however, that all sexual activity, be it licit or illicit, results in ritual impurity (Lev 15:16-18). Moreover, the close proximity between these sexual activities and ritually impure individuals who were considered to be sinful suggests that the *Serekh* redactor may have understood the aforementioned sexual sins to be both morally and ritually defiling.

²⁵⁸ Klawans, *Impurity and Sin*, 90.

more rulings that, although not explicitly linked in the Torah, were thought to be relevant to one another. As for those laws that can be attributed to the *Serekh* redactor, one notes a desire to not only update the organizational structure of the community that is represented by the witness of the Damascus Document, but there would also appear to be an attempt to bring the laws of the earlier author/redactor in line with those of 1QS by prefacing them with a catalogue that treats skin diseases, bodily discharges, and sexual misdeeds as being both ritually and morally defiling. If our hypothesis is correct, we can no longer read the purity material in the Damascus Document as a unified whole or as being representative of a systematic and cohesive approach to ritual purity.

CHAPTER THREE
THE TEMPLE SCROLL

3.1 Introduction

At 8.148 metres in length, the Temple Scroll (11Q19) is the longest document to have been recovered from the caves surrounding the site of Khirbet Qumran.¹ The work of two different scribes, 11Q19 contains sixty-five columns of material written on nineteen sheets of animal skin.² Columns 6 to 66 appear to have been written by an individual (Scribe B) who used a middle Herodian formal hand dating to the end of the first century BCE or the beginning of the first century CE while columns 2 through 5 appear to have been written by an individual (Scribe A) who used a late Herodian formal hand dating to the first half of the first century CE. According to Yadin, 11Q19 was copied by Scribe B from an older manuscript of the Temple Scroll, but sometime in the early to mid first century CE columns 1-5 became damaged and had to be replaced by Scribe A.³

Unlike the Isaiah Scroll from Cave 1, 11Q19 was badly damaged by the time it made it into the hands of scholars. Not only is the beginning of the first sheet completely missing, leaving us without a specific context for the scroll, but moisture damage to the outer and upper parts of the scroll resulted in the loss of large portions of written material throughout the document. In particular, columns 2-13 are extremely fragmentary, having been closer to the outside of the scroll when it was rolled shut in antiquity, while only the tops and sides of the inner columns (i.e., cols. 14-67) were damaged. In some places the damage was so bad that the letters and words became de-

¹ The Great Isaiah Scroll from Cave 1 is the second largest scroll from Qumran at 7.34 m. Y. Yadin, *The Temple Scroll* (3 vols. and supplement; Jerusalem: Israel Exploration Society, 1983), 1:10.

² Column 1 is completely missing and the written material at the top of column 67 no longer exists due to water damage. While it is clear that the last column in the Temple Scroll would have been column 67, there is some doubt as to whether or not there may have been additional columns of written material prior to what Yadin has labelled as column 2.

³ Yadin, *The Temple Scroll*, 1:10-11.

tached from their original location on the recto of the scroll and reattached themselves to the verso of the sheet that it had been in contact with resulting in a kind of mirror-imaging.

In addition to 11Q19, four manuscripts from Qumran have been identified as being related to the Temple Scroll: 4Q365a, 4Q524, 11Q20, and 11Q21. While 4Q524 and 11Q20 contain numerous passages that parallel the material in 11Q19,⁴ the connections between 11Q19, 4Q365a, and 11Q21 are less apparent. Although 4Q365a is concerned with the festival calendar and the construction of the Temple, none of its contents are identical to 11Q19 thereby arguing against it being a copy of the Temple Scroll but not against it being a possible source text for its redaction.⁵ Similarly, although 11Q21 shares some of the same vocabulary as 11Q19 and contains seven letters that are identical to 11Q19 3.14-17, there are no additional overlapping sections of text between 11Q19 and 11Q21, which, considering how common the seven overlapping letters are, suggests that 11Q21 is not so much a copy of the Temple Scroll as it is a text that deals with similar concerns. Furthermore, it should be noted that neither 4Q365a nor 11Q21 contain any references to ritual impurity, thereby making their inclusion in this study unnecessary.

A composite pseudepigraphic work written predominantly in the first-person as a direct address from God to Moses (cf. 11Q19 44.5; 51.6b-10a), the Temple Scroll can be divided into five sources of material: (1) a plan for the construction of the Temple, its courts, and related buildings (11Q19 3-13.8; 30.3-47.18); (2) a festival calendar (11Q19 13.9-30.2); (3) purity regulations (11Q19 48.1-51.10); (4) a Deuteronomic paraphrase (11Q19 51.11-56.21; 60.1-66.17); and (5) the Law of the King (11Q19 57-59).⁶ Beginning with a reference to

⁴ The oldest document related to the Temple Scroll is 4Q524, which dates to c. 150-125 BCE and contains a significant number of overlapping passages with 11Q19 while retaining a slightly different version of the text in places. For the parallels between 4Q524 and 11Q19 see E. Puech, *Qumran Grotte 4 XVIII: Textes Hébreux (4Q521-4Q528, 4Q576-4Q579)* (DJD XXV; Oxford: Clarendon Press, 1998), 85-114; S. White-Crawford, *The Temple Scroll and Related Texts* (Sheffield: Sheffield Academic Press, 2000), 14. For the *editio princeps* of 11Q20 (c. 20-50 BCE), which is universally acknowledged as a second copy of the Temple Scroll, see F. García Martínez, E. J. C. Tigchelaar, and A. S. van der Woude, *Qumran Cave 11. II: 11Q2-18, 11Q20-31* (DJD XXIII; Oxford: Clarendon Press, 1998), 357-409.

⁵ White-Crawford, *The Temple Scroll*, 15; F. García Martínez, "New Perspectives on the Study of the Dead Sea Scrolls," in *Perspectives on the Study of the Old Testament and Early Judaism* (eds. F. García Martínez and E. Noort; Leiden: E. J. Brill, 1998), 230-48.

⁶ Cf. A. M. Wilson and L. Wills, "Literary Sources on the Temple Scroll," *HTR* 75:3 (1982): 275-88; White-Crawford, *The Temple Scroll*, 19-24; M. O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (Chicago: The Oriental Institute of the University of Chicago, 1990).

the covenant between God and Israel in column 2 (cf. Exod 34:10-16), which no doubt would have been preceded by an introduction to the scroll at the beginning of first sheet, the Temple proper is described in columns 3-13. Containing a description of the Sanctuary (11Q19 3.4), its vessels (11Q19 3.8), and the altar (11Q19 3.14), this highly fragmentary portion of text outlines a plan for the construction of the Temple (cols. 4-6), the Holy of Holies (cols. 7-8), and the furnishings of the Sanctuary (cols. 9-10). The scroll continues its description of the Temple with information on sacrifices (col. 11), a construction plan for the altar of the burnt offering (col. 12), and a design for some sort of structure that was to be built in the inner court of the Temple precincts (11Q19 13.1-8). These passages, together with the description of the Temple courts and related buildings in columns 30-47, suggest that the Sanctuary described in the Temple Scroll was meant to be an actual building constructed by mankind rather than an eschatological building constructed by God (cf. 11Q19 29.7-10).⁷

Immediately following the material on the construction of the altar of burnt offerings (col. 12) and the unknown structure of the inner court (11Q19 13.1-8), the author/redactor of the Temple Scroll appears to have adopted a pre-existing festival calendar similar to that of *Jubilees* and inserted it into his text.⁸ Based on a 364 day solar year, the calendar in the Temple Scroll begins with a description of the daily burnt offerings and Sabbath offerings (11Q19 13.9-15.3) and ends with a mandate commanding the priests to offer sacrifices in the earthly Temple until God replaces it with a heavenly Temple at the end of days (11Q19 29.2-30.2). While many of the festivals recorded in the Temple Scroll parallel those in Numbers 28-29, such as Passover (11Q19 17.6-16; cf. Num 28:16-25), the Day of Atonement (11Q19 25.10-27.10; cf. Num 29:7-11), and the Festival of Booths (11Q19 27.10-29.1; cf. Num 29:12-40), the Temple Scroll describes several festivals that are without analogue in the biblical material. For example, not only does the Temple Scroll record a yearly ordination festival for priests (11Q19 15.3-17.5), but it also describes a wood festival (11Q19 23.2-25.1) and four different festivals of the First Fruits: barley (11Q19 18.1-10), wheat (11Q19 18.10-19.10), wine (11Q19 19.11-21.10), and oil (11Q19 21.12-25.1). By contrast, the Torah describes only one festival of the First

⁷ Yadin, *The Temple Scroll*, 1:182-87.

⁸ Wilson and Wills, "Literary Sources of the Temple Scroll," 284.

Fruits (i.e., the grain festival; Num 28:26-31; Lev 23:9-14) and has no record of the yearly ordination or wood festivals.⁹

At the conclusion of the festival calendar the author/redactor of the Temple Scroll returns to the topic of the Temple complex and its design. Starting with a plan for a stair house in the inner court that would have given access to the roof of the Sanctuary (11Q19 30.3-31.9), the Temple Scroll moves progressively outwards in its description of the Temple complex. In columns 30-38 the scroll describes the design of the inner court and its buildings while simultaneously emphasizing their sanctity (11Q19 35.2-9). This is followed by a plan for a middle court (cols. 38-40) that was equal in size to the outer court of Ezekiel's Temple and was accessible only to ritually clean Israelite men over the age of 20 (11Q19 39.8-11). Finally, in columns 40-45, the Temple Scroll describes an enormous outer court measuring "about" 1,600 cubits a side (11Q19 40.8). Not mentioned in any of the Temple plans from antiquity, the outer court was apparently designed for women, children, and foreigners (i.e., proselytes) so that they might have access to the sancta during festivals. Had it been built, the outer court would have given the Temple complex an area of 2,560,000 cubits, which would have been roughly equal in size to the city of Jerusalem during the Second Temple period.¹⁰

In the final third of the Temple Scroll a variety of issues are discussed. In columns 45-51 the author/redactor not only discusses specific purity regulations for individuals entering the Temple precincts or the city of the Temple (11Q19 45.7-47.18), but he also considers a number of general purity issues relating to the land of Israel (11Q19 48.1-51.10). This is followed by a paraphrase of Deuteronomy 12-26 in columns 51-56 that starts with the appointment of judges (11Q19 51.11-18) and continues with series of regulations concerning idolatry (11Q19 51.19-52.3), sacrifices (11Q19 52.4-53.8), and those who lead others astray (11Q19 54.8-55.20). The paraphrase is interrupted in column 56 with a block of material that is introduced by a quotation from Deut 17:14-20: a passage commonly referred to as the "Law of the King." Taking its name from the biblical passage, the Temple Scroll's Law of the King (cols. 56-

⁹ The book of Nehemiah refers to a wood offering (cf. Neh 10:34; 13:31) but it is unclear as to whether or not this is the same as the wood festival described in the Temple Scroll.

¹⁰ M. Broshi, "The Gigantic Dimensions of the Visionary Temple in the Temple Scroll," in *Understanding the Dead Sea Scrolls* (ed. H. Shanks; New York: Random House, 1992), 113-15.

59) contains a series of guidelines for the monarch on such topics as the organization of the army (11Q19 57.1-5), marriage (11Q19 57.15-19), and war (11Q19 58.3-21). The author/redactor returns once again to his paraphrase of Deuteronomy in columns 60-66 where he brings his text to a close with discussions on such diverse topics as the elevated status of the Levites (11Q19 60.6-15), war (11Q19 61.13-62.16; 63.15), the punishment of a rebellious child (11Q19 64.2-6), a claim of non-virginity (11Q19 65.7-15), and incest (11Q19 66.12-17).

3.2 - Ritual Purity

As noted above, the majority of the purity laws in the Temple Scroll are located in columns 45-51. While we agree with Wilson and Wills who argue that 11Q19 48.1-51.10 most likely represents an independent source,¹¹ there is no denying that the overarching theme in columns 45-51 is purity.¹² Like the transition from the Temple material to the festival calendar in column 13, where the description of the altar of burnt offerings and the structures of the inner court (11Q19 12.1-13.8) are followed by a list of sacrifices to be offered on the altar (11Q19 13.9 ff.), the shift from the Temple material to the purity regulations in column 48 begins with a description of the purity laws for those wishing to gain access to the Temple or the city of the Temple (11Q19 45.7-47.18) and is followed by a number of purity rulings for those living in the land and cities of Israel (11Q19 48.1-51.10). No doubt the author/redactor of the Temple Scroll specifically chose his sources based on their contents in an effort to marry the various sources together thematically.¹³

As we move into our discussion on the concept of ritual purity in the Temple Scroll it is important to remember that this document is utopian in nature. The Temple described in the scroll is normative yet idealistic; designed by God himself to be built by the Israelites in the period before the end of days (11Q19 29.7-10). But given that

¹¹ Wilson and Wills, "Literary Sources of the Temple Scroll," 278-80.

¹² P. Callaway, "Source Criticism of the Temple Scroll: The Purity Laws," *RevQ* 12 (1986): 213-22.

¹³ Cf. D. Swanson who argues that column 47 acts as a redactional bridge between columns 46 and 48 by moving the focus of the purity laws from the Temple to the land. D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT* (STDJ 14; Leiden: E. J. Brill, 1995), 175-214.

the author and his group were not in a position to put this plan into effect, it remained just that: a plan. In short, the Temple of the Temple Scroll was never built, which raises an interesting question: If the Temple was utopian, are the purity regulations described in the scroll also utopian? While we agree with Schiffman, who has argued that the Temple Scroll is “not a description of an actual cultic rite as practiced in the Jerusalem Temple,”¹⁴ this does not necessarily answer the question of whether or not the Qumran community would have practiced the scroll’s purity regulations themselves.¹⁵ In the rest of this chapter not only will we consider the utopian question but we will also compare the purity laws of the Temple Scroll against the corresponding material in the Torah in order to understand the interpretational tendencies and methods employed by the author/redactor of the scroll.

3.2.1 Diseases

In all, the Temple Scroll contains three passages pertaining to diseases: 11Q19 45.17b-18; 46.16b-18; and 48.14b-49.4. Unlike the Damascus Document however, where the focus is on the symptoms and diagnosis of an unclean skin disease, the Temple Scroll’s interest in diseases is primarily locative. Specifically, the concern of the author/redactor is one of protecting the Temple, the city of the Temple, or other cites from becoming contaminated by individuals who have been deemed unclean. In column 45, for example, the Temple Scroll prohibits individuals with a skin disease from entering the city of the Temple:

¹⁴ L. H. Schiffman, “Exclusion from the Sanctuary in the Temple Scroll,” *HAR* 9 (1985): 315.

¹⁵ “The conceivable objection,” argues Baumgarten, “that the rules of the Temple Scroll apply only to the ideal sanctuary built according to the Scroll’s plan, not to the existing Temple in Jerusalem, is not substantiated by the evidence of CDC.” Noting several polemic and *halakhic* similarities between the Temple Scroll and the Damascus Document, Baumgarten cites a handful of rulings in the Temple Scroll that were “presumably applied” to Jerusalem “despite the belief that the Temple and priesthood were tainted.” However, in addition to the problematic issue of interpreting on Qumran document in light of another, Baumgarten has failed to appreciate the difference between a tainted Temple, which can be cleansed, and a polemic against a Temple that has been inadequately constructed. Unlike the Damascus Document, the evidence in the Temple Scroll suggests that even if the current Temple were cleansed it would still be an inadequate abode for God. J. Baumgarten, review of Y. Yadin, *Megillat ham-Miqdas*, *JBL* 97 (1978): 588.

(11Q19 45.17b-18; par. 11Q20 12.10-11)

17b וכול צרוע
18 ומנוגע לוא יבואו לה עד אשר יטהרו וכאשר יטהר והקריב את]

17b And all of those with a skin disease

18 or those with a plague shall not enter it (i.e., the Temple-city) until they have been cleansed. And when he has been cleansed, he shall offer¹⁶

According to Lev 13:46, it was the Israelite wilderness camp that was off limits to those with a skin disease: “He shall remain unclean as long as he has the disease; he is unclean. He shall live alone; his dwelling shall be outside the camp.”¹⁷ In the passage quoted above from the Temple Scroll, however, we are told that those with a skin disease are prohibited from entering the “city of the Temple” (עיר) (המקדש - 11Q19 45.16b-17a), which is indicated by the prepositional construct לַהּ. Although there has been a fair amount of debate concerning the meaning of the phrase עיר המקדש in the Temple Scroll,¹⁸ there is no doubt that the feminine singular suffix ה in the construct לַהּ agrees with the feminine עיר and not with the masculine המקדש. Furthermore, as Milgrom has noted, not only is the word עיר never used in biblical or rabbinic literature to refer to the Temple, but on more than one occasion the Temple Scroll makes a very clear distinction between the Temple and the city where the Temple is located: “And you shall not defile the city in which I establish my name and my Temple” (ולוא תטמאו את העיר אשר)

¹⁶ This regulation would have continued on into column 46, however, the top of this column is badly damaged.

¹⁷ Cf. Num 5:2-3, 12:10-15.

¹⁸ Yadin, *The Temple Scroll*, 1:277-81; B. Levine, “The Temple Scroll: Aspects of its Historical Provenance and Literary Character,” *BASOR* 232 (1978): 14-17; J. Milgrom, “‘Sabbath’ and ‘Temple City’ in the Temple Scroll,” *BASOR* 232 (1978): 25-27; idem, “The City of the Temple: A Response to Larry Schiffman,” *JQR* 85 (1994): 125-28; L. H. Schiffman, “Exclusions from the Sanctuary and the City of the Sanctuary in the Temple Scroll,” *HAR* 9 (1985): 306-09; idem, “*Ir Ha-Miqdash* and Its Meaning in the Temple Scroll and Other Qumran Texts,” in *Sanctity of Time and Space in Tradition and Modernity* (ed. A. Houtman, M. Poorthuis and J. Schwartz; Leiden: E. J. Brill, 1998), 95-109.

11Q19 47.11).¹⁹ These observations suggest that the phrase עיר המקדש should be understood as referring to the city of Jerusalem.

In addition to prohibiting individuals with an unclean skin disease from entering the city of the Temple, the Temple Scroll also describes the point in time when these individuals would have been granted access to the city: “they shall not enter it until they have been cleansed. And when he has been cleansed, he shall offer [...]”²⁰ Although the end of this ruling is missing, it is safe to assume that this regulation was based upon the purification procedures for those with a skin disease in Lev 14: “The one who is to be cleansed shall (on the first day) wash his clothes, and shave off all his hair, and bathe himself in water, and he shall be clean. After that he shall come into the camp, but shall live outside his tent seven days” (Lev 14:8). In contrast to this passage from Leviticus, however, Milgrom has suggested that the author/readctor of the scroll would not have allowed such a person to enter Jerusalem unless he or she had bathed twice. Basing his hypothesis almost entirely upon 11Q19 45.7-10, which requires those who have had a nocturnal emission to immerse themselves on two separate occasions, Milgrom argues: “it follows that two ablutions are a minimal requirement for admission into the Temple-city.”²¹ The biggest difficulty with this argument is the fact that 11Q19 45.7-10 does not ban those who have had a nocturnal emission from entering the “city of the Temple” (עיר המקדש). Rather, it bans them from entering the Temple itself: לוא יבוא אל כול המקדש (11Q19 45.7b-8a). This criticism is typically dismissed, however, by those who cite 11Q19 46.16b-18:

(11Q19 46.16b-18; par. 11Q20 13.1-2)

ועשתה 16b
 של ושה מקומות למזרח העיר מובדלים זה מזה אשר יהיו 17
 באים המצורעים והזבים והאנשים אשר יהיה להמה מקרה 18

¹⁹ Milgrom, “The City of the Temple,” 126. Cf. 11Q19 46.9-11a; 47.3b-5a; 47.17-18.

²⁰ 11Q19 45.18.

²¹ Milgrom, “First Day Ablutions in Qumran,” in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls. Madrid 18-21 March, 1991* (STDJ 11; Leiden: E. J. Brill, 1992), 563.

- 16b And you will make
 17 three places to the east of the city, separating one from another,
 to which
 18 shall come those with skin diseases, bodily discharges, and men
 who have had a (nocturnal)²² emission.

As one might expect, this passage is usually cited in an attempt to support the notion that those who had experienced a skin disease, bodily discharge, or a nocturnal emission were prevented from entering the city of the Temple until they had been fully cleansed of their impurity. Moreover, it has been suggested that since Lev 15:16-18 understands those with a nocturnal emission to be equally unclean as those who have had sexual relations with a woman, it naturally follows that those who have had a nocturnal emission were banned from the city of the Temple for the same amount of time as those who have had sexual relations: three days (11Q19 45.11-12).²³ One of the problems with this trajectory of thought, however, is that it implies that the Bible always understands nocturnal emissions and sexual intercourse as being equally defiling in every situation. But as the rules concerning the war camp in Deuteronomy imply, this is simply not the case. Although sexual relations with a woman were forbidden to those within the war camp (1 Sam 21:4-7; 2 Sam 11:1-11),²⁴ nocturnal emissions were tolerated as long as the man in question removed himself from the encampment in order to bathe and wait until evening (Deut 23:9-11). Once the sun had set, this individual would be cleansed from his impurity and would be allowed to reenter the camp. Interestingly, the rules of the war camp also demand that those who defecate do so outside of the camp so as not to offend God with their “nakedness” (עֲרוּתָהּ - Deut 23:15).²⁵ In comparing these laws with those of the Temple Scroll one notes some

²² It is important to note that the word “nocturnal” does not appear in this text. Cf. Num 5:2-4.

²³ Compare the Temple Scroll’s three day ban on entering the city of the Temple with Lev 15:16-18, which rules that those who have had a nocturnal emission or a seminal emission during intercourse can bathe and be cleansed by sundown on the first day.

²⁴ Cf. Deut 20:7 and 24:5, which bans newly married men from being a part of the war camp.

²⁵ This word is predominantly used in the Bible to denote sexual impropriety. Cf. Lev 18 and 20.

striking similarities. For example, not only does the Temple Scroll prohibit sexual intercourse (11Q19 45.11-12) and defecation in the Temple city (11Q19 46.13-16a), but the scroll also appears to be somewhat tolerant of those who have had a nocturnal emission suggesting that the scroll understands Jerusalem as being similar in holiness to that of the war camp:

(11Q19 45.7b-10; par. 11Q20 12.2-4a)

7b וא[יש] כי יהיה לו מקרה לילה לוא יבוא אל
 8 כול המקדש עד אשר [יש]לים שלושת ימים וכבס בגדיו ורחץ
 9 ביום הראשון וביום הש[ל]י יכבס בגדיו ויחץ ובאה השמש
 אחר
 10 יבוא אל המקדש ולוא יבואו בנדת טמאתמה אל מקדשי וטמאו

- 7b And any m[an] who has had a nocturnal emission shall not enter into
 8 any part of the Temple until three days[have pa]ssed. And he will wash his clothes and bathe in water
 9 on the first day and on the t[h]ird day he will wash his clothes^{and bathe} and (wait until) sundown. Afterwards,
 10 he will enter the Temple. But they will not enter my Temple in their menstrual-like uncleanness in order to defile it.

As noted above, the man who has had a nocturnal emission is banned from entering the Temple, not Jerusalem.²⁶ Based on this evidence and the similarities between the depiction of the Temple city and that of the war camp, we agree with Yadin who notes:

From the foregoing it becomes clear that the scroll prohibits a person having a nocturnal emission from entering the Temple city and states that he must remain in a separate place to the east of the city. It is reasonable to assume that he could, if he wished, enter the city after cleansing himself towards evening, but that entry into ‘any part of the temple’ was forbidden until he had cleansed himself as specified in the

²⁶ It is rather surprising that Milgrom argues the opposite (i.e., that the man with a nocturnal emission cannot enter the city of the Temple until he has bathed twice). As 11Q19 45.7-10 clearly shows it is המקדש and not the עיר המקדש that is off limits. Such a position would appear to contradict Milgrom’s argument on the עיר המקדש by suggesting that המקדש can mean both the city of the Temple and the Temple. See Milgrom, “The City of the Temple,” 125-28; idem, “First Day Ablutions in Qumran,” 561-64.

scroll, namely, after washing his clothes and bathing on the first and third days.²⁷

Returning to 11Q19 45.17b-18, we can now offer a suggestion as to when the individual with a skin disease might have been allowed to enter Jerusalem. As noted above, Lev 14:1-8 rules that any individual who has been “healed” (נרפא - Lev 14.3) of their malady and has submitted themselves to a series of preliminary rites, including bathing, may enter the camp.²⁸ This person was not permitted to enter their own tent until they had been fully purified, which was accomplished by bathing a second time on the seventh day and offering a sacrifice on the eighth (Lev 14:9-20). But this is where we encounter a problem with the biblical text. According to Lev 14:1-7, once a person had participated in the preliminary rites of purification on the first day they were pronounced clean (וטהרו - Lev 14:7). This notion is reinforced in the following verse where, after washing their clothing, shaving their hair, and bathing on the first day, the person in question was, once again, considered to be clean (וטהר - Lev 14:8). Leviticus then goes on to describe two additional moments when this person would have been cleansed: after bathing on the seventh day (וטהר - Lev 14:9), and after a priest has offered a sacrifice of atonement on his behalf (וטהר - Lev 14:20). Given this confusion, one could reasonably argue that the phrase “and they will not enter it until they have been purified” (לוא יבואו לה עד אשר יטהרו) (11Q19 45.18) indicates that the person being cleansed from a skin disease would have been allowed to enter Jerusalem as early as the first day as long as they had undergone the proper purification procedures and had been pronounced clean by a priest (cf. Lev 14:1-8).²⁹

²⁷ Yadin, *The Temple Scroll*, 1:287.

²⁸ These preliminary rites include: (1) examination by a priest (Lev 14:2-3); (2) being sprinkled seven times with a live bird, a piece of cedar wood, crimson yarn, and hyssop that have all been dipped into a mixture of fresh water and the blood of a clean bird (Lev 14:4-7); (3) the release of a living bird into the wild (Lev 14:7); and (4) washing one’s clothing, shaving one’s body hair, and bathing in water (Lev 14:8).

²⁹ Contrast this with Milgrom who argues: “The phrase *יטהרו עד אשר* is previously used for the gonorrhoeic and corpse-contaminated (45.15-17) where it can only mean ‘until they are purified,’ i.e., they complete their purifications.” In other words, those who have been healed from a skin disease cannot, according to Milgrom, enter Jerusalem until they have gone through their entire purification process. Unfortunately, this argument appears to be based on two faulty assumptions: (1) that two ablutions were necessary for those wishing to enter Jerusalem, which was challenged above; and (2) that the individual stipulations in 11Q19 45.15-18 should be

Once clean, the individual who had formerly been afflicted with a skin disease was commanded to offer a sacrifice: “And when he has been cleansed, he shall offer [...]” (11Q19 45:18). Aside from the observation that this individual is described as being clean prior to offering his sacrifice, it is interesting to note that the section of text immediately following this passage prohibits unclean birds from landing on the Temple.³⁰ Although the damaged lines at the top of column 46 make it difficult to determine whether there is any relationship between the material on unclean birds and our passage on skin diseases we agree with Yadin who has suggested that the top of column 46 would have most likely contained a reference to the sacrifice of atonement described in Lev 14:10-20.³¹

The third and final passage on skin diseases in the Temple Scroll can be divided into two separate rulings. Specifically, where 11Q19 48.14-17a takes up the issue of places of quarantine for ordinary Israelite cities, 11Q19 48.17b-49.4 is concerned with the purification procedures for those with a skin disease. Let us examine the former first:

(11Q19 48.14b-17a)

	ובכול עיר ועיר תעשו מקומות למנוגעים	14b
15	בצרעת ובנגע ובנתק אשר לוא יבואו לעריכמה וטמאום וגם לזבים	
16	ולנשים בהיותמה בנדת טמאתמה ובלדתמה אשר לוא יטמאו בתוכם	
17a	בנדת טמאתם	

universally applied to those with bodily discharges, the corpse-contaminated, and the skin-diseased. However, seeing that the Temple Scroll is not systematic in its interpretation of the biblical material, it seems unlikely that the material should be read in this manner. Specifically, while the Temple Scroll follows Lev 15:13 by demanding only one ablation for a gonorrhoeic on the seventh day of their purification (11Q19 45.15-17), it expands on the Torah's procedures for a person being purified from corpse contamination by requiring an extra ablation on the first day (11Q19 49.16-50.4; cf. Num 19:12). Given this lack of consistency, it is entirely possible that the author/redactor of the Temple Scroll would have allowed the person in question to enter Jerusalem after their first ablation just as Lev 14:8 suggests. J. Milgrom, “Studies in the Temple Scroll,” *JBL* 87 (1978): 512-14; idem, “First Day Ablutions in Qumran,” 561-64.

³⁰ Wright expresses surprise at this observation when he exclaims “unclean birds (while alive!; 46:1-4)” were excluded from landing on the Temple. Wright, *The Disposal of Impurity*, 178n.33.

³¹ Yadin, *The Temple Scroll*, 2:194-95. See also, E. Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Beer Sheva: Ben-Gurion University of the Negev Press; Jerusalem: Israel Exploration Society, 1996), 64-66.

- 14b And in every city you will make places for those afflicted
 15 with a skin disease, plague, or a scall who are not to enter your
 cities and defile them. And also for those with a bodily dis-
 charge
 16 and for women who are in their menstrual uncleanness or have
 given birth so as not to defile (that which is) in their midst
 17a with their menstrual uncleanness.

As noted above, 11Q19 46.16b-18 prohibited those who had been afflicted with a skin disease, bodily discharge, and nocturnal emission from entering Jerusalem. These individuals were expected to reside in separate locations that had been set up to the east of Jerusalem in order to prevent them from contaminating the city or the Temple. Perhaps the most obvious difference between this and 11Q19 48.14-17 involves the location of each of the rulings. For instance, where 46.16b-18 focuses on the city of the Temple, 48.14-17a concerns itself with other cities. Not only does this indicate that the author/redactor of the Temple Scroll endowed the Israelite cities and the land with an unusually high degree of purity but, as Yadin has proposed, the reference to quarantining menstruants and postpartum women from every city (48.16-17a), which is absent in 46.16b-18, may well suggest that women were not allowed to reside in Jerusalem.³² If Yadin is correct this would add further support to the notion that the author/redactor understood Jerusalem to be similar in holiness to that of the war camp.

Immediately following the ruling on ordinary cities and their places of quarantine the Temple Scroll takes up the issue of those individuals with a “chronic skin disease or scall” (צרת נשנת או) - 11Q19 48.17). Although the first and last lines of this ruling are intact, the top portion of column 49 is badly damaged:

(11Q19 48.17b-49.4)

17b	והצרוע אשר בו צרעת נשנת או נתק ויטמאנו הכוהן
] 49.1	[ת [
2	[והסגר] תמה אותמה ש] בעת ימים וחטאתמה אותמה [
3	[בשתי צפורי]ם ובעץ ארז ובאזוב ובח[וט שני ולוא יטמאו]

³² Yadin, *The Temple Scroll*, 1:306-07.

vacat

את עריכמה בנגע הצרעת וטמאן 4

- 17b And as for the person with a skin disease who has a chronic skin disease or scall, and the priest has pronounced him unclean
- 49.1 [] (?) []
- 2 [and] you shall [quarantine] them se[ven days and you shall purge them]
- 3 [with two bird]s and with cedar wood and with hyssop and with sc[arlet thread and they are not to defile]
- 4 your cities with a plague of skin disease and make them unclean.³³

Given the fragmentary nature of this passage it is difficult to make any definitive statements about this ruling. That being said, there are several observations that can be made: First, according to 11Q19 48.17, this ruling is concerned with those individuals who have contracted a chronic skin disease or a scall. Furthermore, we are told that the individual in question has been ruled unclean by a priest. These two observations suggest that the unclean individual has already gone through an examination period for those with a suspected skin disease similar to the one outlined in Lev 13 and that they have either removed themselves from the camp/city in accordance with 11Q19 48.14b-17 or that they are on the verge of doing so.³⁴ Second, while the first and second lines in col. 49 are highly fragmentary, the reference to cedar wood and hyssop in line 3 (cf. Lev 14:4 ff) indicates that this ruling is at least partially concerned with the purification of those who have been healed of their skin disease. If accurate, this may well suggest that lines 1 and 2 once contained information regarding the healing of a skin disease or a scall. Third, in lines 3b-4 the Temple Scroll makes a reference to protecting Israelite cities from a plague of skin disease (עריכמה בנגע הצרעת) [ולוא יטמאן] (11Q19 49.3b-4), which, as Qimron's reconstruction implies, most likely functioned as a postscript for the contents of the previous four lines: "[Do not defile] your cities with a plague of skin disease and make them unclean!" Lastly, it is important to note that this passage does not contain any explicit references to being healed, washing clothing, shaving hair, bathing, entering the city, or offering

³³ Here we have followed Qimron's reconstruction. Qimron, *The Temple Scroll*, 71. For an different reconstruction see Yadin, *The Temple Scroll*, 2:387.

³⁴ Cf. Lev 13:45-46 and 11Q19 46.16b-18.

a sacrifice after one has been healed of a skin disease. The absence of these elements suggests that this passage was either a highly periphrastic version of the purification procedures in Lev 14:1-20, or that the author/redactor was interested in a similar or related topic, such as the purification of house that has been rendered unclean through a disease (Lev 14:33-53).³⁵

3.2.2 Clean/Unclean Animals

Immediately following the regulation that forbids those with a skin disease from entering into the city of the Temple (i.e., 11Q19 45.17b-18), 11Q19 46.1-4 contains a prohibition against allowing unclean birds to land on the Temple or its precincts:

(11Q19 46.1-4; par. 11Q20 12.14-17)

גבולו אשר לו] א	[שכ] ון כול	[שר ה]	1
עוף טמא על מקד]	שי אשת בחצת הפנימית ו]	על גני השערים	2
לחצר החיצונה וכול	[עוף טמא לוא יוכל ל]	[אשר]	3
ועד כול הימים אשר	א] ני שוכ]ן בתוכם	לעו]לם]	4

- | | | | |
|---|--|----------|--|
| 1 | [|] [| its border so that there does no]t si[t any] |
| 2 | unclean bird on [my] Temp[le, which is in the inner court, or] upon the roofs of the gates, [which] | | |
| 3 | are of the outer court. And any [bird that is unclean shall not be permitted to] be within the midst of my Temple for ev[er] | | |
| 4 | and ever; all the days which I [dwell] in their midst. ³⁶ | | |

According to Yadin, this passage is concerned with certain installations that were known to have been placed on the roofs and walls of the Temple complex in order to prevent birds from defiling the Sanctuary and/or its related buildings.³⁷ Although we agree with Yadin's

³⁵ Yadin, *The Temple Scroll*, 2:211-12.

³⁶ Qimron, *The Temple Scroll*, 64-66; Yadin, *The Temple Scroll*, 1:271-72, 2:195-97; García Martínez et al., *Qumran Cave 11 II*, 390-94.

³⁷ "We may infer," suggests Yadin, "that the subject here was the devices installed at the tops of the gates and walls to hinder birds from flying over the Temple

assessment of this material, two questions remain unanswered: (1) Why does the Temple Scroll abruptly shift from a list of unclean individuals who were not allowed to enter the Temple, or the city of the Temple, to a seemingly random ruling about unclean birds? And (2) when the Temple Scroll says “unclean bird” (עוף טמא), what exactly does it mean? Let us address the latter question first.

According to the Torah there are at least twenty types of unclean birds: “the eagle, the vulture, the osprey, the buzzard, the kite of any kind; every raven of any kind; the ostrich, the nighthawk, the sea gull, the hawk of any kind; the little owl, the cormorant, the great owl, the water hen, the desert owl, the carrion vulture, the stork, the heron of any kind, the hoopoe, and the bat” (Lev 11:13-19).³⁸ Presented as a normative list, the Torah does not explain why these animals are unclean. Although it has been suggested that these birds are polluted because they are raptors and/or carrion eaters, this does not account for every bird listed. The hoopoe, for example, feeds on insects in marshy ground or on dung-heaps, while the bat is a winged mammal and not a bird at all.³⁹ Putting aside these difficulties, it is important to recognize that the Torah directly relates the defiling nature of these animals to their potential status as food. In both Leviticus and Deuteronomy the primary goal is to protect individuals from becoming contaminated through the consumption of any unclean animals with wings (cf. Lev 11:13; Deut 14:11-12); not to discuss their possibly contaminating touch.

Given that the carcass of a clean animal is defiling (Lev 11:39-40; Deut 14:21), it goes without saying that the carcass of an unclean bird would have been defiling as well, but what about the touch of an unclean bird that was still alive? Perhaps the authors/redactors of Leviticus and Deuteronomy did not address this issue because they considered it to be obvious or maybe they thought it was unlikely that a person would ever touch a living bird in the wild, let alone an unclean one. Whatever the case, it is clear that the authors of the Temple Scroll believed that the presence of an unclean bird in the Temple precincts was defiling, which brings us back to the first ques-

– devices known in the Mishnah as כלה עורב ‘scarecrow.’” Yadin, *The Temple Scroll*, 272. See *m. Middoth* 4:6; *Jewish War* 5.224.

³⁸ This list is virtually identical to that which appears in Deut 14:13-18 save the fact that the cormorant is listed after the carrion vulture rather than appearing after the little owl as it does in Leviticus.

³⁹ See Milgrom, who discusses the rabbinic and scholarly efforts to understand the Torah’s position on unclean birds. Milgrom, *Leviticus 1-16*, 661-64.

tion raised above: Why does the Temple Scroll abruptly shift from a list of unclean individuals who were not allowed to enter the Temple, or the city of the Temple, to a seemingly random ruling about unclean birds? Although it is possible that the author/redactor was thinking of Lev 11 and Deut 14 when he wrote/edited 11Q19 46.1-4, it is also conceivable that he had another bird in mind.

As noted above, the ruling immediately preceding our passage on unclean birds is concerned with keeping individuals with a skin disease from entering the city of the Temple (i.e., 11Q19 45.17b-18). The purification procedures for an individual who has been healed from a skin disease, outlined in Lev 14:1-7, are particularly interesting in this respect as they outline a program that involves the release of a living bird. Specifically, once a person had been healed from an unclean skin disease a priest was summoned to examine the individual in question. If it was established that the person had been healed, then the priest would send for two live birds, cedarwood, crimson yarn, and hyssop to be brought out to him (Lev 14:2-4). One of the birds was then slaughtered over a container of fresh water creating a mixture of blood and water into which the priest dipped the living bird and the remaining items (vv. 5-6). The priest then sprinkled the healed individual seven times with these items and released the living bird into the wild at which point the healed individual was pronounced clean (וְטָהַר - Lev 14:7). According to Wright: "The bird rites simply use a pair of birds, one to provide blood as a detergent for removing impurity, the other to carry away the impurity."⁴⁰ Could this be the unclean bird referred to in 11Q19 46.1-4? Although there are no explicit references to the purification procedures of Lev 14:1-7 in columns 45 or 46 it is possible that the now missing material at the top of column 46 could have contained a reference to this ritual. That being said, the identification of the unclean bird is not necessarily dependent upon an explicit reference to Lev 14:1-7 as there are only two procedures in the Torah involving the dispatch of birds: the purification of an individual from a skin disease (Lev 14:1-7) and the purification of a house from a disease (Lev 14:48-53). The author/redactor of the Temple Scroll certainly would have known this fact, which may have influenced him thematically in his decision to move from a ruling on skin diseases to a ruling on unclean birds.

⁴⁰ Wright, *The Disposal of Impurity*, 78.

The author/redactor of the Temple Scroll once again returns to the topic of unclean birds in column 48:

(11Q19 48.1-7)⁴¹

1	[והחסידה והאנפה למי]נה והדוכיפת [והעמלף כול שרץ העוף
2	[ההולך על ארבע] <i>vacat</i>
3	[אלה משרץ] העוף תוכלו הארבה למינו והסו[ל]עום למינו והחירגול
4	למינו והחגב למינו אלה משרץ העוף תואכלו ההולכים על ארבע אשר
5	יש לו כרעים מעל רגליו לנתור בהמה מן הארץ ולעוף בכנפיו כול
6	נבלה בעוף ובבהמה לוא תואכלו כי מכור לנוכרי וכול תועבה לוא
7	תואכלו כי עם קדוש אתה ליהוה אל והיכה <i>vacat</i>

- 1 [the stork, the heron, according to its ki]nd, the hoopoe, [and the bat. All winged insects]
- 2 [that go upon all fours] *vacat*
- 3 [These are] the winged [insects] you may eat: the locust, according to its kind, the ba[ld] locust, according to its kind, the cricket according to its kind, and the grasshopper, according to its kind. These are the winged insects you may eat: those that go about upon all fours which
- 5 have legs above their feet; to leap with them from the ground and to fly with their wings.
- 6 You shall not eat any carcass with wings, or (carcass) of an animal, but you may sell it to a foreigner. And you shall not eat any abominable thing
- 7 because you are a holy people to the Lord you God. *vacat*

As Yadin has noted, the fragmentary words] למי]נה והדוכיפת [in line 1 combined with the subject matter of lines 3 through 7 indicates that the issue being discussed in this passage is that of clean and unclean animals. Specifically, line 1 appears to have been concerned with the list of unclean birds found in Deut 14:11-18 (cf. Lev 11:13-

⁴¹ Qimron, *The Temple Scroll*, 70.

19).⁴² This restoration is not without difficulties however. To begin with one must assume that the rulings on sacrifices and skins in column 47 ended at the bottom of column 47 and did not carry over into column 48. Moreover, there is simply not enough room at the top of column 48 to contain all of the rules and regulations concerning unclean animals from either Lev 11 or Deut 14.⁴³ The problem is compounded by the fact that the visible letters in line 1 come from the end of the list of unclean birds in Deut 14:18 (והחסידו והאנפה) (למינה והרוכיפת והעמלף) raising the question as to whether or not there was enough space at the top of column 48 to retain the entire list of unclean birds. In an attempt to circumvent these issues Yadin has suggested that while there may have been enough room for the list of unclean birds at the top of column 48, one would expect to find some sort of addition or introduction to the list in order to give it some sort of context: “Since the Pentateuch provides no tokens for birds and does not specify which are permissible, the author may have added details, like that for winged insects below, but there is no way now of telling what the tokens were.”⁴⁴

Following the list of unclean birds and the reference to winged insects in lines 1b-2, which would have concluded the list of unclean animals with wings, our passage then moves on to discuss winged insects that were considered to be fit for consumption. According to Deuteronomy however, “All winged insects are unclean for you; they shall not be eaten” (Deut 14:19) - וכל שרץ העוף טמא הוא לכם לא יאכלו). Interestingly, this prohibition contrasts with Lev 11:20-23, which not only rules that certain winged insects are edible but it also contains a list of those insects that were regarded as being clean. In an effort to overcome this difficulty the author/redactor of the Temple Scroll adopted the position of Leviticus on insects with wings and inserted the list of clean insects from Lev 11:22-23 into his text. This list is followed by a paraphrase of Lev 11:21 that was meant to explain the rationale behind its contents: “These are the winged insects you may eat: those that go about upon all fours which have legs above their feet; to leap with them from the ground and to fly with their wings” (11Q19 48.4b-5). Not only would this description have

⁴² It is clear that the Temple Scroll follows Deut 14:18 rather than Lev 11:19 as Leviticus contains a direct object marker between the words למינה והרוכיפת whereas Deut 14:18 and 11Q19 48.1 do not.

⁴³ Yadin, *The Temple Scroll*, 2:206n.01-05.

⁴⁴ Yadin, *The Temple Scroll*, 2:206n.01-05.

narrowed the range of clean insects to the locust-grasshopper family,⁴⁵ but the addition of the phrase “and to fly with their wings” (ולעוף בכנפיו) - 11Q19 48.5), which is absent in biblical material, may well parallel the Rabbinic ruling that prohibits anyone from eating an insect prior to it sprouting wings in order to avoid accidentally consuming a prohibited species.⁴⁶ Although it is difficult to determine with any certainty whether the reference to flying with their wings is describing their method of locomotion or whether it is an indication that flying insects should be fully matured before consuming them, the Temple Scroll makes one thing very clear: “You shall not eat any carcass with wings or (carcass) of an animal, but you may sell it to a foreigner. And you shall not eat any abominable thing because you are a holy people to the Lord your God.” (11Q19 48.5b-7; Deut 14:21; cf. Lev 17:15, 22:8; Ezek 44:31).⁴⁷

In column 50 the author/redactor once again takes up the issue of clean and unclean animals, but unlike 11Q19 48.1-7, where the focus is primarily on eating animals, the concern in 11Q19 50.20-51.5a is over touching the carcass of an unclean animal:

(11Q19 50.20-51.5a; par. 11Q20 14.17-15.1; 4Q524 2_3)⁴⁸

כול שרץ הארץ תטמאו החולד והעכבר והצב למינו והלמא	20
והכח והחמט והתנשמת כול איש אשר יגע בהמה במותמה	21
[יטמא עד הערב וכבס בגדיו ורחץ במים ובאה השמש יטהר]	01
[וכול אשר יפול עליו מהמה במותמה יטמא מכול כלי עץ]	02
[או בגד או עור או שק כול כלי אשר יעשה מלאכה בהמה]	03
[במים יובא וטמא עד הערב וטהר ותשבורו את כול כלי]	04
[חרש אשר יפול מהמה אל תוכו וכי ימות מן הבהמה אשר]	05
[היא לכמה לאוכלה הנוגע בנבלתה ויטמא עד הערב]	06
היו צא מהמה	1
כ] טמאים	

⁴⁵ Milgrom, *Leviticus 1-16*, 664.

⁴⁶ Yadin, *The Temple Scroll*, 1:320.

⁴⁷ It is interesting to note that 11Q19 48.5b-7 omits any references to giving carcasses to aliens (גֵר) who live in Israelite cities. This is a departure from the passage on which lines 5b-6 are based (Deut 14:21). Could it be that in the utopian worldview of the Temple Scroll aliens were not allowed to reside in the cities and towns of Israel? Yadin, *The Temple Scroll*, 1:321.

⁴⁸ As García Martínez has noted: “An exact calculation of the correspondences of [11Q20] col. XIII [sic.] with 11Q19 LI is not possible, because the missing text of lines 01-07 may have contained *vacats*.” With this in mind, we have created an eclectic text for the purposes of this discussion. Yadin, *The Temple Scroll*, 2:224-26; Qimron, *The Temple Scroll*, 73-75; García Martínez et al., *Qumran Cave 11 II*, 396-400; Puech, *Qumran Grotte 4 XVII*, 91-92.

2 [המה ולוא] תטמאו בהמ[ה וכול הנוגע בהמה ב] מותמה יטמא
 3 ע[ד ה] ערב ויכבס בגדיו ורחץ [במים ובאה] השמש וטהר
 4 וכול הנושא מעצמותמה ומנבלתמה עור ובשר וצפורן וכבס
 5a בגדיו ורחץ במים ובאה השמש אחר יטהר

- 20 Everything that crawls upon the earth shall be unclean: the weasel, the mouse, the great lizard, according to its kind, the lizard,
 21 the land crocodile, the sand lizard, and the chameleon. Any man who touches them when they are dead
 01 [will be unclean till evening and he will wash his clothes, bathe in water, and when the sun goes down he will be clean.]
 02 [And everything upon which any of these fall when they are dead shall be unclean, any vessel of wood]
 03 [or garment or skin or sackcloth, any vessel that is used for labor,]
 04 [into water it shall be plunged, and it shall be impure until the evening, and then it shall be clean, but you shall smash any vessel of]
 05 [earthenware into the midst of which any of these fall. And if an animal which]
 06 [you may eat dies, the one who touches its carcass shall be unclean until the evening]
 1 [that co]mes from the[m f]or they are unclean
 2 [And you shall not] defile yourselves with the[m. And anyone who touches them when] they are dead will be unclean
 3 ti[ll the] evening and he will wash his clothes, bathe [in water,] and when the sun [goes down] he will be clean.
 4 And anyone who carries their bones or their carcass, skin, flesh, or nail, will wash
 5a his clothes, bathe in water, and after the sun goes down he will be clean.

Appearing in a lengthy section on corpse contamination (11Q19 49.5-51.5), this passage focuses on the issue of animal carcasses and their ability to contaminate. Relying heavily upon Lev 11:29-44, the author/redactor of the Temple Scroll opens his discussion by loosely quoting the list of eight unclean swarming animals (שרץ) from Lev 11:29-30. This is followed by a paraphrase of Lev 11:31: "Any man who touches them (שרץ) when they are dead [will be unclean till evening and he will wash his clothes, bathe in water, and when the

sun goes down he will be clean]” (כול איש אשר יגע בהמה במוותמה) [יטמא עד הערב וכבס בגדיו ורחץ במים ובאה השמש יטהר] - 11Q19 50.21b-51.01). In comparing this passage with its biblical base text one notes the addition of the phrase “[and he will wash his clothes, bathe in water, and when the sun goes down he will be clean].” Although heavily reconstructed, this represents a significant intensification of the corresponding rule from the Torah. For example, according to Lev 11:31 the sole requirement for cleansing oneself after touching a swarming animal’s carcass is waiting until evening. Furthermore, the regulations in Leviticus on clean and unclean animals only require a person to wash their clothing if they have carried the carcass of an unclean winged insect (Lev 11:25), an unclean quadruped (Lev 11:28), or if they have eaten or carried the carcass of a clean quadruped (Lev 11:40); bathing is never a requirement.⁴⁹

After the paraphrase of Lev 11:31, the author/redactor of the Temple Scroll follows the ordering of Lev 11 by taking up the issue of inanimate objects that have been contaminated by the carcass of a שרץ (11Q19 51.02-05a; par. 11Q20 14.19b-21; cf. Lev 11:32-33a). With no obvious deviations or expansions on the biblical material in this highly fragmentary section, the text then appears to bypass the material in Lev 11:33b-38 in order to paraphrase or quote Lev 11:39: “[And if an animal which you may eat dies, the one who touches its carcass shall be unclean until the evening]” (וכיֹא ימות מן הבהמה) 11Q19 51.05b-06; par. 11Q20 14.22-23a).⁵⁰ However, given this material’s poor state of preservation it is impossible to know with any certainty whether the author/redactor followed the Torah’s position on these issues or if he altered the biblical rulings in order to bring them in

⁴⁹ According to Yadin, the Temple Scroll’s requirement to bathe after touching the carcass of an unclean animal “tallies with the approach in the laws concerning uncleanness contracted from a dead man ... (see especially Col. L:8-9).” The call to bathe may also indicate that the author/redactor was trying to apply the priestly rules on touching an unclean carcass to ordinary Israelites (cf. Lev 22:4-7). Yadin, *The Temple Scroll*, 1:340.

⁵⁰ Although García Martínez has observed that the phrasing of Lev 11:39 closely resembles that of 11Q20 14.22-23a, he argues that it is “too short for the gap between the two fragments [of 11Q20], but that verse may have been expanded.” Bearing this in mind, we have tentatively adopted Qimron’s reconstruction of 11Q20 14.22-23a, which, with the exception of one or two orthographic differences, follows the MT of Lev 11:39. García Martínez et al., *Qumran Cave 11 II*, 399; Qimron, *The Temple Scroll*, 74.

line with his own views.

Paralleling the reconstructed material on the $\Upsilon\Gamma\psi$, 11Q19 51.1-5 outlines the purification procedures for those who have touched or carried any part of an unclean animal's carcass.⁵¹ As with 11Q19 50.22b-51.01, lines 1-3 of column 51 rule that those who have touched the carcass of an unclean animal must wash their clothing, bathe in water, and wait until evening. By requiring an individual to wash their clothing and bathe after touching the carcass of an unclean animal the author/redactor of the Temple Scroll has not only intensified the position of the Torah, which only requires an individual to wait until evening (cf. Lev 11:24, 27, 31), but, as Yadin has suggested, the repeated references to waiting until sunset may well be representative of a polemic against the Pharisees who argued that the *tebul yom* was clean enough to take part in certain communal activities before sunset without contaminating others.⁵² Furthermore, in what Yadin describes as "another unmistakably polemical injunction," 11Q19 51.4-5 rules that "anyone who carries their bones, or their carcasses, skin, flesh, or nail, will wash his clothes, bathe in water, and after the sun goes he will be clean." In this instance not only does the Temple Scroll intensify the Torah's purification procedures for those who have carried an unclean carcass (cf. Lev 11:25, 28, 40), but it also expands on the biblical notion of what transmits impurity by specifying that any part of a carcass which is carried, regardless of whether or not it is still connected to the carcass, transmits impurity (cf. 11Q19 51.4-5a; 4QMMT B 72-74). While Yadin has correctly observed that this prohibition is at odds with the corresponding Pharisaic ruling,⁵³ it is important to recognize that different interpretations of the same biblical material do not automatically indicate the presence of polemics. This notion is further reinforced when one considers that the polemical tone of the Temple Scroll is noticeably subdued in comparison to that of the *pesharim*, the Damascus Document, and 4QMMT.⁵⁴

References to animals are extant or have been plausibly reconstructed in roughly half of the columns in the Temple Scroll,⁵⁵ but,

⁵¹ Yadin, *The Temple Scroll*, 1:339-40.

⁵² Cf. *M. Parah* 3:7; Yadin, *The Temple Scroll*, 1:340.

⁵³ According to the Mishnah, the bones, skin, nails, and horns of a carcass do not defile. See *M. Hullin* 9:1-2; Yadin, *The Temple Scroll*, 1:340-41.

⁵⁴ F. García Martínez, "The Temple Scroll," *EDSS* 2:931.

⁵⁵ Cols. 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 32, 33, 34, 35, 43, 46, 47, 48, 50, 51, 52, 53, 60, 63, 64, 65.

unlike the passages on clean and unclean animals discussed above, the overwhelming majority of these references are concerned with feasts and sacrifices. Although a discussion on the festival calendar and sacrifices is beyond the scope of this study, one cannot simply ignore the repeated references to animals in the Temple Scroll. With that in mind, let us briefly consider the author/redactor's interpretations of, and additions to, the Torah's regulations on the sacrifice of animals in columns 52 and 53.

Appearing in what is commonly referred to as the Deuteronomic paraphrase (i.e., 11Q19 51.11-56.21), 11Q19 52.3b-53.8a relies heavily upon the book of Deuteronomy and, to a lesser extent, the book of Leviticus for its composition.⁵⁶ Opening with a loose quotation of Deut 17:1, 11Q19 52.3b-5a rules that only an animal that is without blemishes may be sacrificed to God: "Do not sacrifice to Me an ox or a sheep which has in it any serious defect for it is an abomination to Me." Aside from the expected shift from Deuteronomy's third person to that of the Temple Scroll's first person, the only significant difference between this passage and that of its biblical base-text concerns the reference to "any serious defect" (כל מום רע). Where the MT of Deut 17:1 reads **אשר יהיה בו מום כל דבר רע** the Temple Scroll reads **אשר יהיה בו כל מום רע**. As Schiffman has observed, this editorial move suggests that the author/redactor of the Temple Scroll may have been attempting to remove the apparent ambiguity in the MT.⁵⁷ For example, although one could quite easily interpret Deut 17:1 as describing two separate issues, (כל מום and כל דבר רע), the author/redactor had only one concern in mind regarding the sacrifice of animals: the presence of "any serious defect" (כל

⁵⁶ For a discussion on this material, see Yadin, *The Temple Scroll*, 1:312-20; Wise, *A Critical Study of the Temple*, 35-44; L. H. Schiffman, "The Deuteronomic Paraphrase of the Temple Scroll," *RevQ* 15/4 (1992): 543-67; idem, "Sacral and Non-Sacral Slaughter According to the Temple Scroll," in *Time to Prepare the Way in the Wilderness: Papers on the Qumran Scrolls by Fellows of the Institute for Advanced Studies of the Hebrew University, Jerusalem, 1989-90* (ed. D. Dimant and L. H. Schiffman; Leiden: E. J. Brill, 1995), 69-84; idem, "Some Laws Pertaining to Animals in Temple Scroll Column 52," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995* (ed. M. Bernstein, F. García Martínez, and J. Kampen; Leiden: E. J. Brill, 1997), 167-78; A. Shemesh, "A New Reading of 11QT (a) 52:13-16," in *The Dead Sea Scrolls Fifty Years After Their Discovery: Proceedings of the Jerusalem Congress, July 1997* (ed. L. H. Schiffman, E. Tov, and J. VanderKam; Jerusalem: Israel Exploration Society, 2000), 400-10; E. Tov, "Deut 12 and 11QTemple LIII A Contrastive Analysis," *RevQ* 15 (1991): 169-73.

⁵⁷ L. H. Schiffman, "Some Laws Pertaining to Animals," 168-69.

(מום רע).

Immediately following the modified quotation of Deut 17:1, the author/redactor outlines three rules concerning the sacrifice of animals and their offspring: (1) a pregnant ox, sheep, or goat must not be sacrificed (11Q19 52.5b); (2) an ox or sheep must not be sacrificed on the same day as its young (11Q19 52.6a // Lev 22:28); and (3) a female animal must not be “killed” (תכה) together with its young (11Q19 52.6b-7a // Deut 22:6). According to Yadin, by placing this material directly after the interpretation of Deut 17:1 the author/redactor wanted to emphasize that pregnant animals fell into the category of animals with a blemish.⁵⁸ This notion is further reinforced when the Temple Scroll describes the attempt to sacrifice a pregnant animal as an “abomination” (תועבה - 11Q19 52.5), which is equal in severity to that of sacrificing an animal with a blemish: an “abomination” (תועבה - 11Q19 52.4).

The third issue to be discussed in column 52 is that of firstborn animals:

(11Q19 52.7b-12a)

7b כול הבכור אשר יולד בבקריכה ובצואנכה
 8 הזכרים תקדיש לי לוא תעבוד בבכור שורכה ולוא תגוז בכור
 9 צואנכה לפני תואכלנו שנה בשנה במקום אשר אבחר ואם יהיה
 10 בו מום פסח או עור או כול מום רע לוא תזבחנו לי בשעריכה
 11 תואכלנו הטמא והטהר בכה יחדיו כצבי וכאיל רק הדם לוא
 תואכל
 12 על הארץ תשופכנו כמים וכסיתו בעפר

7b Every firstborn which is born to your cattle and your sheep
 8 the males shall be consecrated to Me. Do not work with the
 firstborn of your oxen and do not shear the firstborn
 9 of your flock. Before Me you shall eat it year after year in the
 place which I have chosen. But if there is
 10 in it a blemish, (if it is) lame, blind, or (it has) any serious defect,
 you shall not sacrifice it to Me. In your gates
 11 you shall eat it, the unclean and the clean among you together,
 like the gazelle or the deer. Only the blood you shall not eat
 12 upon the earth you shall pour it like water and cover it with dust.

⁵⁸ Yadin, *The Temple Scroll*, 1:312-13.

Quoting large portions of Deut 15:19-23, the author/redactor of 11Q19 52.7b-12a not only makes his characteristic shift from the third person to the first person for God, but he also makes several editorial changes to the material from Deuteronomy in an attempt to clear up certain ambiguities present in the Torah. For example, as Milgrom has noted, there are three different traditions in the Torah concerning those who receive the meat of a ritually pure firstborn animal after it has been sacrificed.⁵⁹ According to Exod 13:12-13; 22:29-30; and 34:19 the firstborn male of one's livestock belongs exclusively to the Lord.⁶⁰ By contrast, Num 18:17-18 rules that the flesh, breast, and right thigh of a firstborn ox, sheep, or a goat belongs to the priests. Finally, Deut 15:19-20 rules that the firstborn male of one's herd or flock belongs to its owner and his family: **לפני יהוה אלהיך תאכלנו שנה בשנה במקום אשר יבחר יהוה אתה וביתך** (Deut 15:20). In comparing this verse from Deuteronomy with the corresponding line in the Temple Scroll one notes that, among other things, the last two words from Deut 15:20 are missing in 11Q19 52.9: **לפני תאכלנו שנה בשנה במקום אשר אבחר**. By removing the phrase **אתה וביתך**, Schiffman argues that the author/redactor was attempting to prevent his readers from "improperly" interpreting this line as allowing lay individuals to eat sacrificial meat in their homes with their families.⁶¹ Rather, suggests Schiffman, it was the priests who received the meat of the sacrifice and not the owners. But this argument is not without difficulties. To start with, the entirety of 11Q19 52.3b-53.8a seems to be addressed to lay Israelites, not priests. This is most apparent in 11Q19 52.21 where the author/redactor briefly shifts from the second person singular address that characterizes this entire section to the third person plural in order to describe a priestly function: "And they shall pour out its blood upon the base of the altar of burnt offerings and they will burn its fat" - **וזרקו את דמו על יסוד מזבח העולה ואת חלבו יקטירו** (11Q19 52.21). Furthermore, Schiffman seems to place far too much emphasis on medieval Jewish exegetes who argued that **אתה וביתך**

⁵⁹ J. Milgrom, *Numbers במדבר* (New York: The Jewish Publication Society, 1989), 431-32.

⁶⁰ The exception to this rule being a firstborn donkey, which is ransomed by offering a sheep in its place. Cf. Exod 13:13.

⁶¹ Schiffman, "Some Laws Pertaining to Animals," 170-71.

in Deut 15:20 should be understood as בֵּית הַבְּהֵן.⁶² It has long been noted that Deut 15:19-20 is at odds with the material on sacrifices in Exodus and Numbers, but the absence of the phrase אֵתָהּ וּבֵיתָךְ does not, in and of itself, indicate that the author/redactor agreed with the medieval exegetes. In fact, by removing the phrase he may well have hoped, contra Schiffman, that his readers would not make the same “mistake” as other exegetes by interpreting the entire passage as referring to priestly households. Regardless of his motivations, the author/redactor makes no effort whatsoever to emphasize the priestly tithes in this section suggesting that a literal reading is preferred (i.e., the sacrificial meat belongs to the owner).⁶³

Before moving on to the remaining material on sacrifices in columns 52 and 53 two additional observations concerning 11Q19 52.7b-12a are worth mentioning. First, as Schiffman has noted, the addition of the word בְּכֶה in 11Q19 52.11 is a rather important exegetical move on the part of the author/redactor.⁶⁴ Specifically, by adding the phrase “among you” (בְּכֶה) to his paraphrase of Deut 15:22 the author/redactor appears to remove an ambiguity from the biblical material, which reads: “within your towns you may eat it, the unclean and the clean alike, as you would a gazelle or deer” (בְּשַׁעֲרֵיךָ תֹאכְלֵנוּ הַטָּמֵא וְהַטְהוֹר יַחְדָּו כַּצְּבִי וְכַאִיל) (Deut 15:22). By inserting the word בְּכֶה between the words וְהַטְהוֹר and יַחְדָּו the author/redactor specifies that it is not the clean and unclean animals that are being referred to. Rather, it is the clean and unclean people that are in mind, thereby indicating that one’s purity status was not a factor in determining whether or not they could eat the meat of a non-sacral blemished firstborn: “In your gates you shall eat it, the

⁶² Here Schiffman cites Ibn Ezra on Deut 15:20 and Rashi. Schiffman, “Some Laws Pertaining to Animals,” 170.

⁶³ With God as the narrator of the Temple Scroll it is interesting to note that He does not give the sacrificial meat to Himself *a la* Exod 13:12-13, 22:29-30 and 34:19. Is it possible that this represents an attempt to elevate the laity to priestly status? In previous passages we noted how the laity was held to a higher or priestly level of purity resulting in a significantly more stringent lifestyle for the laity (cf. 11Q19 50.22b-51.01; 51.1-5). In this passage, however, the laity receives the priestly portion of sacrificial meat thereby benefiting from their exacting lifestyle while simultaneously undermining the priestly position by receiving said portion directly from the mouth of God. In opposition to this view, Schiffman argues that the ruling on priestly tithes in 11Q19 60.2 gives all firstborn animals, blemished or not, to the priests and not the laity. Due to the fragmentary nature of 11Q19 60.01-2, however, it is difficult to determine the exact nature of this ruling. See Schiffman, “Some Laws Pertaining to Animals,” 171.

⁶⁴ Schiffman, “Some Laws Pertaining to Animals,” 171-72; cf. 11Q19 53.4.

unclean and the clean among you together, like the gazelle or the deer” 11Q19 52.10b-11; cf. 11Q19 53.4-5a; Deut 12:20-25). Second, the presence of the phrase “and you will cover it with dust” (וכסיתו בעפר) at the end of 11Q19 52.12a (cf. 11Q19 53.4-6) represents an interesting addition to the corresponding material from Deut 15:23 on which it is based: “Only the blood you shall not eat, upon the earth you shall pour it like water and cover it with dust” (רק הדם לוא תואכל על הארץ השופכנו כמים וכסיתו בעפר - 11Q19 52.12a).⁶⁵ According to Lev 17:13, the blood of an animal being prepared for consumption must be poured upon the earth and covered with dust only if the animal in question is wild; having been hunted or trapped.⁶⁶ In what Schiffman has described as a drastic departure “from both the plain meaning of the biblical text and from the rabbinic interpretation” the author/redactor of the Temple Scroll has applied the ruling on covering blood from Lev 17:13 to all domesticated animals that have not been sacrificed in the Temple.⁶⁷ No doubt this act was intended to be both a substitutionary rite for those animals not sacrificed upon the altar as well as a fence regulation designed to prevent individuals from eating the blood of an animal and running the risk of being “cut off” (כרתה) from his or her people (cf. 11Q19 53.4-7; Lev 17:14; Deut 12:23).⁶⁸

After loosely quoting Deut 25:4 (11Q19 52.12b) and Deut 22:10 (11Q19 52.13a),⁶⁹ the author/redactor then turns his attention to the various locations where one might be allowed to slaughter and eat a

⁶⁵ Schiffman, “Some Laws Pertaining to Animals,” 172.

⁶⁶ Although several observations have been offered for the origin of this practice, Milgrom has proposed that such an act probably served two purposes: (1) the individual in question was attempting to give the blood (i.e., life giving fluid) back to God, the creator of life (cf. Lev 17:14); and (2) it was covered in order to keep it from being used for divination. J. Milgrom, *Leviticus 17-22* (New York: Doubleday, 2000), 1482-83.

⁶⁷ Schiffman, “Some Laws Pertaining to Animals,” 172; Cf. 11Q19 52.19-21.

⁶⁸ Cf. C. Werman, “The Rules of Consuming and Covering Blood in Priestly and Rabbinic Law,” *RevQ* 16 (1995): 621-36.

⁶⁹ In contrast to the Damascus Document, which uses Deut 22:10-11 to argue that one should take an appropriate marriage partner: “Also he should not give her to one who is not prepared for her, for [that is *kil'ayim*, o]x and ass; wearing wool and linen together” (וגם אל יתנהה לאשר לוא הוכן לה כי [הוא כלאים ש]ור) (11Q19 52.19-21), the Temple Scroll appears to use Deut 22:10 to discuss the treatment of animals: “And do not plow with an ox and with an as together” (ולוא תחרוש) (11Q19 52.13a). Schiffman, “Some Laws Pertaining to Animals,” 174-75.

pure or blemished animal that is ritually clean. Rather than simply following the order of the Temple Scroll, however, we will attempt to summarize the remaining material in columns 52 and 53 by reordering the way in which it is presented. Starting with the Temple and moving progressively outwards, the following observations can be made: (1) only pure firstborn cattle and sheep or pure oxen, goats, and sheep can be sacrificed in the Temple (11Q19 52.7b-12a; 13b-16; cf. Deut 14:23, 15:19-20); (2) only animals that have been sacrificed in the Temple may be consumed in Jerusalem (11Q19 52.19-21); (3) a blemished firstborn animal must not be sacrificed but it may be slaughtered and eaten anywhere other than in the Temple or in Jerusalem respectively (11Q19 52.9b-12a; cf. Deut 15:21-23);⁷⁰ (4) a clean blemished animal may be slaughtered and eaten in cities at a distance of “thirty *ris*” (שלשים רס), or four English miles,⁷¹ from the Temple (11Q19 52.16b-19a; cf. 11Q19 53.07-8); and (5) a clean ox, sheep or goat that is without blemish may be slaughtered in cities that are greater than “three days walk” (דרך שלושת ימים) from the Temple (11Q19 52.13b-16; cf. 11Q19 53.07-8; Deut 12:15-16, 20-25).

Considering the fact that only pure firstborn cattle and sheep or pure oxen, goats, and sheep could be sacrificed in the Temple, and only those animals that had been sacrificed in the Temple could be consumed in Jerusalem, one is led to the conclusion that the residents of Jerusalem were only permitted to eat sacrificial meat. Here again it would appear that the author/redactor has elevated the laity to a priestly position. But before we push this notion too far, it is important to remember that the Temple Scroll is a utopian document that does not reflect the actual state of affairs in Jerusalem at any point in its history. At no time was a Temple such as the one described in the Temple Scroll constructed, thereby making the rules and regulations of this document impractical and, for all intents and purposes, impossible to follow. For example, according to 11Q19 47.11b-14 we are

⁷⁰ There is some question as to whether or not a blemished firstborn should be slaughtered and eaten in cities that are further than 30 *ris* from the Temple or if a blemished firstborn may be slaughtered and eaten anywhere outside of the Temple and Jerusalem. Although the Temple Scroll does not specifically demand that blemished firstborn animals must be slaughtered at a particular distance from the Temple, 11Q19 52.16b-20a rules that “Any clean animal in which there is a blemish you may eat in your cities as long as it is further than thirty *ris* from my Temple. Do not sacrifice it near my Temple for it is unfit flesh.” Cf. Tov, “Deut 12 and 11QTemple,” 171.

⁷¹ Schiffman, “Some Laws Pertaining to Animals,” 176.

told that only the hides and skins of pure animals that have been sacrificed in the Temple can be brought into Jerusalem. Aside from being a completely unreasonable request for visitors or pilgrims traveling to Jerusalem it is difficult to imagine how one might go about obtaining a skin or hide that has been sacrificed in a Temple that was never built.⁷² The same logic can be applied to the notion that the residents of Jerusalem could only eat meat from pure animals that had been sacrificed in the Temple (11Q19 52.19-21).

3.2.3 Corpses

Appearing in a list of those who were barred from entering the city of the Temple or the Temple proper, 11Q19 45.17 prohibits those

⁷² In an article written in 1993, Sara Japhet argues against a utopian reading of the Temple scroll with the following words: "Not only are the laws of purity and impurity in the Scroll generally more severe than those in the Pentateuch, but also their application to the entire city of Jerusalem makes their demands unrealistic, polemical, and sectarian, expressing an ideology so radical that it must be viewed as utopian. However, the law itself does not support such a view." In defence of this idea Japhet quotes Schiffman on the laws of corpse contamination in the Temple Scroll: "the laws of impurity of the dead are devoid of any particular characteristics that would be associated with sectarian life." Unfortunately, Japhet seems to have taken Schiffman's comments out of their original context by choosing not to quote them in their entirety. Specifically, where Schiffman finishes his sentence with the words, "as known from the other documents," which expressly refers to sectarian scrolls from Qumran, Japhet appears to be using Schiffman's statement to suggest that the Temple Scroll contains no sectarian hallmarks whatsoever, be they of the Qumran variety or those of another sectarian community. In short, Japhet seems to have created a false premise by suggesting that the Temple Scroll can only be utopian if it is unrealistic, polemical, and sectarian. While a utopian document is, as Karl Mannheim suggests, "incongruous with the state of reality within which it occurs," it is certainly possible to write a utopian document without it being wholly polemical or sectarian. As Collins has noted: "The Temple Scroll ... may reasonably be considered a utopian document in the sense that it is a blueprint for an ideal society ... It is of course significant that this text was found among the writings of the purist, sectarian community of Qumran. But the ideal of a pure Jerusalem was by no means peculiar to sectarian circles." To this, Collins adds: "It is not clear whether the Temple Scroll was actually composed within the Dead Sea sect or was simply preserved there because the community found its theology congenial." See S. Japhet, "The Prohibition of the Habitation of Women: The Temple Scroll's Attitude Toward Sexual Impurity and Its Biblical Precedents," *JANES* 23 (1993): 86; L. H. Schiffman, "The Impurity of the Dead in the Temple Scroll," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. L. H. Schiffman; Sheffield: Sheffield Academic Press, 1990), 152; K. Mannheim, *Ideology and Utopia* (London: Routledge, 1966), 173; J. Collins, "Models of Utopia in the Biblical Tradition," in *A Wise and Discerning Mind: Essays in Honor of Burke O. Long* (ed. S. M. Olyan and R. C. Culley; Providence: Brown Judaic Studies, 2000), 60, 63.

with corpse contamination from entering Jerusalem:

(11Q19 45.17; par. 11Q20 14.9b-10a)⁷³

17 וכול טמא לניש לוא יבואו לה עד אשר יטהרו

- 17 And all those with corpse contamination shall not enter it until they are clean.

Similar to 11Q19 45.17b-18, where those with a skin disease were not permitted to enter Jerusalem until they had been cleansed, this passage uses the prepositional construct לה to refer to the city of the Temple mentioned in lines 16b-17a: עיר המקדש. Moreover, like the ruling on skin disease, 11Q19 45.17 does not contain any information on how one might go about cleansing oneself from corpse contamination. For that, we must turn to 11Q19 49.16b-21a:

(11Q19 49.16b-21a)⁷⁴

16b והאדם כול אשר היה בבית
 17 וכול אשת בא אל הבית ירחץ במים ויכבס בגדיו ביום הראשון
 18 וביום השלישי יזו על יהמה מי נדה וירחצו ויכבסו סלמותמה
 19 ואת הכלים אשת בבית vacat וביום השביעי
 20 יזו שנית וירחצו ויכבסו בגדיהמה וכל יהמה ויטהרו לערב
 21a מהמת לגעת בכול טהרתמה

- 16b And (concerning) the man: anyone who is in the house (containing a corpse),
 17 and anyone who enters the house, will bathe in water and wash his clothes on the first day.
 18 And on the third day they will sprinkle upon them the waters of purification and they will bathe and wash their clothing
 19 and the vessels which are in the house. vacat And on the seventh day
 20 they will sprinkle a second time and they will bathe and wash their clothing and vessels and they will be clean by evening
 21a from the dead in order that they may touch all of their pure things.

⁷³ Cf. Num 5:1-5.

⁷⁴ Rules on the purification from corpse contamination continue through 11Q19 50.4, but given the fragmentary state of the top of column 50 it is difficult to say much about this material.

Paralleling portions of Num 19, this passage is part of a larger section that is concerned with people and objects that have become corpse-contaminated in ordinary cities through the concept of overhang (11Q19 49.5-50.4). Specifically, the author/redactor rules that any person who is in a house with a corpse, or one who enters a house with a corpse, is “unclean for seven days” (יִטְמֵא שִׁבְעַת יָמִים) - 11Q19 49.5b-6a; cf. Num 19:14). In order to be cleansed from this impurity the Temple Scroll demands that the corpse-contaminated individual bathe and wash their clothing on the first, third, and seventh days of their purification. In addition to these requirements the individual would also be “sprinkled” (וַיִּזֶּה) with the “waters of purification” (מֵי נְדָה) on both the third and seventh days and they would be rendered clean by sunset on the seventh day.⁷⁵

In comparing 11Q19 49.16b-21a with the corresponding biblical material one notes several differences. First, like the Damascus Document (CD 12.18) and the Septuagint, the Temple Scroll describes the location of a corpse as being “in a house” (בְּבַיִתָּהּ - 11Q19 49.6), whereas the MT of Num 19:14 is concerned with corpses that are located “in a tent” (בְּאֹהֶל). Second, the Temple Scroll demands that corpse-contaminated individuals bathe and wash their clothing on the first day of their purification (11Q19 49.16b-17), which is nowhere mentioned in the biblical material. Third, according to the author/redactor, an individual must be sprinkled with the מֵי נְדָה, wash their clothing, and bathe in water on the third day of their purification, while Num 19:19 records that a person need only be sprinkled on the third day.⁷⁶ Finally, the Temple Scroll specifies that a contaminated person must be sprinkled, wash their clothing, bathe,

⁷⁵ As noted in chapter two, the מֵי נְדָה refers to the Red Heifer rite of Num 19 indicating that the author/redactor of the Temple Scroll considered the act to be efficacious. Additionally, the emphasis on waiting until evening to be clean suggests that the author/redactor did not accept the notion of the *tebul yom*. Cf. Yadin, *The Temple Scroll*, 1:332.

⁷⁶ According to Schiffman, the addition of bathing and the washing of clothing on the third day most likely stems from a reading of Exod 19:10-15 where a three day purification ritual is prescribed for the Israelites prior to God’s revelation at Mount Sinai. Of particular importance, argues Schiffman, is the presence of the phrase וַיִּכְבְּסוּ סֵל מְוֹתְמָהּ in the Temple Scroll, which parallels Exod 19:10’s וַיִּכְבְּסוּ שְׂמֹלֹתָם. Furthermore, Schiffman suggests that the call to “consecrate them” (וַיִּקְדְּשֵׁם) in Exod 19:10 must have been understood by the author/redactor as referring to bathing, which would explain the addition of bathing and washing of clothing on the third day when Num 19:19 only requires the sprinkling of the מֵי נְדָה. Schiffman, “The Impurity of the Dead in the Temple Scroll,” 148.

and wait until evening on the seventh day of their purification in order to touch “their pure things” (טהרתם - 11Q19 49.21a), the latter being absent in the corresponding material from the Torah.

Concerning the presence of the first day abluion in the Temple Scroll, several explanations have been offered. According to Yadin, “the purification on the first day is not merely the cleansing of uncleanness contracted from the dead, but of other impurities as well.”⁷⁷ Basing his theory on an analogous reading of first day ablutions from such biblical texts as Lev 11:25, 40, 14:8, and 15:5-11, Yadin suggests that the first day abluion for the corpse-contaminated removes any additional impurities from the person in question so that they will be prepared for the Red Heifer rite. Building upon Yadin’s proposal, Schiffman suggests that the first day abluion most likely comes from an interpretation of Num 19:18-19 that understands the call to sprinkle in verse 18 as referring to the first day of one’s corpse-contamination, while verse 19 concerns the third and seventh days. According to Schiffman: “In view of the provisions of verse 19, verse 18 seems redundant. Our author took it as referring to the first day, that day on which impurity had been contracted. Verse 18, then, provided him with scriptural warrant for ablutions on the first day. From the sources (suggested by Yadin) our author learned that washing, and not sprinkling, was to be the form of the ablutions.”⁷⁸ While this may well be the way in which the ruling was originally formulated, it seems unlikely that the first day abluion was performed simply so that a person might be fit to receive the ashes of the Red Heifer, as Yadin has suggested. Rather, argues Milgrom, it would appear that the first day abluion was designed to remove a level of impurity thereby allowing the corpse-contaminated individual to have non-sacred contact with persons, objects, and food.⁷⁹ Not only is this interpretation supported by the absence of any places of quarantine for the corpse-contaminated in the Temple Scroll, indicating that one might be allowed to remain in ordinary/profane cities during their purification period,⁸⁰ but, according to Philo, individuals

⁷⁷ Yadin, *The Temple Scroll*, 1:332.

⁷⁸ Schiffman, “The Impurity of the Dead,” 147.

⁷⁹ Milgrom, “First Day Ablutions in Qumran,” 562-64.

⁸⁰ Although no places of quarantine for the corpse-contaminated are described for Jerusalem either, the author/redactor makes it clear that such individuals were not permitted to enter the city until they had been fully cleansed (11Q19 45.17), which further emphasizes the notion that Jerusalem was equal in holiness to that of the war camp (cf. Num 31:19-24).

with corpse contamination were not permitted to touch anything unless they had washed their clothing and bathed on the first day.⁸¹ While the laundering of clothing and bathing on the first day would have enabled corpse-contaminated individuals to have access to non-sacral food in ordinary cities, only the individual who had completed his/her purification period would have been allowed to enter Jerusalem and touch “their pure things” (טהרתמה - 11Q19 49.21a), which would have included sacral food.

In addition to individuals who have been contaminated through the concept of overhang, the Temple Scroll contains information regarding inanimate objects that have been defiled through the *misasma* of a corpse:

(11Q19 49.5-10)

5 וְאָדָם כִּי יָמוּת בְּעִרְיִכְמָה כּוֹל בַּיִת אֲשֶׁר יָמוּת בּוֹ הַמַּת יִטְמָא
6 שִׁבְעַת יָמִים כּוֹל אֲשֶׁר בְּבַיִת וְכוּל הַבָּא אֶל הַבַּיִת יִטְמָא
7 שִׁבְעַת יָמִים וְכוּל אֹכֵל אֲשֶׁר יוּצַק עָלָיו מִ[י]ם יִטְמָא כּוֹל הַמוֹשְׁקָה
8 יִטְמָא וְכוּלֵי חֶרֶשׁ יִטְמָאוּ וְכוּל אֲשֶׁר בְּהֵמָה לְכוּל אִישׁ טָהוֹר
9 יִטְמָא וְהַפְתּוּחִים יִטְמָאוּ לְכוּל אָדָם מִיִּשְׂרָאֵל כּוֹל הַמוֹשְׁקָה
10 אֲשֶׁר בְּהֵמָה

- 5 And when a man dies in your cities, any house in which he dies will be unclean
- 6 for seven days. Everything which is in the house and anything that is brought into the house will be unclean
- 7 seven days. And all food that has water poured upon it will be unclean and all liquid
- 8 will be unclean. And earthenware vessels shall be unclean, as well as anything that is in them; for the pure man
- 9 it will be unclean. And the open vessels will be unclean for every man of Israel, as well as all the liquid
- 10 that is in them.

Based upon Num 19:14-15, 17-18, and Lev 11:33-34, the author/redactor of the Temple Scroll makes a number of changes to the biblical material in order to produce several new rulings on corpse contamination.⁸² As noted above, not only has the

⁸¹ *De Specialibus Legibus* 3.206-07. Cf. Harrington, *The Purity Texts*, 80-81.

⁸² Cf. Yadin, *The Temple Scroll*, 1:325-27; Schiffman, “The Impurity of the Dead,” 138-42.

author/redactor moved the location of the corpse from that of a tent (בִּאֹהֶל - Num 19:14) to that of a house (בְּבַיִת - 11Q19 49.6), but he also specifies that this series of regulations is concerned with ordinary Israelite cities (בְּעִרֵי כְּמֹהַר - 11Q19 49.5). Whether or not these rulings would have applied to Jerusalem as well is debatable given the author/redactor's utopian world-view, his desire to protect the city of the Temple from corpse contamination (11Q19 45.17), and his apparent association between Jerusalem and the war camp.

Yet another interesting difference between the Temple Scroll and the biblical material concerns the length of time that a dwelling is considered to be contaminated by a corpse. Unlike Num 19, which does not explicitly state that the tent is unclean or indicate how long a tent might remain impure,⁸³ the Temple Scroll rules that the house containing a corpse is unclean for seven days (11Q19 49.5-6a).⁸⁴ Furthermore, the author/redactor seems to have understood Num 19:18's call to sprinkle all of the vessels in a corpse-contaminated tent as proof that all objects in a house with a corpse become defiled: "Everything which is in the house and anything that is brought into the house will be unclean seven days" (11Q19 49.6b-7a). Although Schiffman has understood this line as referring to people,⁸⁵ given that the material immediately following this line is concerned with food, liquids, and vessels, and that the author/redactor addresses the issue of people who have been defiled by a corpse-contaminated house in a subsequent passage, one is inclined to understand 11Q19 49.6b-7a as referring to inanimate objects. That being said, everything in the house, with the possible exception of dry food (11Q19 49.7), would have been contaminated by the presence of a corpse.⁸⁶ In this instance the author/redactor appears to have departed from the corresponding biblical material (Num 19:14-15) and has adopted a decidedly more comprehensive position based on an analogous reading of similar or related prohibitions from elsewhere in the Torah.⁸⁷

⁸³ Although Num 19 does not explicitly state that the tent has become defiled, the call to sprinkle the tent with the ashes of the Red Heifer (Num 19:18) implies that the tent has, in fact, become corpse-contaminated.

⁸⁴ Schiffman, "The Impurity of the Dead," 138-39.

⁸⁵ Schiffman's translation reads: "Anyone who is in the house and anyone who comes into the house shall be impure for seven days." Schiffman, "The Impurity of the Dead," 138, 140.

⁸⁶ Compare this with Yadin who translates 11Q19 49.6b-7a as "Everything which is in the house and every one who comes into the house shall become unclean seven days." Yadin, *The Temple Scroll*, 1:325.

⁸⁷ Cf. Lev 11:32-38; Num 19:17-18; and Num 31:19-24.

Moving on to consider 11Q19 49.7-10, it has been widely recognized that the author/redactor relied heavily upon Lev 11:33-38 for its composition.⁸⁸ As mentioned above, when the carcass of one of the eight swarming creatures from Lev 11:29-30 falls into an earthenware vessel, such as a jar, oven, or stove, all of its contents are rendered unclean and the vessel must be destroyed (vv.33, 35).⁸⁹ Any foodstuffs that have been wetted with liquid from a defiled earthenware vessel are, like the liquid itself, contaminated (v. 34). Furthermore, if a carcass falls upon a seed, the seed remains clean unless it has been wetted before the carcass touches it, in which case the seed is defiled (vv. 37-38). Combining these regulations with Num 19:14-15 the author/redactor rules that any food which has water poured upon it, while it is in a house with a corpse, is unclean (11Q19 49.7). Additionally, “all of the liquid” (כול המושקה) in the house is also contaminated (ll. 7b-8a). Concerning covered earthenware vessels, however, the author/redactor rules that both the vessel and its contents are rendered unclean for the “pure man” (איש טהור),⁹⁰ while uncovered vessels and their contents, including liquids, are unclean “for every man of Israel” (לכול אדם מישראל) - 11Q19 49.8-10).⁹¹

Before moving on to discuss the Temple Scroll’s purification procedures for a corpse-contaminated house, one or two comments regarding the contamination of objects in 11Q19 49.7-10 are necessary. First, unlike the carcasses of swarming things, a corpse that is located in a house does not have to come in contact with an object in order to defile it. This distinction shows how the author/redactor combined biblical passages on similar topics in order to come up with new regulations on corpse contamination. Second, the Temple Scroll’s position on food that has been wetted, while following Lev 11:37-38, appears to be at odds with the statement which precedes it: “Everything which is in the house and anything that is brought into the house will be unclean seven days” (11Q19 49.6b-7a). Specifically, when the author/redactor rules that “all food that has water

⁸⁸ Yadin, *The Temple Scroll*, 1:326-31; J. Baumgarten, “Liquids and Susceptibility to Defilement in 4Q Texts,” *JQR* 85 (1994): 91-93; Schiffman, “The Impurity of the Dead,” 140-41.

⁸⁹ Wright, *The Disposal of Impurity*, 95-113.

⁹⁰ Cf. Num 19:9, 18.

⁹¹ As Schiffman has noted, “It is probable that the first clause refers even to a closed vessel, and that our text means to say that even the contents of a closed vessel are impure for the ‘pure man’.” Schiffman, “The Impurity of the Dead,” 141.

poured upon it will be unclean” (11Q19 49.7), there is an implication that food will remain clean unless it has come in contact with water or some other liquid.⁹² Although difficult to prove, this may well suggest that dry food was the only item that was considered to be impervious to corpse contamination through overhang. Third, the author/redactor makes a distinction between covered and uncovered vessels and their susceptibility to corpse contamination. As noted above, the contents of an uncovered vessel are unclean for “any man of Israel,” whereas the contents of a covered vessel are only unclean for a “pure man” (11Q19 49.8-10). According to 11Q19 50.17b-19, earthenware vessels were permanently defiled through corpse contamination and were to be destroyed (וכול כלי חרש ישברו כי) (טמאים המה ולוא יטהרו עוד עד לעולם),⁹³ but the fact that a vessel was covered while it was in a house with a corpse seems to have persuaded the author/redactor to rule that the vessel’s contents were protected from becoming defiled to the first degree.

The Temple Scroll next outlines the purification procedures for the corpse-contaminated house and its contents:

(11Q19 49.11-16a)

11 וביום אשר יוציאו ממנו את המת יכבדו את הבית מכול
 12 תגאולת שמן ויין ולחת מים קרקעו וקירותיו ודלתותיו יגרודו
 13 ומנעוליו ומזויותיו ואספיו ומשקופיו יכבסו במים ביום אשר
 14 יצא המת ממנו יטהרו את הבית ואת כול כלי רחים ומדוכה
 15 וכול כלי עץ ברזל ונחושת וכול כלים אשר יש להמה טהרה
 16א ובגדים ושקים ועורות יתכבסו

- 11 And on the day that they remove the corpse from it they will cleanse⁹⁴ the house from all
- 12 stains of oil, wine and wetness of water. Its floors, walls, and doors they will scrape

⁹² For a discussion on the ability of liquid to act as a transmitter of impurity, see Baumgarten, “Liquids and Susceptibility to Defilement,” 91-100.

⁹³ Cf. Lev 11:33.

⁹⁴ In contrast to Yadin and Schiffman who translate כבדו as “they shall sweep”, anyone who has swept a wet floor knows that sweeping only succeeds in spreading liquid around. For this reason we have translated כבדו as “they will cleanse” based on the semantic range for the word in the rabbinic material (i.e., “to make look respectable” or “to clean”). M. Jastrow, *Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (2 vols.; New York: Judaica Press, 1996), 2:606-07; Yadin, *The Temple Scroll*, 1:329; Schiffman, “The Impurity of the Dead,” 142, 154n.39.

- 13 and its bolts, doorposts, thresholds, and lintels they will wash with water. On the day that
- 14 the corpse is removed from it they will purify the house and all of its vessels, mills, mortars,
- 15 every vessel of wood, iron, and bronze and every vessel which can be purified.
- 16a And they will wash their clothing, sacks, and skins.

Loosely based upon Lev 11:32-33, 14:41; Num 19:18, and 31:20-24, this passage indicates that the purification of a corpse-contaminated house and its contents was to take place only after the corpse had been removed from the dwelling. Once the corpse and its contaminating presence had been removed, the house was cleansed in order to remove of any oil, wine, and wetness of water. As noted above, any uncovered liquid would have been defiled to the first degree and would have acted as a transmitter of impurity thereby necessitating its removal (cf. 11Q19 49.9-10).⁹⁵

Having removed the unclean liquids from the house, the author/redactor next demands that the floors, walls, and doors be scraped (11Q19 49.11-12a). Based on Lev 14:41 and the regulations concerning a diseased house, it is curious to note that this passage calls for the scraping of some household features and the washing of others. For example, rather than calling for the scraping of the bolts, doorposts, thresholds, and lintels, the author/redactor rules that these items must be washed with water (11Q19 49.12b-13a). Although Schiffman has argued that these items require washing because “they are considered to be vessels (*kelim*, cf. lines 15-16), in that they are not considered ‘attached to the ground’, to borrow the tannaitic terminology,”⁹⁶ this is an unsatisfactory explanation in that doorposts and lintels are no more detached from the ground than walls and doors; not to mention the fact that thresholds are literally embedded in the floor. An alternative explanation for this seemingly arbitrary distinction in the Temple Scroll involves the removal of a corpse from a house. In order to take a corpse outside of a dwelling it must pass through at least one doorway. At the moment the corpse passes through the doorway not only would the lintel theoretically become contaminated through overhang, but those removing the corpse

⁹⁵ Yadin, *The Temple Scroll*, 1:329; Schiffman, “The Impurity of the Dead,” 142-43; Baumgarten, “Liquids and Susceptibility to Defilement,” 91-100.

⁹⁶ Schiffman, “The Impurity of the Dead,” 144.

would have to walk upon the threshold and would no doubt come in contact with the doorpost and/or its bolts upon exiting the house. These concerns may have led the author/redactor to make a distinction between the house and its doorways thereby persuading him to apply a different set of purification procedures to the latter.

In addition to the requirements already discussed, the Temple Scroll demands that the house and all of its vessels are to be purified on the day that the corpse is removed (11Q19 49.13b-15). Of particular interest is the phrase *יִטְהַרוּ אֵת הַבַּיִת* in line 14, which is the first time the verb *יִטְהַר* is used in this passage. Could this be a reference to the sprinkling of the *מִי נִדָּה*? In response to this question, Schiffman argues: “Our author apparently took the requirement to sprinkle [in Num 19:18] to indicate washing of certain key areas of the house. Only these are to be washed, however. The rest is sufficient to sweep or scrape.”⁹⁷ While it must be acknowledged that there are no explicit references in our text to sprinkling corpse-contaminated dwellings with the *מִי נִדָּה*, the presence of the phrase “they will purify the house and all of its vessels, mills, mortars, every vessel of wood, iron, and bronze and every vessel which can be purified” (11Q19 49.13b-15), suggests that these are additional requirements and not simply an attempt to restate the regulations on scraping and washing in lines 11-13a.⁹⁸ Furthermore, if we are correct in assuming that the author/redactor was influenced by the purification procedures of Num 19:18 and the list of corpse-contaminated vessels in Num 31:20-25, then, according to the Torah, the only conceivable way that a tent/house and its contents could be purified from corpse contamination was by sprinkling them with the *מִי נִדָּה* or, in the case of certain vessels, passing them through fire and sprinkling them with the *מִי נִדָּה*.

⁹⁷ Schiffman, “The Impurity of the Dead,” 144.

⁹⁸ This notion is further reinforced when one considers the parallel compositional structure of 11Q19 49.11-16a. Specifically, this passage can be divided into two halves each containing the introductory phrase “On the day that they remove the corpse from it” (11Q19 49.11, 13b-14a). These halves can be further subdivided into three rulings each. In lines 11-13a we have a call to (1) cleanse the house from any oil, wine, and wetness; (2) scrape the walls, floors, and doors; and (3) wash the bolts, doorposts, thresholds, and lintels. While in lines 13b-16a we have a call to (1) purify the house; (2) purify all of the vessels (i.e., mills, mortars, and all vessels of wood, iron, and bronze); and (3) wash all corpse-contaminated clothing, sacks, and skins. Given the parallel structure of this passage one is inclined to understand the purification of the house in line 14 as a separate ruling, rather than seeing it as a reiteration of lines 11-13a or as a general call to purify the contents of the house.

In contrast to the hypothesis presented above, Schiffman appears to understand the call to purify the house in line 14 as a general statement concerning the contents of the house and the regulations in lines 11-13a. Moreover, he interprets the rules on purifying the vessels in lines 14-15 in light of line 16a: “And they will wash their clothing, sacks, and skins” (11Q19 49.16a; cf. Lev 11:32; Num 31:20). Arguing that the vessels would have been purified through ablutions, Schiffman notes: “Our author followed the literal sense of the Torah which indicated to him that the one-day ritual was for the impurity of ‘creeping things’ (*sheres*), whereas the impurity of the dead required a week-long ritual of ablutions on the third and seventh days. It is probable that, as in the case of purification of humans, he also required that ablutions take place on the first day as well.”⁹⁹ Although we agree that the Temple Scroll calls for ablutions on the third and seventh days for corpse-contaminated vessels (11Q19 49.18-21), the material discussed above seems to suggest that both the house and its vessels were to be sprinkled with the *מִי נִדָּה* on the first day (11Q19 49.13b-15). Sacks and skins, on the other hand, were to be washed in water on the first day (11Q19 49.13b-14, 16a), while clothing was to be laundered on the first, third, and seventh days (11Q19 49.13b-14, 16a, 18-21). If accurate, this interpretation would contrast with the biblical material which rules that the washing of corpse-contaminated clothing take place on the seventh day (Num 19:19, 31:24), while the sprinkling of tents and vessels was to occur on an unspecified day (Num 19:18, 31:21-23).

Regarding the author/redactor’s reference to “mills” (*רְחִים*) and “mortars” (*וּמְדֻכָּה*) in 11Q19 49.14, Yadin notes that these items are specifically mentioned as they would have been the most common types of stone vessels present in the average home.¹⁰⁰ As noted in our discussion on corpse impurity in the Damascus Document, however, stone vessels were considered to be impervious to ritual impurity during the Second Temple period.¹⁰¹ The question is raised: If stone vessels were incapable of being contaminated, then why are mills and mortars listed in the Temple Scroll as needing to be purified from corpse contamination? Focusing on the function and pur-

⁹⁹ Schiffman, “The Impurity of the Dead,” 145.

¹⁰⁰ Yadin, *The Temple Scroll*, 1:330.

¹⁰¹ Cf. Eshel, “CD 12:15-17 and the Stone Vessels,” 45.

pose of the items mentioned in 11Q19 49.14, H. Eshel cites two rabbinic passages which indicate that mills and mortars were predominantly used to crush olives and garlic with oil respectively.¹⁰² Not only does this suggest that mills and mortars were regularly in contact with oil by at least as early as the rabbinic period, but it may also indicate that this was a common practice during the Second Temple period as well. Given the fact that oil was considered by some Second Temple groups to have a higher degree of susceptibility to impurity than other liquids,¹⁰³ the presence of oil on mills and mortars could go a long way towards explaining why the Temple Scroll calls for stone vessels to be purified from corpse contamination.¹⁰⁴ This theory also jibes well with the author/redactor's call to "cleanse the house from all stains of oil, wine, and moisture of water" (11Q19 49.11b-12a).

Following the purification procedures for those who have become defiled through the concept of overhang (11Q19 49.16b-21a) and those who have touched a corpse (11Q19 49.21b-50.4a?),¹⁰⁵ the Temple Scroll next takes up the issue of corpse contamination in an open field:

(11Q19 50.4b-9; par. 11Q20 14.8-11)

וכול 4b
 5 איש אשר יגע על פני השדה בעצם אדם מת ובחלל הרב
 6 או במת או בדם אדם מת או בקבר וטהר כחוק המשפט
 7 הזה ואם לוא יטהר כמשפט התורה הזוואת טמא הוא עוד
 8 טמאתו בו וכול האדם אשר יגע בו יכבס בגדו ורחץ וטהר
 9 לערב
 vacat

4b And every

¹⁰² *M. Zab* 4:2; *m. Tebul Yom* 2:3; Eshel, "CD 12:15-17 and the Stone Vessels," 51-52.

¹⁰³ J. Baumgarten, "The Essene Avoidance of Oil and the Laws of Purity," *RevQ* 22 (1967): 183-92.

¹⁰⁴ Although there appears to have been a large stone vessel industry near Jerusalem from the first century BCE to the second century CE providing pious Jews with pure vessels that were used for storage and measuring, Eshel argues that the lack of references to these types of vessels in the Temple Scroll suggests that the document was written at a time prior to the birth of this industry when stone vessels were used primarily for grinding and crushing. Eshel, "CD 12:15-17 and the Stone Vessels," 51-52.

¹⁰⁵ The top of column 50 is badly damaged, but lines 01-4a may well have contained the purification procedures for those who have come in contact with a corpse (cf. Num 19:11-13). Schiffman, "The Impurity of the Dead," 149.

- 5 man who, in an open field, touches the bone of a dead man, or one killed by a sword
- 6 or a corpse, or the blood of a dead man, or a grave, shall purify himself according to the statutes of
- 7 this regulation. And if he is not cleansed in accordance with the regulation of this law he will be impure;
- 8 his impurity is yet within him and every man who touches him will wash his clothing, bathe, and will be clean
- 9 by evening.

As Yadin and Schiffman have already observed, this passage is heavily dependent upon Num 19.¹⁰⁶ In particular, lines 4b-7a loosely quote Num 19:16: “Whoever in the open field touches one who has been killed by a sword, or a corpse, or the bone of a man, or a grave, shall be unclean seven days” (וכל אשר יגע על פני השדה בחלל) (חרב או במת או־בעצם אדם או בקבר יטמא שבעת ימים). In comparing lines 4b-7a with Num 19:16 several differences are immediately apparent: (1) where Num 19:16 opens with the phrase וכול אשר יגע our author/redactor inserts the word איש between וכול and אשר; (2) the Temple Scroll lists the corpse contaminants of an open field as the bone of a dead man, one who is killed by a sword, a corpse, the blood of a dead man, and a grave. In contrast to this, Numbers lists them as one who is killed by a sword, a corpse, the bone of a man, and a grave; (3) beyond the differences in order, the Temple Scroll deviates from Num 19:16 by ruling that corpse contamination can be contracted by touching the bone of a dead man and the blood of a corpse.¹⁰⁷ Although the latter is completely unattested in Num 19:16, and may well have been inspired by such passages as Lev 17:14, Num 19:13, and Deut 12:23, the former, which is attested, has been altered by the author/redactor to include the word “dead” (מת - 11Q19 50.5). No doubt this change was made in order to specify that it was the bone of a dead man which transmitted corpse contamination and not the bones of the living;¹⁰⁸ and (4) rather

¹⁰⁶ Yadin, *The Temple Scroll*, 1:334-35; Schiffman, “The Impurity of the Dead,” 149.

¹⁰⁷ Yadin, *The Temple Scroll*, 1:335-36; Schiffman, “The Impurity of the Dead,” 149.

¹⁰⁸ In comparing the former with the relevant rabbinic material on bones and corpse contamination Yadin has argued that the author/redactor’s decision to include the word מת in line 5 betrays “distinctly polemical overtones.” Furthermore, argues Yadin: “It attests the existence of laws or opinions that interpreted our verses vari-

than following Num 19:16 by describing those who have touched the contaminants of the field as being “unclean seven days” (שבעת ימים), the Temple Scroll rules that any person who has been similarly defiled “shall purify himself according to the statutes of this regulation” (11Q19 50.6b-7a). As Schiffman has observed, this is most likely a reference to the purification procedures for those who have become corpse-contaminated through overhang (11Q19 49.16b-21a), or possibly a reference to the procedures for those who have been defiled through direct contact with a corpse (11Q19 50.01- 4a?).¹⁰⁹

11Q19 50.7b-9 takes up the issue of those who have become corpse-contaminated in a field but have yet to undertake the necessary purification procedures (cf. Num 19:13). Not only is this person considered to be impure, but the Temple Scroll specifies that anyone who touches this individual will themselves be contaminated to the second degree. Specifically, the author/redactor rules that any person who touches a corpse-contaminated individual must wash their clothing, bathe, and wait until evening to be clean (11Q19 50.8b-9). By stressing the need to wash clothing, the author/redactor deviates from the Torah, which demands that those who have been defiled by a corpse-contaminated individual need only bathe and wait until evening.¹¹⁰

The death of a fetus in its mother’s womb is the next subject to be considered by the author/redactor:

(11Q19 50.10-19; par. 11Q20 14.11-17)

10 ואשה כי תהיה מלאה וימות ולדה במעיה כול הימים אשר
 11 הוא בתוכה מת תטמא כקבר כול בית אשר תבוא אליו יטמא
 12 וכול כליו שבעת ימים וכול הנוגע בו טמא עד הערב ואם
 13 לתוך הבית יבוא עמה וטמא שבעת ימים וכבס בגדיו
 14 ורחץ במים הראשון וביום השלישי יזה וכבס בגדיו ורחץ
 15 וביום השביעי יזה שנית וכבס בגדיו ורחץ ובאה השמש
 16 וטהר *vacat* וכול הכלים ובגדים ועורות וכול

antly and applies these to matters hardly implicit in the simple meaning of the biblical text.” While the addition of the word *מת* may well have been polemical, the argument that its inclusion could not have been implicitly derived from the “simple meaning of the biblical text” is less than convincing. Yadin, *The Temple Scroll*, 1:335.

¹⁰⁹ Schiffman, “The Impurity of the Dead,” 149; Cf. Num 19:11-12.

¹¹⁰ Cf. Lev 22:4-7; Num 19:22; Wright, *The Disposal of Impurity*, 197-98.

17 מעשה עזים כמשפט התורה הזואת תעשו להמה *vacat* וכול כלי
 18 חרש ישברו כי טמאים המה ולוא יטהרו עוד עד
vacat לעולם 19

- 10 When a woman is pregnant and her child dies in her womb, all of the days that
- 11 it is dead inside of her, she will be unclean like a grave. Every house which she enters will be unclean
- 12 including all of its vessels, seven days. Anyone who touches it (i.e., the house) will be unclean until evening, but if
- 13 he enters into the house with her, he will be unclean seven days. He will wash his clothing
- 14 and bathe in water on the first day and on the third day he will sprinkle, wash his clothing, and bathe.
- 15 On the seventh day he will sprinkle a second time, wash his clothing, and bathe, and when the sun sets
- 16 he will be clean. *vacat* And all vessels, clothing, skins, and every
- 17 item of goatskin, you shall deal with according to the regulation of this law. *vacat* And every vessel
- 18 of earthenware you shall break for they are unclean and can never be cleansed again.¹¹¹

Equal in defilement to that of a grave, the woman in question contaminates any house that she enters, including all of its vessels, for seven days. Those touching the house are rendered unclean until evening with no other purification procedures required, while those entering the house “with her” (עמה - 11Q19 50.13) are contaminated for seven days. Concerning the latter, the purification requirements are the same as those for the individual who has been corpse-contaminated through overhang: washing one’s clothing and bathing on the first day; sprinkling with the מִי נְדָה, washing one’s clothing, and bathing on the third and seventh days; and waiting until evening on the seventh day (11Q19 50.13b-16a; cf. 11Q19 49.16b-21). As for the pregnant woman, she continues to be “like a grave” until the fetus has been delivered. Once delivered, the woman would most

¹¹¹ Given the absence of biblical parallels and the presence of several rabbinic discussions on this topic, Yadin has argued in favor of seeing this passage as a polemic against those who held divergent beliefs. Cf. *m. Hullin* 4:3; *BT Hullin* 72a; Yadin, *The Temple Scroll*, 1:336-38; Schiffman, “The Impurity of the Dead,” 150-51.

likely be required to engage in the same purification procedures as those who have become corpse-contaminated through overhang or contact. In addition to these stipulations the author/redactor also demands that all vessels, clothing, skins, and every item of goatskin be cleansed “according to the regulation of this law” (כמשפט התורה - 11Q19 50.17a). While slightly vague, this phrase no doubt corresponds to the purification procedures in 11Q19 50.13b-16a and to the rules on cleansing people and household items in 11Q19 49.11-21a. Finally, the author/redactor orders that all contaminated earthenware vessels must be destroyed in that they are permanently defiled (11Q19 50.17b-18; cf. Lev 11:33, 35).

Although a woman carrying a dead fetus defiles a house to the same degree as that of a corpse, she is described in 11Q19 50.11 as being unclean “like a grave” (כקבר). This is not the first time that the author/redactor takes up the issue of graves. As noted above, one who comes in contact with a grave in an open field is rendered unclean as if they have touched a corpse (11Q19 50.4b-9; cf. Num 19:16, 18). In yet another passage, the author/redactor warns his readers not to bury the dead in their homes or in places other than those that have been specifically set aside for burial:

(11Q19 48.10b-14a)

10b ולוא תטמאו את

11 ארצכמה *vacat* ולוא תעשו כאשר הגויים עושים בכל מקום
המה

12 קוברים את מתימה וגם בתוך בתימה המה קוברים כי אם
מקומות

13 תבדילו בתוך ארצכמה אשר תהיו קוברים את מתיכמה בהמה
בין ארבע

14a ערים תתנו מקום לקבור בהמה

- 10b Do not defile
- 11 your land *vacat* And do not do as gentiles do.
They
- 12 bury their dead anywhere; even in the midst of their houses.
Rather, set aside places
- 13 within your land for burial of your dead. Between (every) four
- 14a cities you will set aside a place in which to bury (the dead).

Overtly polemic in its formulation, not only does this ruling prohibit its readers from burying corpses in their homes, or wherever it might be convenient, but it also calls for the creation of official burial sites: one for every four cities (11Q19 48.13b-14a). Aside from the fact that these sites were no doubt intended to protect individuals, homes, towns, and the land itself from becoming contaminated through the presence of graves, the stipulation that one burial site be set aside for every four cities supports the notion that the Temple Scroll is predominantly utopian in nature. Specifically, this rule appears to be based upon an idealistic reading of Num 35 and the distribution of Levitical towns.¹¹²

According to Num 35:7-8, forty-eight cities were to be set aside for the Levites from the holdings of the twelve tribes; each tribe providing in accordance with the amount they had been given. Although this would imply that the larger tribes would have supplied more cities than the smaller tribes, Schiffman notes a tannaitic tradition which suggests that the number of Levitical towns from each tribe would have been equal (i.e., four per tribe).¹¹³ Based on this observation, Schiffman suggests: “It is possible ... the author of our scroll looked forward to a perfectly planned urbanization according to which the Levitical towns would be evenly distributed among the tribes.”¹¹⁴ This accords well with what we have seen thus far in the Temple Scroll concerning the application of priestly concerns to the laity and the increased level of purity demanded of ordinary cities. Is it possible that our utopian-minded author/redactor considered all Israelite towns to be equal in purity to those of the Levitical towns or that he envisioned a time when there would be only forty-eight cities in all of Israel with a total of twelve burial sites (i.e., one per tribe)? Although difficult to answer, one thing appears to be certain: the author/redactor believed that he could prevent the land from becoming defiled by banning the funerary customs of the Gentiles, prohibiting indiscriminate burials, and limiting the total number of cemeteries in Israel to just one for every four cities.¹¹⁵

¹¹² Yadin, *The Temple Scroll*, 1:323.

¹¹³ Schiffman, “The Impurity of the Dead,” 153n.15; cf. *B Bava’ Batra’* 122a; Joshua 21.

¹¹⁴ Schiffman, “The Impurity of the Dead,” 153n.15.

¹¹⁵ To this we might add 11Q19 64.6b-13 (par. 4Q524 14.2-4), which rules that those who have been executed by being “hung on a tree” (תלוי על העץ - 11Q19 64.12) are to be buried on the day they expire in order to avoid defiling the ground (ולא תטמא את הארמה - 11Q19 64.12). Concerning the similarities between this passage and the act of crucifixion, see J. Baumgarten, “Does *THL* in the Temple

3.2.4 Bodily Discharges

It is interesting to note that the Temple Scroll spends very little time outlining the purification procedures for those who have experienced a bodily discharge. Of the five passages containing references to bodily discharges in the Temple Scroll, only the material on nocturnal emissions in 11Q19 45.7b-10 and the rulings on the זב in 11Q19 45.15-17 contain any details as to how a person might go about cleansing themselves. By far and away the most important consideration for the author/redactor regarding bodily discharges is protecting the Temple, Jerusalem, and ordinary Israelite cities from contamination. As noted above, the author/redactor maintains that places of quarantine are to be built outside ordinary cities in order to protect them from the defilement caused by bodily discharges and other forms of impurity:

(11Q19 48.14-17a)

ובכול עיר ועיר תעשו מקומות למנוגעים 14
 בצרעת ובנגע ובנתק אשר לוא יבואו לעריכמה וטמאום וגם 15
 לזבים
 ולנשים בהירתמה בנדת טמאתמה ובלדתמה אשר לוא יטמאו 16
 בתוכם
 בנדת טמאתם 17a

- 14 And in every city you will make places for those afflicted
 15 with a skin disease, plague, or a scall who are not to enter you
 cities and defile them. And also for those with a bodily dis-
 charge
 16 and for women who are in the menstrual uncleanness or have
 given birth so as not to defile (that which is) in their midst
 17a with their menstrual uncleanness.

In order to protect ordinary cities from becoming defiled, places of quarantine were to be established for those with skin diseases, bodily

Scroll Refer to Crucifixion?" *JBL* 91 (1972): 472-81; J. A. Fitzmyer, "Crucifixion in Ancient Palestine, Qumran Literature, and the New Testament," *CBQ* 40 (1978): 493-513; E. Puech, "Notes Sur 11Q19 LXIV 6-13 Et 4Q524 14,2-4: A Propos de la crucifixion dans le Rouleau du Temple et dans le Judaisme ancien," *RevQ* 69 (1997): 109-24; M. Wise, "Crucifixion," *EDSS* 1:158-59.

discharges, women who were menstruating, and those who had recently given birth (cf. Lev 13:46; Num 5:2-4). No indication is given in this passage as to the length of time these individuals were to remain quarantined or the purification procedures that were to be implemented once their respective afflictions had healed. Interestingly, it is this same sort of disinterest in purification procedures that characterizes 11Q19 46.16b-18 and the regulations on quarantine for Jerusalem:

(11Q19 46.16b-18; par. 11Q20 13.1-2)

ועשיתה 16b
 שלושה מקומות למזרח העיר מובדלים זה מזה אשר יהיו 17
 באים המצורעים והזבים והאנשים אשר יהיה להמה מקרה 18

- 16b And you will make
 17 three places to the east of the city, separating one from another, to which
 18 shall come those with skin diseases, bodily discharges, and men who have had a (nocturnal) emission.

Once again the author/redactor ignores the temporal and practical issues associated with cleansing oneself from a bodily discharge in favor of discussing those who were to be quarantined. Unlike 11Q19 48.14-17a, however, the list of those who were to be quarantined from Jerusalem is different than those from other cities. Although both passages call for individuals with skin diseases and bodily discharges to be isolated, 11Q19 48.14-17a demands that menstruants and post-partum women be quarantined, whereas 11Q19 46.16b-18 requires those who have experienced a nocturnal emission to be quarantined. According to Yadin, the fact that there are no places of quarantine for women outside of Jerusalem suggests that women were not allowed to live in the city of the Temple.¹¹⁶ If accurate, this would further emphasize the utopian nature of the Temple Scroll by depicting an idealized and unrealistic social situation that was totally at odds with the state of affairs in Jerusalem.

The question is raised: How long were people with bodily discharges to be quarantined? First, one must take into account the place of residence and/or the intended destination of the contami-

¹¹⁶ Yadin, *The Temple Scroll*, 1:306-07.

nated individual. Second, the person in question must be healed of their malady. And third, the type of bodily discharge that one has been healed of dictates the purification procedures that one must endure in order to be ritually cleansed. Consider, for example, those suffering from a running issue:

(11Q19 45.15-17; par. 11Q20 12.8-9)

15 וכול איש אשר יטהר מזובו וספר לו שבעת ימים לטהרתו ויכבס
 ביום
 16 השביעי בגדיו ורחץ את כול בשרו במים חיים אחר יבוא אל עיר
 17 המקדש

- 15 And any man which has been healed from his bodily discharge will count seven days in order to be cleansed. And he will wash on the day,
 16 the seventh, his clothes, and bathe all of his flesh in living water. Afterwards he will enter into the city
 17 of the Temple.

Based on Lev 15:13, there is little to distinguish this passage from its biblical counterpart. For example, both the Temple Scroll and Leviticus claim that once a person has been healed he will count seven days. This is followed, in both texts, by a call to wash one's clothing and bathe one's flesh "in living water" (במים חיים). However, unlike Leviticus, which simply states that one must launder and bathe, the Temple Scroll specifies that these activities must take place "on the seventh day" (ביום השביעי) (11Q19 45.15b-16a). The result of this program of purification, according to Lev 15:13, is that the person in question "will be clean" (וטהר). In contrast to this, the purification procedures in the Temple Scroll enable the former זב to "enter the city of the Temple" (יבוא אל עיר המקדש) (11Q19 45.16b-17). No doubt this indicates that the individual has been cleansed from his impurity, but it is interesting to note that the Temple Scroll neglects to mention whether or not the person has, in fact, been cleansed. It is also interesting to note that the Temple Scroll fails to specify whether or not the former זב must provide two turtle doves or two pigeons in order atone for his discharge, as Lev 15:14-15 demands.

Seeing that the city of Jerusalem was understood by the author/redactor to have a higher degree of purity than other cities,

(11Q19 47.14b-15a) - ולוא תטהרו עור מתוך עריכמה לעירי) one could reasonably argue that the purification procedures for the זב in an ordinary city would have been less demanding than those that were required for Jerusalem. What those procedures might have looked like is difficult to determine in that the program for ordinary cities is not described in the scroll. Moreover, given that the scroll's program for Jerusalem is equal in severity to that of Lev 15:13, and could even be seen as being more lenient than the Torah in its omission of the atonement sacrifice for discharges (cf. Lev 15:14-15), the effort to hypothesize on the possible characteristics of these procedures is problematic.

Returning to the question of quarantine and the length of time that one must remain isolated from society, the Temple Scroll demands that the person who has been healed from a bodily discharge be quarantined for seven days before entering Jerusalem (11Q19 45.15). This, of course, would have been the minimum amount of time required. Prior to being healed, the person in question would have remained in isolation from the time they entered the place of quarantine until their discharge had ceased. Given the variables involved, it is impossible to determine how long an individual with a bodily discharge would have remained in quarantine. The same cannot be said, however, of the man who has experienced a nocturnal emission:

(11Q19 45.7b-10; par. 11Q20 12.2-4a)

7b וא[יש] כי יהיה לו מקרה לילה לוא יבוא אל
 8 כול המקדש עד אשר[יש] לים שלושת ימים וכבס בגדיו ורחץ
 9 ביום הראשון יביום הש[ל] ישי יכבס בגדיו ורחץ ובאה השמש אחר
 10 יבוא אל המקדש ולוא יבואו בנדת טמאתמה אל מקדשי וטמאו

- 7b And any m[an] who has had a nocturnal emission shall not enter into
 8 any part of the Temple until three days[have p]assed. And he will wash his clothes and bathe in water
 9 on the first day and on the t[h]ird day he will wash his clothes ^{and} bathe and (wait until) sundown. Afterwards,
 10 he will enter the Temple. But they will not enter my Temple in their menstrual-like uncleanness in order to defile it.

Founded upon what appears to be a combination of Exod 19:10-15,

Lev 15:16, and Deut 23:9-11,¹¹⁷ this passage prohibits any man who has had a nocturnal emission from entering the Temple for three days. During this time, the man in question was to wash his clothing and bathe on both the first and third days after his emission. Once the sun had set on the third day, he would be allowed to enter the Temple. Although we know that the Temple Scroll required those who have experienced a seminal emission in or around Jerusalem to be quarantined (11Q19 45.16b-18), the author/redactor does not indicate when this person might have been given access to Jerusalem. As noted above, Yadin has suggested that this individual might have been permitted to enter the city of the Temple as early as the first day, as long as they had bathed and waited until evening (cf. Lev 15:16; Deut 23:9-11).¹¹⁸ Schiffman finds it difficult to accept Yadin's proposal as he believes that the Temple Scroll "requires the same purification ritual for both nocturnal emission and sexual relations."¹¹⁹ One of the difficulties with Schiffman's hypothesis, however, is that the material in our scroll relating to nocturnal emissions prohibits men from entering "the Temple" (המקדש - 11Q19 45.8, 10), whereas the material on sexual relations prohibits men from entering "the city of the Temple" (עיר המקדש - 11Q19 45.12).¹²⁰ Another problem with Schiffman's argument is that the author/redactor nowhere describes the purification procedures for those who have had sexual relations. But even if their respective programs were the same, which they may well have been, the intended destination of the person in question is different, thereby making these rulings partially incompatible and allowing for the possibility that one who had experienced a seminal emission could have entered Jerusalem as early as the evening of the first day (cf.

¹¹⁷ Here the author/redactor seems to have taken the call to bathe and wait until evening from Lev 15:16 and Deut 23:11 and combined it with the notion that contaminated individuals must remove themselves from the war camp until they are cleansed (cf. Deut 23:9-10). Additionally, the author/redactor appears to have utilized the material from Exod 19:10-15 on receiving the revelation of God at Mount Sinai in order to argue that contaminated individuals were required to wash their clothing and avoid women for a total of three days prior to entering the Temple mount. Not only does this support the notion that the author/redactor understood Jerusalem as being equal in holiness to that of the war camp, but it also suggests that he may have equated the sanctity of the Temple mount with that of Mount Sinai. Yadin, *The Temple Scroll*, 1:285-88.

¹¹⁸ Yadin, *The Temple Scroll*, 1:285-88.

¹¹⁹ Schiffman, "Exclusions from the Sanctuary," 307.

¹²⁰ For a discussion on the identification of the עיר המקדש, see pp.113-14 above.

Deut 23:9-11). As suggested above, this supports the notion that Jerusalem was understood to be equal in holiness to that of the war camp, which is a theme that shows up again in 11Q19 46.13-16:

(11Q19 46.13-16a; par. 11Q20 12.24-13.1a)

13 ועשיהת להמה מקום יד חוץ מן העיר אשר יהיו יוצאים שמה
 14 לחוץ לצפון המערב לעיר בתים ומקורים ובורות בתוכמה
 15 אשר תהיה הצואה יורדת אל תוכמה ^{לוי} תהיה נראה לכול רחוק
 16a מן העיר שלושת אלפים אמה

- 13 And you will make for them a place of the hand outside of the city to which they will go,
 14 outside, to the northwest of the city: houses with beams and pits in them,
 15 into which the excrement will fall, and it will ^{not} be seen at any distance
 16a from the city, three-thousand cubits.

Based upon the description of the war camp in Deut 23:12-14, this passage prohibits anyone from relieving themselves in Jerusalem. The author/redactor dictates that a “place of the hand” (מקום יד)¹²¹ be built with pits and a roof to the northwest of the city where those needing to relieve themselves could do so in a location that was not visible from Jerusalem. Furthermore, the author/redactor requires that this latrine be built at a distance from the city of three-thousand cubits, a figure most likely founded upon Num 35:4-5 and the regulations concerning the land surrounding Levitical cities.¹²²

In addition to being an idealistic and highly impractical requirement for Jerusalem’s residents and visitors, the Temple Scroll neglects to offer any explanations as to why one must obey such an excessive ruling. No doubt the author/redactor was relying on his audience to supply the reasoning themselves by drawing a direct connection between this ruling and that of Deut 23:12-14:

You shall have a designated area (רִי) outside the camp to which you shall go. With your utensils you shall have a trowel; when you relieve yourself outside, you shall dig a hole with it and then cover up your

¹²¹ This phrase is unattested in the Bible, however, the area set aside for relieving oneself outside of the war camp in Deut 23:12 is described as the רִי.

¹²² Yadin, *The Temple Scroll*, 1:299-301.

excrement. Because the LORD your God travels along with your camp, to save you and to hand over your enemies to you, therefore your camp must be holy, so that he may not see anything indecent (ערוות דבר) among you and turn away from you.

According to this passage, the Israelites were to remove themselves from the war camp when defecating in order to prevent God from seeing anything indecent and abandoning the camp. By applying this ruling to Jerusalem, not only did the author/redactor equate the sanctity of Jerusalem with that of the war camp, but he seems to have understood the phrase “not see anything indecent” (ולא־יראה בך) - ערוות דבר - Deut 23:14) as proof that individuals must not relieve themselves while in view of Jerusalem (ולא־תהיה נראה לכול רחוק) (11Q19 46.15b-16a). These considerations, combined with an interpretation of Num 35:4-5 and certain topographical concerns, seem to have been behind the author/redactor’s call to locate latrines three-thousand cubits to the northwest of Jerusalem, where they would have been beyond the view of Jerusalem and the Temple.¹²³

3.2.5 Sexual Misdeeds

Having mentioned it twice in passing, let us now take a closer look at the ruling that prohibits those who have had sexual intercourse from entering the city of the Temple:

(11Q19 45.11-12a; par. 11Q20 12.4b-5)

11 ואיש בני־ישבב עם אשתו שכבת זרע לוא יבוא אל כול עיר
12a המקדש אשר אשכין שמי בה שלושת ימים

- 11 And if a man lies with his wife and he has an emission of semen he shall not enter into any part of the city of the
12a Temple, which I have placed my name upon, for three days.

This ruling forbids any man who has had sexual intercourse and a seminal emission from entering Jerusalem for three days. Although the author/redactor appears to have based this passage upon Lev

¹²³ Yadin, *The Temple Scroll*, 1:296-98.

15:18, our ruling in the Temple Scroll significantly deviates from the corresponding biblical material:

(Lev 15:18)

וְאִשָּׁה אֲשֶׁר יִשְׁכַּב אִישׁ אִתָּהּ שִׁכְבַּת־זֶרַע וּרְחִצּוּ בַמַּיִם וּמִמָּאוּ
עַד־הָעֶרֶב

If a man lies with a woman and has an emission of semen, both of them shall bathe in water, and be unclean until the evening.

In comparing this conditional sentence with that of 11Q19 45.11-12a, one notes several differences in the phrasing of their respective protases as well as the substitution of Lev 15:18's "woman" (אִשָּׁה) for the Temple Scroll's "his wife" (אִשְׁתּוֹ). Even more interesting, however, are the differences in their apodoses. In particular, where Leviticus describes the purification procedures for both the male and female participants (וּרְחִצּוּ בַמַּיִם וּמִמָּאוּ עַד־הָעֶרֶב), the Temple Scroll only discusses the male. Furthermore, although the author/redactor prohibits the male from entering Jerusalem for three days (לֹא יָבוֹא אֶל כּוֹל עִיר הַמִּקְדָּשׁ אֲשֶׁר אֲשַׁכֵּין שָׁמַי בָּהּ שְׁלוֹשָׁת יָמִים),¹²⁴ he does not outline any purification procedures for him.

According to the Torah, those who have had a seminal emission during sexual intercourse are equally contaminated as those who have had a nocturnal emission (Lev 15:16, 18). In both instances, the individual, or individuals, must bathe and wait until evening on the first day in order to be cleansed. By contrast, the Temple Scroll makes a distinction between a seminal emission during sexual intercourse and nocturnal emissions. According to Milgrom:

The difference may be a matter of logistics: seminal emissions can take place within the city; sexual intercourse, forbidden in the city, can only take place outside. The author of the scroll, therefore, had to distinguish between the two cases by this point of origin: the one who had an emission in the city may not enter the Temple, and the one who had sexual intercourse outside the city may not enter the city.¹²⁵

While we agree with this basic interpretation, Milgrom has also ar-

¹²⁴ Cf. Exod 19:10-15.

¹²⁵ Milgrom, *Leviticus 1-16*, 932.

gued that those who have experienced a nocturnal emission must bathe and launder on both the first and third days and wait until sunset on the third day before entering the "Temple-city."¹²⁶ As we have argued above, however, this is almost entirely based upon the assumption that the author/redactor understood those who have experienced a seminal emission during intercourse to be equal in defilement as those who have experienced a nocturnal emission (i.e., = Lev 15:16-18).¹²⁷ Not only does the Temple Scroll make it clear that these two acts were not considered to be equal, but the assumption that it does ignores the author/redactor's attempts to elevate Jerusalem to a level of holiness that was equal to that of the war camp. As we have seen, sexual relations have a higher degree of impurity in relation to the war camp than nocturnal emissions (cf. Deut 23:9-11; 1 Sam 21:4-7; 2 Sam 11:1-11).

In contrast to Milgrom, we submit that by equating Jerusalem with the war camp the author/redactor had to distinguish between a seminal emission during sexual intercourse and nocturnal emissions in order to emphasize that the former was more defiling than the latter. This intensification is exhibited by the author/redactor's decision to prohibit those who have had an emission of semen during sexual intercourse from entering the עיר המקדש versus the prohibition that bans those who have had a nocturnal emission from entering the מקדש. Semen is a primary consideration in both cases,¹²⁸ but the combination of sexual intercourse and a seminal emission seems to have added another level of impurity that, in the mind of the author/redactor, prevented individuals from setting foot in Jerusalem for three days. This ruling would have effectively banned individuals from entering the Temple as well, raising the possibility that those who had experienced a seminal emission during intercourse would also have to atone for their emission of semen by waiting for three additional days before entering the Temple. Although highly speculative, a purification program of this nature may have been appealing to the author/redactor given that it would have prevented those who have had experienced a seminal emission during sexual

¹²⁶ Milgrom, *Leviticus 1-16*, 932; idem, "Studies in the Temple Scroll," 512-14; idem, "First Day Ablutions in Qumran," 561-64.

¹²⁷ Also of importance is the Temple Scroll's call to build places of quarantine outside of Jerusalem for those who have had a nocturnal emission (11Q19 46.16b-18).

¹²⁸ Cf. Gen 38:8-10; Lev 15:16-18.

intercourse from entering the Temple until the sun had set on the sixth day of their purification (i.e., day seven).

Moving on from the notion that the author/redactor considered Jerusalem to be equal in holiness to that of the war camp, let us now turn our attention to 11Q19 63.10-15, which takes up the issue of the beautiful woman who has been captured in battle:

(11Q19 63.10-15)

10 כי תצא למלחמה על אויביכה ונתתי אותמה בידכה ושביטה
את שביו
11 וראיתה בשביה אשה יפת תואר וחשקתה בה ולקחתה לכה לאשה
12 והביאותה אל תוך ביתכה וגלחתה את ראושה ועשיתה את
צפורנה והסירותה
13 את שלמות שביה מעליה וישבה בביתכה ובכתה את אביה ואת
אמה חודש
14 ימים אחר תבוא אליה ובעלתה והיתה לכה לאשה ולוא תגע לכה
בטהרה עד
15 שבע שנים וזבח שלמים לוא תואכל עד יעבורו שבע שנים אחר
תואכל

- 10 When you go out to war against your enemies and I place them into your hands and you make captives,
- 11 if you see among the captives a beautiful woman that you desire and would like to take her as a wife,
- 12 you will bring her into the midst of your house and you will shave her head and cut her nails and you will remove
- 13 her captive's clothing. She will dwell in your house and she will weep for her father and mother for a whole
- 14 month and afterwards you may enter into her and be her husband and she will be your wife, but she will not touch your pure things for
- 15 seven years. And she may not eat the peace offering until seven years have passed, then she may eat.

Located after a long paragraph break in what is commonly referred to as the Deuteronomic paraphrase (11Q19 51.11-56.21; 60.1-66.17), lines 10-14a of this passage closely parallel Deut 21:10-13b. There is little deviation between these lines save the author/redactor's now familiar shift from the third person to that of the first person for God and the command that the soldier shave the hair and cut the nails of

his captured bride. Following the Septuagint on this account, the author/redactor deviates from the MT, which demands that the woman in question perform her own grooming.¹²⁹

As Schiffman has noted, 11Q19 63.10-15 and its biblical base text were no doubt written to prevent soldiers from having sexual relations with captured women before they had been properly purified and converted.¹³⁰ Not mentioned by Schiffman, however, is that this ruling would also have prevented soldiers from defiling the war camp by prohibiting them from having sexual relations until they had left the camp and returned to their homes (והביאותה אל תוך ביתכה) - 11Q19 63.12). Once a captured woman had been properly cleansed, converted, and had waited for a “whole month” (חודש) - 11Q19 63.13b-14a),¹³¹ the soldier was permitted to take her as a wife and have sexual relations with her, but she would remain unfit to touch the pure things of her husband and his people for seven years (ולא תגע לכה במהרה עד שבע שנים) - 11Q19 63.14b-15a). Also off limits was the peace offering, which she could not consume until seven years had passed (וובה שלמים לוא תואכל עד יעבורו) - 11Q19 63.15b). These last two prohibitions are unattested in Deuteronomy, which, rather than emphasizing the contaminating nature of the woman, focuses on the soldier’s satisfaction with his new bride: “But if you are not satisfied with her, you shall let her go free and not sell her for money. You must not treat her as a slave, since you have dishonored her” (Deut 21.14).

According to Schiffman, “11QT LXIV 01-03 probably continues our passage and may be restored with some additional material (at the beginning of 01) and then with Deuteronomy 21:14 ... Thereafter, there probably followed a paraphrase of Deuteronomy 21:15-18 (lines 04-1).”¹³² Although we agree that 11Q19 64.01-03 most likely contained some additional material and continued with a paraphrase of Deut 21:14, the suggestion that author/redactor then continued with a paraphrase of Deut 21:15-18 in lines 04-1 is difficult to accept. Specifically, Deut 21:15-18 condones polygamy and discusses the rights of a man’s various firstborn sons, whereas 11Q19 56.18b-

¹²⁹ Yadin, *The Temple Scroll*, 1:364; 2:286; cf. Deut 21:12f.

¹³⁰ L. H. Schiffman, “Laws Pertaining to Women in the *Temple Scroll*,” in *The Dead Sea Scrolls: Forty Years of Research* (STDJ 10; Leiden: E. J. Brill, 1992), 219.

¹³¹ Compare this with the MT’s “מִיָּמִים” (Deut 21:13).

¹³² Schiffman, “Laws Pertaining to Women,” 218n.42.

19a and 57.15b-19a expressly prohibit polygamy for the king:

(11Q19 56.18b-19a)

ולוא ירבה לו נשים ולוא 18b
 יסירו לבבו מאחרי 19a

18b And he shall not have many wives so that they do not
 19a turn his heart away from me.

Referring to the king who was chosen by God to rule over the Israelite people once they had entered, seized, and lived in the land that God had given them (11Q19 56.12-15),¹³³ this passage deviates from the biblical text on which it is based by suggesting that it is not simply the multiplicity of wives that will lead the king astray (ולוא ירבה לו נשים - Deut 17:17). Rather, as Schiffman has argued, the author/redactor believed that it was the combination of multiple foreign wives and their “deleterious influence” that was responsible for turning the heart of the king away from God and the Israelite religion, just as they did to King Solomon (1 Kings 11:1-4; cf. Deut 7:4).¹³⁴ Although this passage is somewhat lacking in detail, the author/redactor more than makes up for his brevity when he returns to the issue in 11Q19 57.15b- 19a:

(11Q19 57.15b-19a)

ואשה לו לא ישא מכול 15b
 בנות הגויים כי אם מבית אביו יקח לו אשה 16
 ממשפחת אביו ולוא יקח עליה אשה אחרת כי 17
 היא לבדה תהיה עמו כול ימי חייה ואם מתה ונשא 18
 לו אחרת מבית אביו ממשפחתו 19a

15b And he will not take a wife from any
 16 of the daughters of the gentiles. Rather, from the house of his
 father will he take a wife,
 17 from the family of his father. He may not take another in addition
 to his wife, for

¹³³ Cf. Deut 14-17.

¹³⁴ Schiffman, “Laws Pertaining to Women,” 212.

- 18 she alone will be with him all of the days of her life. But if she should die
- 19a then he may take another from the house of his father's family.

It has been noted by Yadin and Schiffman that this passage contains four rather important pieces of information: (1) the king must not take a Gentile wife (Ll.15b-16a); (2) he must practice endogamy (Ll. 16b-17a); (3) he must be monogamous (Ll. 17b-18a); and (4) should his current wife pass away he may replace her by taking a new wife from his father's house and family (Ll. 18b-19a).¹³⁵ Of these four rulings, the ban against taking a Gentile wife is by far and away the least surprising given the biblical material's repeated call to avoid such unions (Deut 7:1-4, Ezra 9-10 and Nehemiah 9-10). Intermarriage with Gentiles was clearly an important concern for Jews from the postexilic period on up through the Second Temple period and beyond. That being said, it is difficult to determine whether or not the author/redactor had a specific king in mind when he composed this material or if he was simply voicing a common concern that he hoped would no longer be an issue in his perfect utopian vision for Israel and its monarchy.

As for the endogamous command that the king take a wife from the house and family of his father,¹³⁶ this represents a major intensification of the rules on royal marriages. Not only would this ruling have helped to prevent a tribe's holdings from being transferred to another tribe (Num 36:6-9), but it would have elevated the king to a position not unlike that of the high priest (Lev 21:14). Also of importance here is the testimony of *Aramaic Levi* 16-17, which records Isaac's advice for Levi concerning endogamy for the priestly caste. As noted above, *Aramaic Levi* understands endogamy as a preventative measure designed to keep the priestly line pure.¹³⁷ Is it possible that our author/redactor had the same concerns regarding the purity of the royal line and understood the king as being the secular equivalent of the high priest? Given the utopian mindset of the author/redactor this is a strong possibility, but it is difficult to answer this question with any certainty. What is certain, however, is that the author/redactor envisioned a time when Israel would be so politically

¹³⁵ Yadin, *The Temple Scroll*, 1:353; Schiffman, "Laws Pertaining to Women," 214.

¹³⁶ Cf. Gen 24:37-41.

¹³⁷ See pp. 78ff.

and militarily autonomous that it would no longer find it necessary to form alliances with other nations through the established practice of intermarriage between royal families.

Finally, as noted in relation to 11Q19 56.18b-19a, the king is not to engage in polygamy (11Q19 57.17b-18a).¹³⁸ However, unlike the ruling in column 56, which simply bans polygamy and describes its negative consequences, 11Q19 57.18b-19a rules that the king may take another wife if his current wife dies. The phrase “she alone will be with him all the days of her life” (היאם לבדה תהיה עמו כול ימי) - 11Q19 57.18a) has been interpreted by some as a prohibition against divorce,¹³⁹ but seeing that the author/redactor is, first and foremost, interested in polygamy and appropriate marital partners it is difficult to accept the notion that he also has divorce in mind at this juncture. At best, the evidence for divorce in the Temple Scroll is inconclusive. Also inconclusive is the notion that the Temple Scroll’s rules on polygamy were applicable to all Israelites. As we have noted, both 11Q19 56.18b-19a and 57.15b-19a prohibit the king from engaging in polygamy, but no mention is made of whether or not these laws would also have applied to average Israelites. Had 11Q19 64.01-04 remained intact we may well have been able to answer this question. However, given the absence of any connection between the common Israelite male and polygamy in the Temple Scroll there is no way to know for certain whether or not polygamy was universally banned.¹⁴⁰

The last four passages to discuss sexual misdeeds are located in a lengthy section at the end of the Temple Scroll (11Q19 65.7-67.08).¹⁴¹ Beginning with a paraphrase of Deut 22:13-21 in 11Q19 65.7-66.04, the author/redactor first discusses the accusation of non-virginity against a new bride. With the exception of a few minor

¹³⁸ Although Schiffman has argued that this ruling is based on the language and the law of Lev 18:18, it is important to recognize that this passage from Leviticus does not forbid polygamy. Rather, Lev 18:18 forbids Israelite men from having two or more wives who are consanguineal sisters in order to keep them from becoming rivals. Cf. Schiffman, “Laws Pertaining to Women,” 216-17.

¹³⁹ Yadin, *The Temple Scroll*, 1:357; Schiffman, “Laws Pertaining to Women,” 216; T. Holmen, “Divorce in CD 4:20-5:2 in 11QT 57:17-18: Some Remarks on the Pertinence of the Question,” *RevQ* 71 (1998): 397-408.

¹⁴⁰ On this point we agree with Schiffman. Schiffman, “Laws Pertaining to Women,” 217-18.

¹⁴¹ Given the length of this section and the fact that the vast majority of this material closely parallels its biblical counterpart, we have decided against reproducing the original text in its entirety.

orthographic differences and the substitution of Deut 22:13's **וּבֵּא אֵל יָהּ וּשְׁנֵאתָ** for 11Q19 65.7's **וּבֵּעֵלָה וּשְׁנֵאתָ**,¹⁴² this section of the Temple Scroll closely parallels Deut 22:13-21 and contains no significant deviations from its biblical counterpart. The same can also be said of 11Q19 66.05-8a, which parallels Deut 22:22-27 and takes up the issue of adultery/rape. In addition to the same type of orthographic differences mentioned above in relation to the paraphrase of Deut 22:13-21, the author/redactor only deviates from his biblical base text when he substitutes Deut 22:25's **וְאִם בְּשָׂדֵה יִמְצָא הָאִישׁ** **אֶת הָאִשָּׁה** **בְּמָקוֹם רְחוֹק וּסְתֵר מִהָעִיר** **וְשָׁכַב עִמָּה** with the following: **וְאִם בְּשָׂדֵה יִמְצָא הָאִישׁ אֶת הָאִשָּׁה בְּמָקוֹם רְחוֹק וּסְתֵר מִהָעִיר** **וְשָׁכַב עִמָּה** (11Q19 66.4b-5a). Unlike Deut 22:25's somewhat ambiguous reference to the rape taking place "in a field" (**בְּשָׂדֵה**), the author/redactor specifies that the act must have occurred "in a place that is far from the city and hidden" (**בְּמָקוֹם רְחוֹק וּסְתֵר**) in order to emphasize the notion that the betrothed woman was accosted in a place where no one could hear her cry out.

Immediately following 11Q19 66.05-8a, the author/redactor continues with his paraphrase of Deut 22 by discussing verses 28-29, which are concerned with the unbetrothed virgin who has been sexually compromised (11Q19 66.8b-11a; par. 4Q524 15-20 1-2a). Unlike the material that directly precedes this section, however, it has been suggested that this passage has been significantly altered in order to account for a similar ruling in Exod 22:15-16.¹⁴³ Although the author/redactor does seem to have had Exod 22:15-16 in mind when he paraphrased Deut 22:28-29, there are only two appreciable differences between 11Q19 66.8b-11a and Deut 22:28-29: (1) in 11Q19 66.8b the author/redactor substitutes Deut 22:28's **כִּי־יִמְצָא אִישׁ** for Exod 22:15's **וְכִי־יִפְתָּה אִישׁ** in order to read **כִּי יִפְתָּה אִישׁ**; and (2) in 11Q19 66.9 the author/redactor replaces Deuteronomy's "and he seizes her" (**וְהִפְשֵׁהָ**) with the phrase "and she is appropriate for him according to the law" (**וְהִיא תֹוּיָה לּוֹ מִן הַחֹוק**), which does not appear in corresponding biblical passages. The intention behind

¹⁴² By removing Deuteronomy's reference to sexual intercourse (**וּבֵּא אֵל יָהּ**) and replacing it with a reference to marriage (**וּבֵּעֵלָה**) the author/redactor appears to be suggesting that the main issue is not necessarily sexual dissatisfaction. Rather, as Schiffman has suggested, the issue for the author/redactor seems to be some sort of marriage contract violation. Schiffman, "Laws Pertaining to Women," 221.

¹⁴³ Yadin, *The Temple Scroll*, 1:368-71; Schiffman, "Laws Pertaining to Women," 223-25.

these alterations, according to Schiffman, stems from a desire to harmonize Exod 22:15-16, which is concerned with the unmarried virgin who is seduced (יִפְתֶּהָ), with Deut 22:28-29's position on the unbetrothed virgin who is forcibly seized (וּרְתַפְּשֶׁהָ).¹⁴⁴ In the attempt to harmonize these passages, the author/redactor created a new prohibition whereby the man who had seduced an unbetrothed virgin was required to take the girl as his wife as long as it was legal to do so (וְהָיָא תוּיָהּ לִּי מִן הַחֹק). If the union was permitted, the man in question had to pay the virgin's father 50 shekels as a penalty for his actions, but, unlike Exod 22:16, the father did not have the right to withhold his daughter from the man once the penalty had been paid.

The Temple Scroll draws to a close with a paraphrase of Deut 23:1 - 11Q19 66.11b-12a) which is followed by a list of incestuous sexual unions (11Q19 66.12b-67.08; par. 4Q524 15-20 2b-5b). No doubt influenced by the similarity between Deut 23:1 and the laws of incest in Lev 18:6-16, the author/redactor brings his paraphrase of Deuteronomy to an end with a prohibition against marrying the wife of one's father (11Q19 66.11b-12a; 4Q524 15-20 2; cf. Lev 18:8). This is immediately followed by a ban on marrying the wife of a brother, regardless of whether the brother is a full or half-brother (11Q19 66.12b-13; 4Q524 15-20 2b-3a; cf. Lev 18:16, 20:21). Also outlawed are marriages between a man and his maternal or paternal sister (11Q19 66.14a; 4Q524 15-20 3; cf. Lev 18:9; 20:17), unions between a man and his maternal or paternal aunt (11Q19 66.14b-15a; 4Q524 15-20 3b-4a; cf. Lev 18:12-13, 20:19), and marriages between a man and his niece, regardless of whether she is the brother's daughter or his sister's daughter (11Q19 66.15b-17a; 4Q524 15-20 4).¹⁴⁵ Based on the witness of 11Q19 66.17b and 4Q524 15-20 4b-5b the Temple Scroll seems to have contained at least two more prohibitions at the top of column 67, which are now missing. First, the presence of the phrase לִּי יִקַּח in 11Q19 66.17b combined with the parallel phrase לִּי יִקַּח and the word אֶחָיוּתָּהּ in 4Q524 15-20 5 has suggested the following reconstruction: “[A man] is not to take [the daughter of his brother or the daughter of his] sister [for it is an

¹⁴⁴ Schiffman, “Laws Pertaining to Women,” 223-25.

¹⁴⁵ As noted in relation to the Damascus Document, which also bans uncle/niece marriages (CD 5.7b-11a; 4Q270 2 ii 16), the prohibition against marrying one's niece is not recorded in the Bible.

abomination]” לוא יקח [איש את בת אחיהו או בת [אחות]ו כי] (תועבה היא) .¹⁴⁶ Finally, the presence of the word [בנ] in 4Q524 15-20 5b has been reconstructed to read: “[A man is not to take the wife of his] son [for it is an abomination” (לוא יקח איש את אשתו) [בנ]ו כי תועבה היא).¹⁴⁷

3.3 Significance

Given the Temple Scroll’s rather lengthy treatment of matters pure and impure, a brief summary of our findings is called for. After we have summarized this material we will then offer a synthesis of the author/redactor’s position on ritual purity.

The Temple Scroll’s interest in skin diseases can be summarized in one word: location. Not only are the skin-diseased barred from entering Jerusalem (11Q19 45.17b-18; par. 11Q20 12.10-11) and ordinary cities (11Q19 48.14b-49.4) but, according to the author/redactor, places of quarantine were to be built to the east of Jerusalem (11Q19 46.16b-18) and outside the walls of every Israelite city (11Q19 48.14b-15a) so as to prevent the skin-diseased from spreading their contamination. Like the biblical law that calls for those who have been afflicted with a skin disease to “dwell alone in a habitation outside the camp” (בדד ישב מחוץ למחנה מושבו) – Lev 13:46), the Temple Scroll rules that the skin-diseased were expected to live in isolation outside of Jerusalem, and other Israelite cities, until they had been cleansed (11Q19 45.18). Although the purification procedures for a person who has been healed of a skin disease are no longer extant in the Temple Scroll, it stands to reason that the individual would have been allowed to enter their city of residence as early as the first day (Lev 14:8) as long as they had submitted themselves to the proper rites of purification (Lev 14:1-8). These individuals may not have been allowed to enter their homes, however, until they had completed their rites of purification on the evening of the eighth day (Lev 14:9-32).

Given the Temple Scroll’s overwhelming interest in the Temple and its cultic rites, it should come as no surprise that this document

¹⁴⁶ García Martínez and Tigchelaar, *The Dead Sea Scrolls Study Edition, Vol 2*, 1052-53; cf. Puech, *Qumran Grotte 4 XVIII*, 103; Lev 18:10.

¹⁴⁷ García Martínez and Tigchelaar, *The Dead Sea Scrolls Study Edition, Vol 2*, 1052-53; cf. Puech, *Qumran Grotte 4 XVIII*, 103; Lev 18:15.

contains several lengthy passages on clean/unclean animals. While many of these passages are concerned with the proper way to sacrifice and slaughter animals (11Q19 52.3b-53.8a), the Temple Scroll also expresses an interest in the defiling touch of unclean animals, such as when it rules that unclean birds were prohibited from landing on the Temple complex (11Q19 46.1-4; par. 11Q20 12.14-17). This unusual ruling comes on the heels of the law prohibiting the skin-diseased from entering Jerusalem (11Q19 45.17b-18) and it has been argued above that the unclean birds in 11Q19 46.1-4 are to be identified with the birds that were used during the rite of purification for the skin-diseased (Lev 14:1-7).¹⁴⁸ Also discussed by the author/redactor is the defiling touch of unclean animal carcasses (11Q19 50.20-51.5a). Heavily dependent upon Lev 11:29-44, the Temple Scroll follows its biblical counterpart by prohibiting individuals from touching the carcasses of unclean animals (11Q19 50.20-51.01; cf. Lev 11:29-30) and listing those items that will become defiled if they come in contact with the aforementioned carcasses (11Q19 51.02-05a; cf. Lev 11:32-33a). What distinguishes the Temple Scroll from its biblical counterpart, however, is that the Temple Scroll has added the stipulation that those who touch or carry any part of an unclean animal's carcass, regardless of its size (11Q19 51.4-5a), must wash their clothing, bathe in water, and wait until evening to be clean (11Q19 50.21b-51.01; 51.2b-3). Compare this with the Torah, which only requires said individuals to wait until evening if they have touched an unclean carcass (Lev 11:24, 27, 31). The remainder of the rulings on clean/unclean animals in the Temple Scroll fall into three categories: (1) prohibitions against eating an unclean animal or its carcass (11Q19 48.1-7); (2) regulations concerning the proper sacrifice of firstborn animals (11Q19 52.7b-12a); and (3) laws regarding where and how an animal may be slaughtered and eaten (11Q19 52.13b-53.8). Of particular interest are the Temple Scroll's prohibitions against eating any meat in Jerusalem that has not been sacrificed in the Temple (11Q19 52.19-21) and the rule demanding that clean blemished animals not be slaughtered and

¹⁴⁸ According to Lev 14:1-7, a priest was required to slaughter a live bird and drain its blood into a container of fresh water. The priest would then take a second bird and dip it into the mixture of blood and water and sprinkle the healed individual seven times before releasing the bird into the wild. Not unlike the scapegoat ritual where a goat was released into the wild so as to carry away the sins of the nation (Lev 16), the living bird in Lev 14:1-7 carries away the impurity of the skin-diseased individual. Cf. Wright, *The Disposal of Impurity*, 78.

eaten within a distance of thirty *ris* from the Temple (11Q19 52.16b-18). When read in conjunction with the Temple Scroll's excessively stringent law demanding that only the hides and skins of pure animals that have been sacrificed in the Temple can be brought into Jerusalem (11Q19 47.10-18),¹⁴⁹ one notes a tendency on the part of the author/redactor to elevate both the city of Jerusalem and the laity to a suspiciously high level of purity. In particular, one wonders how it would have been possible for both the lay residents of Jerusalem and pilgrims to embrace the priest-like level of purity that is described in the Temple Scroll if the author/redactor's utopian Temple was never built.

Contrary to Harrington who claims that "separate shelters were constructed outside of the Temple City and within the ordinary city for those impure from a corpse",¹⁵⁰ the Temple Scroll calls for no such structures to be built. Although the author/redactor does indeed prohibit corpse-contaminated individuals from entering Jerusalem until they have been cleansed (11Q19 45.17; par. 11Q20 14.9b-10a), no mention is made of the corpse-contaminated being housed in specific places of quarantine like those for other forms of impurity (11Q19 46.16b-18, 48.14b-17a). In addition to making Jerusalem off-limits to the corpse-contaminated, the Temple Scroll contains an assortment of passages regarding the defiling nature of corpses: (1) regulations concerning the cleansing of people and objects that have become corpse-contaminated (11Q19 49.16b-50.4a); (2) purification procedures for a corpse-contaminated house and its contents (11Q19 49.5-16); (3) corpse contamination in an open field (11Q19 50.4b-9); (4) the defiling presence of a woman who is carrying a dead fetus in her womb (11Q19 50.10-19; par. 11Q20 14.11-17); and (5) the impurity of graves (11Q19 48.10b-14a). Of particular interest are those places where the Temple Scroll has gone beyond the witness of the Torah. For example, where the Temple Scroll rules that the corpse-contaminated must bathe and launder their clothing on the first day (11Q19 49.16b-17), the biblical record is silent. Additionally, the Temple Scroll seems to parallel the Damascus Document when it rules that everything in a corpse-contaminated house is rendered

¹⁴⁹ Although this ruling is quite extreme, it is not without precedent. As Yadin and others have noted, Josephus records a similar prohibition on the skins and hides of animals that was enacted by Antiochus III. See *Ant.* 12.145-46; Yadin, *The Temple Scroll*, 1:308-11.

¹⁵⁰ Harrington, *The Purity Texts*, 83.

unclean (11Q19 49.6b-7a; CD 12.17b-18) and that liquids will act as transmitters of corpse impurity (11Q19 49.11b-12a; CD 12.15b-17a), neither of which are mentioned in the biblical record. In yet another example of a ruling that is unattested in the Torah, the Temple Scroll dictates that a pregnant woman who is carrying a dead fetus in her womb will transmit impurity in a manner not unlike that of a grave or a corpse (11Q19 50.10-19). Finally, when listing the regulations concerning those who might become corpse-contaminated in a field (11Q19 50.4b-9) the author/redactor deviates from Num 19 in at least two ways: (1) the Temple Scroll goes beyond the witness of the Torah by suggesting that the blood of a corpse can transmit corpse impurity (11Q19 50.6); and (2) the author/redactor specifies that it is the bone of a *dead* man (11Q19 50.5) rather than the bone of a man (Num 19:16) that is defiling. Concerning the latter, it has been noted above that the emphasis on a dead man's bone is most likely a polemical statement against those who considered the bone of a man, regardless of whether he was alive or dead, to transmit corpse impurity.¹⁵¹ On the whole, the author/redactor's position on corpse impurity is defined by a rather severe form of exegesis that goes well beyond the witness of the Torah. Not only does the Temple Scroll contain rulings that are totally unattested in the biblical record but the author/redactor frequently combines similar rulings in the Torah in order to form more comprehensive or stringent law.

In comparison to the rules on corpse impurity, the laws on bodily discharges take up relatively little space in the Temple Scroll. What is striking about the rulings on bodily discharges, however, is that the author/redactor continues to focus on the location of impure individuals and on protecting the sanctity of the Temple, Jerusalem and ordinary cities from defilement. The Temple Scroll contains a total of five passages on bodily discharges: (1) men with a bodily discharge, menstruants, and parturients are to be quarantined outside of ordinary cities (11Q19 48.14-17a); (2) men with a bodily discharge and men who have had a nocturnal emission are to be quarantined outside of Jerusalem (11Q19 46.16b-18); (3) purification procedures for the נָזֵר who wants to enter Jerusalem (11Q19 45.15-17); (4) purification procedures for the nocturnal emitter who wants to enter the Temple (11Q19 45.7b-10); and (5) the call to build latrines 3,000 cubits to the northwest of Jerusalem (11Q19 46.13-16a). Concerning

¹⁵¹ Yadin, *The Temple Scroll*, 1:335.

the differences between the places of quarantine for ordinary cities and Jerusalem, Yadin had noted that the absence of any references to women being quarantined outside of Jerusalem suggests that women were not allowed to reside in the city of the Temple.¹⁵² Although an argument from silence, Yadin's suggestion supports the notion that the Temple Scroll depicts an idealized and unrealistic social situation that can only be described as utopian. Also of interest is the author/redactor's call to build latrines to the northwest of Jerusalem (11Q19 46.13-16a). Beyond the observation that it would have been highly impractical for the residents of Jerusalem to be expected walk 3,000 cubits in order to relieve themselves in the city's only latrine, the author/redactor would seem to be imbuing Jerusalem with the same degree of holiness as that of the war camp (Deut 23:12-14). Here again the Temple Scroll betrays a utopian mindset that depicts a social situation that was totally at odds with the practicalities of everyday life.

It has been widely observed that the Temple Scroll and the Damascus Document both prohibit sexual relations in the city of the Temple (11Q19 45.11-12a; cf. CD 12.1b-2a). What has gone unnoticed, however, is that the Temple Scroll embraces a much more stringent position on the subject than that of the Damascus Document. In particular, where the Damascus Document simply outlaws sexual relations in Jerusalem, the Temple Scroll takes the added precaution of prohibiting those who have had sexual intercourse from entering the city of the Temple for "three days" (שלושת ימים - 11Q19 45.12a). The Temple Scroll's now familiar stringency is also apparent in its demand that the king not engage in (1) polygamy (11Q19 56.18b-19a, 57.17b-18a), (2) Jew/Gentile unions (11Q19 57.15b-16a), and (3) that he embrace the concept of endogamy (11Q19 57.16b-17a, 18b-19a). While echoing the Damascus Document's position on polygamy (CD 4.14b-5.6a) the Temple Scroll goes well beyond the witness of the Damascus Document when it calls the king to avoid Jew/Gentile unions in favor of endogamy. Not only would the limitation of endogamy have elevated the king to a level of purity similar to that of the high priest (Lev 21:14), but the Temple Scroll's prohibition against Jew/Gentile unions for the king once again betrays a utopian mindset whereby the well-established practice of forming political alliances through the act of marital un-

¹⁵² Yadin, *The Temple Scroll*, 1:306-07.

ions between the royal families of different nations was deemed unnecessary and ritually defiling. Although the author/redactor does allow soldiers to take Gentile brides as the spoils of war (11Q19 63.10-15), the king was apparently not at liberty to indulge himself in this activity. The Temple Scroll ultimately draws to a close with a series of regulations concerning miscellaneous sexual misdeeds: (1) the claim of non-virginity (11Q19 65.7-66.04); (2) cases of adultery or rape (11Q19 66.05-8a); (3) the unbetrothed virgin who is sexually compromised (11Q19 66.8b-11a); and (4) a list of incestuous unions (11Q19 66.11b-67.08). Based on the witness of Deut 22-23, this section of the Temple Scroll exhibits very few deviations from its biblical counterpart save the now familiar prohibition against incestuous unions between uncles and nieces (11Q19 66.15b-17a; cf. CD 5.7b-11a; 4Q270 2 ii 16).

That the earthly Temple envisioned in the Temple Scroll was never constructed cannot be debated. The complete absence of any archaeological and historical evidence regarding its construction indicates that the author/redactor's overly optimistic blueprint for a massive Temple complex that was equal in size to that of Jerusalem never made it off the drawing board.¹⁵³ As Schiffman has correctly observed: "The ideals of the architect of that plan for a gargantuan, redesigned Temple were never realized, even when Herod's architects rebuilt the Temple ... The description of the Herodian Temple by Josephus derived from direct information/observation of its architecture. Unlike the description of the Temple Scroll, Josephus' accounts represented reality, not utopia. Those of the Temple Scroll represented utopia, not reality."¹⁵⁴ The question is raised: if the author/redactor's vision of the Temple is representative of an unrealized utopian worldview, then how are we to understand the document's purity regulations (i.e., laws that were, first and foremost, designed to protect the sanctity of an unrealized structure)?

In a detailed review of Yadin's *editio princeps* on the Temple Scroll, Baumgarten challenges those who question the applicability

¹⁵³ Broshi, "The Gigantic Dimensions of the Visionary Temple in the Temple Scroll," 113-15.

¹⁵⁴ L. H. Schiffman, "Descriptions of the Jerusalem Temple in Josephus and the Temple Scroll," in *Historical Perspectives; from the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls* (ed. D. Goodblatt, A. Pinnick and D. R. Schwartz; Leiden: E. J. Brill, 2001), 82; cf. G. Brooke, "The Ten Temples," in *Temple Worship in Biblical Israel* (ed. J. Day; London: T & T Clark: 2005), 425; White-Crawford, *The Temple Scroll*, 28; Yadin, *The Temple Scroll*, 1:182-87.

of the Temple Scroll's laws to the existing Temple in Jerusalem:

The conceivable objection, that the rules of the Temple Scroll apply only to the ideal sanctuary built according to the Scroll's plan, not to the existing Temple in Jerusalem, is not substantiated from the evidence of CDC. Thus, in the polemics directed by the sect against contemporary Israel, one of the "three nets of Belial" is said to be defilement of the Temple (CDC 4:18). This reprobation embraces not only the halakhic controversies alluded to in CDC 5:6-11, but the charge that sexual relations in Jerusalem constitute a profanation of the Temple: "Let no man lie with a women in the city of the sanctuary so as to defile the city of the sanctuary with their impurity" (CDC 12:1-2). The terminology is the same as that employed in the Temple Scroll rule barring those who have had sexual relations from the "city of the sanctuary" for three days (45:7-12). We have good reason to believe that this rule, as well as the one excluding latrines from the city limits (46:13-16), was applied by the sect to contemporary Jerusalem, despite the belief that its Temple and priesthood were tainted.¹⁵⁵

As we have noted above, there are at least two difficulties with Baumgarten's argument.¹⁵⁶ First, it is problematic to read one text from Qumran in light of another. This observation is particularly relevant in that Baumgarten accuses Yadin of engaging in this very activity some two paragraphs earlier: "Occasionally, it would appear, Yadin has been too ready to reinterpret other Qumran texts in the light of the Temple Scroll."¹⁵⁷ Although Baumgarten has reversed the direction of interpretation by reading the Temple Scroll in the light other Qumran documents,¹⁵⁸ it is important to recognize that there is no difference between Baumgarten's approach and that which he accuses Yadin of engaging in.

The danger of reading one Qumran text in light of another is exhibited in the claim that both the Temple Scroll and the Damascus Document prohibit sexual relations in the city of the Temple. While

¹⁵⁵ Baumgarten, review of Y. Yadin, *Megillat ham-Miqdas*, 588.

¹⁵⁶ See p. 112n.15.

¹⁵⁷ Baumgarten, review of Y. Yadin, *Megillat ham-Miqdas*, 588.

¹⁵⁸ Baumgarten also seem to be making an implicit reference to reading the Temple Scroll in light of the Greek sources. In particular, when Baumgarten claims that he has "good reason" to believe that the sect applied the law prohibiting latrines in the city of the Temple to contemporary Jerusalem, "despite the belief that its Temple and priesthood were tainted", he can only be referring to Josephus' description of the Essenes and their unusual toilet practices (cf. *War* ii:147-149; v:144 f.). Baumgarten, review of Y. Yadin, *Megillat ham-Miqdas*, 588.

accurate to a degree, this statement fails to specify that the Temple Scroll's prohibition is implicit rather than explicit and, more importantly, it downplays or ignores the added stringency in the Temple Scroll prohibiting individuals from entering Jerusalem for three days after engaging in the act of coitus (11Q19 45.7-12). No such waiting period is mentioned in the Damascus Document (CD 12.1-2) thereby indicating that the author/redactor of the Temple Scroll may have been advocating a more stringent position. In a world where individuals and communities were known to have disagreed about whether or not a person who has waited until sundown is ritually clean (i.e., the *tebul yom*), the difference between having to wait three days to enter Jerusalem and not having to wait at all is potentially significant. Although an argument from silence, the absence of a three-day waiting period in the Damascus Document may well stem from a difference between the realized world of the Damascus Document and the idealized world of the Temple Scroll. It is this suggestion that brings us to our second criticism of Baumgarten's statement about the applicability of the Temple Scroll's laws to the existing Temple.

In contrast to the Damascus Document's description of a tainted yet very real Temple, the Temple Scroll describes a non-existent utopian complex that never saw the light of day. This is an important distinction in that the author/redactor of the Damascus Document would seem to be suggesting that the existing Temple, although defiled by the actions of the current priesthood (CD 4-5), was adequate for the purposes of the cult. Accordingly, if the priests were to abstain from various illicit activities, then it would be possible, according to the Damascus Document, for the Temple to return to a state of purity that was worthy of God's presence. This would appear to be at odds with the position embraced by the Temple Scroll in that the existing Temple, whether ritually clean or defiled, did not conform to the blueprint that is mandated by God (11Q19 3.1-13.8; 30.3-47.18). The implication of this observation is that the author/redactor of the Temple Scroll seems to have used the authority of God to create a pseudepigraphic polemic against the existing Temple by suggesting that it should be replaced with a much more elaborate structure. Although those who subsequently read and copied the Temple Scroll may have tried to apply its laws to the existing Temple,¹⁵⁹ it is clear

¹⁵⁹ Here we have in mind the work of Maxine Grossman whose reader-response work on 4QMMT has shown that the intentions and opinions of the original

that the author/redactor had a different agenda: envisioning a utopian world that was at odds with the current state of affairs in which he found himself.¹⁶⁰

As we have seen above, those scholars who read the Temple Scroll in the light of other Qumran documents tend to focus on shared similarities. While there is much to be gained from this sort of approach, trolling for parallels does have the unfortunate side effect of downplaying the dissimilarities between texts in favor of those places where they agree. Agreement between texts that rely upon the same body of material for their content (i.e., the Bible) does not automatically indicate that a single group was responsible for the authorship of similar compositions.¹⁶¹ Nor does it mean that the

author/redactor may have been different than those of the intended audience. Similarly, subsequent generations might have had a different understanding of the text from previous generations and these differences could have manifested themselves in a variety of ways. In particular, if, as some have argued, the Qumran community eventually came to see themselves as a temporary replacement for the Temple (i.e., the so-called “temple of men” – cf. 4Q174 1 2 i 6; 1QS 8.4b-9; 9.3-6) then the members of this community may have tried to apply the Temple Scroll’s laws to themselves. Joe Zias, James Tabor, and Stephanie Harter embrace this very hypothesis by arguing that the Qumran community tried to follow the Temple Scroll by building a latrine 3,000 cubits to the northwest of Qumran (11Q19 46.13-16a). Although a possibility, this sort of reading, which is based upon the belief that the Qumran community understood the site of Qumran to be equal in holiness to the Temple Scroll’s “city of the sanctuary,” is clearly at odds with the original intention of the author/redactor who in no way indicates that the Temple can be replaced by a community of believers. See M. Grossman, “Reading 4QMMT: Genre and History,” *RevQ* 77/20 (2001): 3-22; J. Zias, J. Tabor, and S. Harter, “Biblical Hygiene,” *RevQ* (2007): forthcoming; Harrington, *The Purity Texts*, 15, 37-38.

¹⁶⁰ We find ourselves in partial agreement with Wise who argues that the Temple Scroll was intended to be an eschatological vision for a world that has yet to come into being. However, where we agree with the force of Wise’s argument (i.e., that the document envisions a non-existent and idealistic world that is based on a reinterpretation of the book of Deuteronomy), we do not accept his conclusion that the Temple Scroll is an eschatological document. Although the Temple Scroll does retain a reference to an eschatological Temple (11Q19 29.7-10), it is clear that this divine structure is meant replace the earthly/manmade Temple that is described in detail throughout the remainder of the text. Wise, *A Critical Study of The Temple Scroll*, 195-203; *ibid*, “The Eschatological Vision of the Temple Scroll,” *JNES* 49/2 (1990): 155-72; cf. Collins, “Models of Utopia in the Biblical Tradition,” 60-63; L. H. Schiffman, “The Theology of the Temple Scroll,” *JQR* 85/1-2 (1994): 109-23.

¹⁶¹ This position is supported by a significant number of differences between the Temple Scroll and the sectarian texts from Qumran. In particular, the absence of certain sectarian hallmarks in the Temple Scroll, such as references to angels, messianic figures, dualism, the covenant renewal ceremony, sectarian terms/authority figures, and the combination between ritual and moral impurity, suggest that the Qumran community did not author this document. This does not mean, however, that those who would eventually become members of the Qumran community could not have written the Temple Scroll. As García Martínez has argued: “This solution [i.e., that the Temple Scroll was written and edited by members of the nascent com-

Temple Scroll should be used as a template or the basis for recreating the purity system that was practiced by the Qumran community.¹⁶² Rather, we must hold the differences and similarities between these texts in tension so as to do justice to the original intention of the author/redactor while simultaneously acknowledging that subsequent generations might have understood the text in different ways. When applied to the Temple Scroll this approach suggests that the author/redactor was attempting to express his unrealized vision for

munity] explains the similarities and differences by allowing us to take into account the inevitable evolution, modifications imposed due to the break from the Jerusalem Temple, and ideological and theological developments that arose in the new situations." By contrast, White-Crawford offers a slightly more cautious outlook when she argues that the Temple Scroll originated in "the milieu [of disaffected priests] that gave rise to the Qumran sectarian community." Regardless of whether one follows García Martínez or White-Crawford on this point, the outcome is the same: the fully formed sectarian community at Qumran was not responsible for the authorship of the Temple Scroll. García Martínez, "The Temple Scroll," *EDSS* 2:931; White-Crawford, *The Temple Scroll*, 81-82.

¹⁶² As Harrington correctly observes: "Most scholars concur that the Temple Scroll is older than the formation of the sect at Qumran. There is no renewal of the covenant festival in the Temple Scroll, nor are organizational rules set out for the daily life of a community. Laws of idolatry, oaths and vows are not quite the same, neither is celibacy enjoined ... Furthermore, the vocabulary and presentation of the Temple Scroll are much different than in other Qumran documents, and its views are not presented as exegesis but as direct revelation from Sinai." What is particularly interesting about quote, however, is that after going to great lengths to emphasize the differences between the Temple Scroll and the sectarian compositions at Qumran, Harrington continues to read the Temple Scroll as if it were a Qumran composition. Given that this approach is commonplace in her most recent monograph, two examples of this activity will suffice: First, regarding the Qumran community's position on celibacy, Harrington notes: "Apparently, the Qumran group rejected marital relations (11Q19 45.11-12; CD 12.1-2), even though the holiest person in biblical Israel, the high priest, was a married man and the succession of the priesthood depended upon his marital relations." Aside from the fact that there are no explicit passage in the Dead Sea Scrolls advocating celibacy and that neither of the passages cited by Harrington prohibit marital relations outright, one notes her complete and total association between the Temple Scroll, the Damascus Document and the Qumran community. The second example of Harrington's methodology concerns her understanding of the differing levels of purity for the members of the Qumran community: "There were at least two levels of purity among the sectarians. In more than one text, there is a distinction between the ordinary members of the sect and the more scrupulous person. For example, the Temple Scroll regards eating the contents of a sealed vessel in the house of death as permissible but notes that the 'pure man' (*'ish tahor*) will avoid even this because it has been in a corpse-contaminated house (11Q19 49.8)." Perhaps the most surprising thing about this quote is that Harrington has, some twenty-five pages earlier, acknowledged the consensus opinion regarding the authorship of the Temple Scroll (i.e., "Most scholars concur that the Temple Scroll is older than the formation of the sect at Qumran"). That being said, one wonders how Harrington can justify reading the Temple Scroll as if it were a repository of sectarian legal positions that are reflective of the Qumran community. Harrington, *The Purity Texts*, 38-39, 50, 75.

Israel, Jerusalem and the Temple. The author/redactor betrays no explicit knowledge of the Qumran community or its writings and it is clear that the document's legal rulings were intended for the idealized world of the Temple Scroll rather than the realized world in which the scroll was written. It goes without saying that the author/redactor would have liked his utopian vision to become a reality but he does not appear to have been in a position to bring his ideas to life.

Beyond the original intentions of the author/redactor, the presence of the Temple Scroll at Qumran suggests that the group who was responsible for collecting and depositing the scrolls in the caves were sympathetic towards the Temple Scroll's utopian vision. This sympathy may have motivated some individuals to apply the author/redactor's rules and regulations to the existing Temple. Alternatively, it is also possible that the Qumran community tried to apply the rules and regulations of the Temple Scroll to themselves once they had evolved to the point of considering themselves to be a replacement for the Temple. Unfortunately, we will never be to verify these interpretations with absolute certainty. What we can do, however, is to compare the purity rulings of the scrolls against one another in order to locate places of explicit agreement and examples of explicit disagreement that go beyond the witness of the Torah. By doing so, it may be possible to determine which of the Temple Scroll's laws would have remained in the realm of utopia and which would have been fully realized. Before we can undertake such a comparison, however, we must complete our study of the ritual purity in the Dead Sea Scrolls. With that in mind, let us now consider 4QMMT.

CHAPTER FOUR

4QMMT

4.1 Introduction

The composite text of 4QMMT, which is also known as *Miqsat Ma'ase ha-Torah* or “some works of the law,” is based upon six fragmentary copies (4Q394-399) ranging in date from 75 BCE to 50 CE. In all, 4QMMT contains some 130 lines which, according to its editors, is probably equal to about two thirds of the original text.¹ Although the introductory material at the beginning of the text is now missing, the extant evidence from the manuscripts indicates that the document contained at least three main sections: (A) a 364-day calendar; (B) a list of about 20 legal rulings; and (C) an epilogue.

There is some question as to whether or not the calendar, which is present in only one of the manuscripts (4Q394 1-2 i-v 1-18; 4Q394 3-7 i 1-3), was an original part of 4QMMT. What is clear, however, is that it was not created by the author/redactor of 4QMMT. Rather, the calendar appears to be based on the same 364-day solar year as the calendars in the *Astronomical Book of Enoch*, *Jubilees*, and the *Temple Scroll*. Furthermore, like the *Temple Scroll*, 4QMMT recounts three yearly festivals that are unattested in the Torah, (i.e., the wood, oil, and new wine festivals). These observations indicate that the author/redactor of 4QMMT either borrowed the calendar from another source or that a later scribe attached the calendar to the beginning of the text some time after MMT's composition.

After the calendar, the author/redactor then moves on to discuss a number of legal concerns. In this section, which is clearly the heart and soul of 4QMMT, the author/redactor focuses on seventeen different halakhic issues where he and his community disagree with an unnamed individual and/or group. Some of these issues include

¹ E. Qimron and J. Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah* (DJD X: Oxford: Clarendon Press, 1994), 109.

whether Gentile wheat can be brought into the Temple (4Q394 3-7 i 6b-8a), the proper location to slaughter an animal (4Q394 3-7 ii 14b-15), and whether streams of liquid can transmit ritual impurity from one vessel to another (4Q394 8 iv 5-8a; par. 4Q396 1-2 ii 6b-9a; 4Q397 6-13 1-2a).

4QMMT draws to a close with the so-called epilogue (4Q397 14-21 1-16; 4Q398 11-13 1-7, 14-17 i 5b-8, 14-17 ii 1-8). In this final section the author/redactor suggests that he and his group have separated from their doctrinal opponents based on the legal concerns discussed in the legal section and calls them to reconsider their position. Drawing parallels with the kings of Israel, who, like David, performed righteous deeds and were forgiven their trespasses, the author/redactor of 4QMMT urges his audience, in a highly conciliatory manner, to consider the arguments laid before them so that they might come to see the error of their ways and embrace the teachings of the author/redactor.

The literary style of 4QMMT has inspired several different theories concerning its genre. The first, and most popular theory, argues that 4QMMT's use of the first person plural to compare the legal opinions of its authors over and against those of its addressees, who are indicated by the second person singular and second person plural, indicates that the document should be understood as an extra-communal letter. Originally written circa 150 BCE by the founding members of the nascent Qumran community and addressed to the priestly authorities in Jerusalem, this letter, so the theory goes, outlines various reasons why the former had chosen to separate themselves from the latter.² A second interpretation suggests that the document should be understood as an intra-communal treatise. According to this interpretation, 4QMMT would have been written either at the same time as the events it describes or at a later date but, unlike the extra-communal letter, this document would have been addressed to those within the community. As a treatise, 4QMMT would have functioned as a study-text for those within the group by detailing the group's history as well as some of its central tenants and

² E. Qimron and J. Strugnell, "An Unpublished Halakhic Letter from Qumran," in *Biblical Archaeology Today* (ed. J. Amitai; Jerusalem: Israel Exploration Society, 1985), 400-01; idem, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 113-21; L. H. Schiffman, "The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect," *BA* 53/2 (1990): 64-65; idem, "Miqsat Ma'asei Ha-Torah," *EDSS* 1:558-60.

concerns.³ A third hypothesis, proposed by Maxine Grossman, understands 4QMMT as an intra-communal historicizing document that was written well after the events it describes. What differentiates this genre from those discussed above is that it is largely fictional. Although there is no denying that historicizing documents contain elements of historical truth, this sort of text is primarily interpretive and heavily colored by the concerns of the author/redactor.⁴

4.2 Ritual Purity

Ever since Qimron first presented his findings at the International Congress on Biblical Archaeology in 1984, the vast majority of scholarly discussions on 4QMMT have focused on the legal material in its *halakhic* section. In addition to informing us about the development of Jewish legal interpretation in the centuries leading up to the rabbinic period, the *halakhic* material in 4QMMT has been used to discuss the possible identity of the group responsible for its authorship, to hypothesize about their history, and to situate this group within the various schools of thought that were prevalent during the Second Temple period. What has yet to be attempted, however, is an independent examination of the ritual purity rulings in 4QMMT that considers the relevant material in isolation from the other texts from Qumran. Even DJD X, which is the official publication of 4QMMT, depends upon texts such as the Temple Scroll for the interpretation of many of the scroll's legal positions and for several of its reconstructions.⁵ In an effort to free 4QMMT from the influence of other Qumran documents, we will continue to follow the pattern established above by comparing the extant material on purity in each of the manuscripts with the corresponding biblical material. By approaching the text in this way it is hoped that we will gain a more nuanced understanding of 4QMMT's purity material and begin to understand some of author/redactor's hermeneutical concerns.

³ S. D. Fraade, "To Whom it May Concern: 4QMMT and its Addressee(s)," *RevQ* 77/20 (2001): 3-22.

⁴ Grossman, "Reading 4QMMT," 3-22.

⁵ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 131-77, esp. pp. 154-56; E. Qimron, "The Nature of the Reconstructed Composite Text from Qumran," in *Reading 4QMMT: New Perspectives on Qumran Law and History* (ed. J. Kampen and M. J. Bernstein; Atlanta: Scholars Press, 1996), 9-13.

4.2.1 Diseases

In 4Q396 1-2 iii 4b-11 the author/redactor discusses his views on whether unclean individuals should be allowed to approach or eat the sacred food:

(4Q396 1-2 iii 4b-11, 1-2 iv 1; par. 4Q397 6-13 6-10a; 4Q394 8 iv 14b-16)

4b ואף על הצרועים אֲנַחֲנוּ
 5 א[ומרים שלא י]בואו (לט) עם טהרת הקו[ו]ן[ש] בני בדר
 6 [יהיו מחוץ לבית ו]אף כהוב ש(ב)יעת שיגלח וכבס [ישב מחוץ
 7 [לאוהלו שבעת י]מים ועתה בהיות טמאתם עמהם
 8 [הצרועים באים ע]ם טהרת הקודש לבית ואתם יודעים
 9 [שעל השוגג שלא יעשה את המצוה] ונעלה ממנו להבוא (ה)
 10 [חטאת ועל העושה ביד רמה כת]וב שהוא אב בוזה ומגדף
 11 [ואף בהיות להמה טמאות נגע] אין להאכילם מהקו[ו]ן[ד]שים
 1 עד בוא השמש ביום השמיני

- 4b And also concerning individuals with a skin disease: we
 5 s[ay that] they [are not] to approach (any place) with sacre[d]
 food. Rather, alone
 6 [they will stay outside of the house, and] also, as it is written, he
 will remain (there) from the time he shaves and washes; he will
 [d]well outside
 7 [his tent seven d]ays. But (even) now, while they still have im-
 purity on them,
 8 [individuals with a skin disease are entering] into a house [wi]th
 sacred food. You know
 9 [that if someone strays and does that which is not to be done,
 (according to) the commandment,] but it is brought out of him
 (accidentally), he is to bring
 10 [a sin offering. But concerning the one who (purposefully) acts
 in an offensive manner: it is wri]tten that he is contemptuous and
 blasphemous.
 11 [Moreover, those that have the uncleanness of a skin disease
 upon them] should not be allowed to eat of the sacred food
 iv 1 until the evening of the eighth day.

In contrast to Lev 13 and the Damascus Document, 4QMMT is not interested in diagnosing skin diseases. Rather, the primary concern

in this passage is to prohibit individuals who have yet to be cleansed from a skin disease from entering a place containing sacred food and/or eating sacred food. The closest biblical parallel to this ruling is found in Lev 22:4 where priests who have been rendered unclean through a skin disease are prohibited from eating sacred donations. In contrast to Leviticus, however, the author/redactor of 4QMMT fails to specify whether he has the priesthood or the laity in mind for this ruling. Furthermore, it is unclear whether the addressees were aware that these violations had been taking place, whether they were being chided for allowing such practices to continue, or whether they were guilty of this offence themselves. That being said, there is no doubt that the author/redactor of 4QMMT believed that certain unidentified individuals had been engaging in this activity: “But (even) now, while they still have impurity on them, [individuals with a skin disease are entering] into a house [wi]th sacred food” ועתה בהיות טמאתם עמהם [הצרועים באים ע]ם מהרת הקודש לבית (4Q396 1-2 iii 7b-8a).

In addition to prohibiting a person who has been rendered unclean by a skin disease from entering a structure containing sacred food, or eating sacred food, 4QMMT outlines several purification procedures for the unclean individual. Not only is this person required to quarantine themselves, but they must remain in isolation until they have been healed and completed the proper purification rituals: “Rather, alone [they will stay outside of the house, and] also, as it is written, he will remain (there) from the time he shaves and washes; he will dwell outside [his tent seven d]ays” כי בדד [יהיו מחוץ לבית ו]אף” כתוב ש(ב)מעת שיגלה וכבס [י]שב מחוץ [לאוהלו שבעת י]מים (4Q396 1-2 iii 5b-7a). Based on a stylistic paraphrase of Lev 13:46, בדד ישב מחוץ למחנה מושבו, Qimron has reconstructed 4Q396 1-2 iii 5b-6a to read: בדד. [יהיו מחוץ לבית]. As for lines 6b-7a, 4QMMT appears to have paraphrased Lev 14:8 with the help of the word כתוב, which is frequently used as a quotation formula in the scrolls:⁶ כתוב ש(ב)מעת שיגלה וכבס [י]שב מחוץ [לאוהלו שבעת

⁶ It has been noted that the word כתוב is used differently in 4QMMT than it is in other texts from Qumran. Specifically, the author/redactor of 4QMMT frequently uses כתוב to paraphrase biblical passages rather than using it to indicate a direct quotation of Scripture. See Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 140-41; M. Bernstein, “The Employment and Interpretation of Scripture in 4QMMT: Preliminary Observations,” in *Reading 4QMMT: New Perspectives on Qumran Law and History* (ed. J. Kampen and M. J. Bernstein; Atlanta:

ימים⁷. Taking issue with Qimron's stylistic restoration of these lines, M. Bernstein has argued for a polemical yet heuristic alternative: "בדד יהיו [מחוץ לעיר ו]אף כתוב שמעת שיגלח וכבס [י]שב" ("They shall be alone [outside the city. And] it is also written that from the time that he shaves and washes [h]e shall remain outside [his house for seven d]ays")."⁸ The reasoning behind this restoration stems from Bernstein's belief that both of the paraphrases from Leviticus should be exegetical rather than stylistic. In particular, Bernstein argues that the author/redactor of MMT "believes that the correct interpretation of the biblical text is that those with skin-disease are to be kept out of cities ... and from their homes."⁹ Therefore, according to Bernstein, the author/redactor of MMT would have taken the wilderness language of Leviticus (i.e., camp/tent) and interpreted it in such a way as to make it relevant to his audience (i.e., city/house).

While Bernstein's hypothesis is theoretically possible, his reconstruction is somewhat problematic. For example, when Bernstein restores the word לעיר in line 6a it is difficult to see how this can be understood generically as "cities" when לעיר is singular. Furthermore, not only is the word עיר not extant in any of the manuscripts of 4QMMT, but when 4QMMT refers to Jerusalem, or to any other city for that matter, it does so by using the word מחנה: "For Jerusalem is the camp of holiness" (כי ירושלים היא מחנה הקדש) - 4Q394 8 iv 9b-10a); "[For Jer]usalem is the capital of the [c]amps of Israel" (כי יר[ושלים היא ראש [מ]חנות ישרא[ל]) - 4Q396 1-2 iii 1b-2a); and "And we believe that the sanctuary [is the tent of meeting

Scholars Press, 1996), 38-46; G. J. Brooke, "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* (STDJ 23; Leiden: E. J. Brill, 1997), 67-68; A. Yadin, "4QMMT, Rabbi Ishmael, and the Origins of Legal Midrash," *DSD* 10/1 (2003): 145-48.

⁷ Compare this with Lev 14:8, which reads: "The one who is to be cleansed shall wash his clothes, and shave off all his hair, and bathe himself in water, and he shall be clean. After that he shall come into the camp, but shall live outside his tent seven days" וכבס המטהר את-בגדיו וגלח את-כל-שערו ורחץ במים, וטהר וואחר יבוא אל-המחנה וישב מחוץ לאהלו שבעת ימים.

⁸ Bernstein's reconstruction is based upon the composite texts of 4QMMT rather than 4Q396 1-2 iii 5b-6 and contains several differences. For example, where Bernstein has offered the reconstruction בדד יהיו [מחוץ לעיר] for lines 5b-6a, 5Q396 1-2 iii 5b-6a has been restored by Qimron to read [יהיו מחוץ לבית]. Bernstein, "The Employment and Interpretation of Scripture," 42-43.

⁹ Bernstein, "The Employment and Interpretation of Scripture," 43-44.

and] Jerusalem is the camp” (משכן אהל מועד) הושבים שהסקדשן [וי[רושל]י[ם] מהנה 4Q394 3-7 ii 15-16).

In addition to the concerns noted above, it is important to note that 4QMMT’s focus is on protecting sacred food from being contaminated and not on protecting the camp/city from being defiled. According to Lev 14:8, which is paraphrased by 4QMMT, the individual who has been healed from a skin disease would have been allowed to enter the camp/city after shaving and bathing, but they would not have been permitted to enter their tent/house for seven days. As noted above, the author/redactor believed that some individuals were violating this prohibition, either intentionally or unintentionally (i.e., 4Q396 1-2 iii 7b-10), and were entering their homes or other buildings containing sacred food before they had been fully cleansed.¹⁰ In order to emphasize this point the author/redactor also rules that “[those that have the uncleanness of a skin disease upon them] should not be allowed to eat of the sacred food until the evening of the eighth day” (4Q396 1-2 iii 11; 4Q396 1-2 iv 1). Although this last ruling has been frequently used to suggest that the author/redactor of 4QMMT was arguing against the notion of the *tebul yom*, the more immediate issue for the author/redactor was challenging those who had a different interpretation of Lev 14:1-20.

As noted in the previous chapter, Lev 14 is somewhat vague concerning the exact moment when a person has been purified from a skin disease.¹¹ On four separate occasions Lev 14 suggests that the person in question has been cleansed: Lev 14:7, 8, 9, and 20. This issue is made even more difficult by Lev 14:8-9, which suggests that the defiled individual is to remain outside of his or her tent for seven days (Lev 14:8), but at the end of those seven days (Lev 14:9) nothing is said about entering the tent. Furthermore, Lev 14:10-20 describes an offering that must take place on the eighth day so that an individual might be completely cleansed from their impurity, but once again no mention is made of entering their tent. Given the ambiguity of this material and the absence of any references to sacred food in Lev 14, it is easy to see how various individuals or groups might have come up with different interpretations. Based upon the witness of 4QMMT, it appears as if the author/redactor believed that

¹⁰ According to Milgrom, the exclusion of a skin-diseased person from a house or a tent in 4QMMT can most easily be explained if the rule of overhang is seen as coming into play. Milgrom, *Leviticus 1-16*, 843.

¹¹ See p. 114 above.

those who had been healed of a skin disease had to remain outside of their home for seven days. On the eighth day these individuals would have been allowed to enter their homes, but they would not have been permitted to eat or touch the sacred food until the sun had set.

4.2.2 Clean/Unclean Animals

Based on Qimron and Strugnell's reconstructions in DJD X, there appears to be about six different rulings on clean/unclean animals in 4QMMT. However, given the highly fragmentary nature of some of this material, it is incredibly difficult to determine the legal opinions of the author/redactor. Consider, for example, the following reconstruction:

(4Q394 3-7 ii 2-4; par. 4Q395 1 12)¹²

2	[על עוֹרֹת הַבְּקָר]	וְהִצְאֵן שֶׁהֵם מִ... יָם מִן]
3	[עוֹרוֹת] יָהֵם כֻּלֵּי	אֵין]
4	[לְהַבִּיאַם לְמִקְדָּשׁ]	[

- 2 [concerning the hi]des of catt[le and sheep that they ... from]
- 3 their [hide]s vessel[s ... not]
- 4 [to bring]them to the Temp[le ...

Starting from the assumption that this passage once contained the word עוֹרוֹת, Qimron has reconstructed this ruling based on the Temple Scroll's position on the purity of animal carcasses (11Q19 51.1-6) and on its prohibition against bringing into Jerusalem the skins of animals that have been slaughtered outside the Sanctuary (11Q19 47.7-15). Aside from the inherent difficulty in reconstructing one text in light of another, which we will discuss shortly, it is debatable as to whether or not the word עוֹרוֹת has been accurately restored by Qimron. In 4Q394 3-7 ii 2 only the extreme left of what could be the *serif* of a *reš*, a *vav*, and a *tav* can be seen. This difficulty is compounded by the witness of 4Q395 1 12, which retains only the very top of what Qimron reads as עוֹרוֹת. But, as Strugnell has correctly

¹² Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 10, 15.

observed, the word in question in 4Q395 1 12 could also be restored to read אורות or “lights.”¹³ To make matters worse, not only are the words עור and עורות not clearly preserved in any of the manuscripts of 4QMMT, but the key word that Qimron has used in order to argue that 4Q394 3-7 ii and 4Q395 1 are overlapping fragments is spelled differently in each of the manuscripts. Specifically, in 4Q394 3-7 ii 1 the word ראוי has been identified by Qimron as being a variant or phonetic spelling of the heavily damaged word רא or ראוי in 4Q395 1 11.

In response to the concerns cited above, Qimron notes that “the text is so fragmentary that we can do no more than guess what it may have said.”¹⁴ After this appropriately cautious disclaimer Qimron suggests that the ruling in 4Q394 3-7 ii 2-4 might parallel a similar prohibition concerning the hides of clean animals in the Temple Scroll.¹⁵ Working under this assumption, Qimron describes how he reconstructed the prohibition: “The placement, then, of these tiny fragments in the composite text and the restoration of the missing portions was based on the controversial laws found in the Temple Scroll concerning the hides of ritually pure animals.”¹⁶

Given the highly fragmentary nature of this material and Qimron’s cautionary statements about its reconstruction, it is surprising to note the certainty with which Schiffman claims that 4QMMT and the Temple Scroll are in agreement on the issue of hides: “11QT 47:7-15 prohibits bringing hides of animals slaughtered outside the Temple precincts into the Temple ... This law is paralleled by MMT B 18-23 which prohibits bringing into the Temple containers made of hides of animals slaughtered outside.”¹⁷ This confidence is also echoed by Harrington: “According to both the Temple Scroll and MMT, these animals had first to be slaughtered as sacrifices within the city before they could be used (11Q19 51:1-6; 4QMMT B 21-26).”¹⁸

¹³ Qimron, “The Nature of the Reconstructed Composite Text,” 11.

¹⁴ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 154.

¹⁵ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 154.

¹⁶ Qimron, “The Nature of the Reconstructed Composite Text,” 11.

¹⁷ L. H. Schiffman, “The Place of 4QMMT in the Corpus of Qumran Manuscripts,” in *Reading 4QMMT: New Perspectives on Qumran Law and History* (ed. J. Kampen and M. J. Bernstein; Atlanta: Scholars Press, 1996), 87-88; idem, “*Miqsat Ma’ase Ha-Torah* and the Temple Scroll,” *RevQ* 55 (1990): 448.

¹⁸ Contrary to Harrington, 11Q19 51.1-6 does not deal with slaughtering animals in Jerusalem or using ritually clean hides to make vessels. Rather, this passage concerns itself with those who have touched or carried any part of an unclean animal carcass. Harrington, *The Purity Texts*, 84.

Taking into account both the fragmentary nature of 4Q394 3-7 ii 2-4 and the fact that this material has been reconstructed on the basis of the Temple Scroll, it is highly tenuous to say that the Temple Scroll and 4QMMT parallel one another on the issue of hides. As Qimron himself has noted: “Since this reconstruction is based on the Temple Scroll, it contributes very little which is new to our understanding of this actual law from Qumran.”¹⁹

Not unlike the passage above, the following material from 4QMMT has also been reconstructed based on the Temple Scroll and its *halakha* on the purity of hides (11Q19 51.1-6):

(4Q397 1-2 1-3; par. 4Q398 1-3 1-2)

[ה ואפ על עזרות ועצמות הבהמה הטמאה אין לעשות] 1
 [מן עצמותמה] ומן ע[ו]ר[ות]מה ידות כלים ואף על עז 2
 נבלת] 3
 [הבהמה] הטהורה [הנש]א א[ו]ת(ה) נבלתה [לוא יגש לטהרת
 הקודש]

- 1 [...] And also concerning hid[es and bones of unclean animals: (One is) not to make]
- 2 [from their bones] of from their h[i]d[es] handles of ve[ssels]. And also concnering the hide of a carcass]
- 3 of a clean [animal]: [The one who carri]es that carcass [shall not approach the sacred food]

Directly dependent upon his reconstruction of 4Q394 3-7 ii 2-4, Qimron has restored this passage in exactly the same manner as described above. Unlike his prudent approach to 4Q394 3-7 ii 2-4, however, Qimron appears to have made a slight overstatement regarding what we can and cannot know about 4Q397 1-2 1-3: “Because the text is so badly preserved we can only say *with certainty* [our emphasis] that the controversy here was about the purity of some kind of hides and bones.”²⁰ It is difficult to see how Qimron can make such a strong claim when 4Q397 1-2 1-3's reconstruction is so heavily dependent upon his restoration of 4Q394 3-7 ii 2-4, which he has described as being “so fragmentary that we can do no more than guess what it may have said.”²¹ Moreover, one wonders how

¹⁹ Qimron, “The Nature of the Reconstructed Composite Text,” 12.

²⁰ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 155.

²¹ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 154.

certain we can be that this prohibition is concerned with the purity of bones and hides (עצמות and עורות) when neither of these words are extant in the fragments that were used in the reconstruction of this ruling.

In the face of the difficulties described above, Schiffman rather boldly suggests that: “MMT B 21-23 (according to an almost certain restoration) ... prohibits bringing bone vessels into the sanctuary.”²² Unfortunately, we are not told why it is that this is “an almost certain restoration.” Perhaps Schiffman felt that the reconstruction was certain given that 4Q397 1-2 2-3 retains both the word for “handles” (ידות) and the word for “carcass” (נבלתה).²³ Or perhaps his confidence was inspired by Qimron’s comments in DJD X: “*The fact* [our emphasis] that in the following passage [4Q397 1-2 2b-3] the purity of the hides and bones of a clean animal is discussed ... leads us to assume that there was a polemic here [4Q397 1-2 1-2a] concerning the purity of some other kind of hides and bones, no doubt those of unclean animals.” The problem with this statement, however, is that it is not “a fact” that 4Q397 1-2 2b-3 discusses the purity of animal hides and bones. Rather, it is a hypothesis based on the reconstruction of 4Q394 3-7 ii 2-4 and on a heavily damaged group of fragments which, by Qimron’s own admission, “contains [no] more than two whole words.”²⁴ While it is certainly possible that both 4Q397 1-2 1-3 and 4Q394 3-7 ii 2-4 once contained information on the purity of animal hides and bones, there is simply not enough evidence to reconstruct the legal position of the author/redactor let alone to say that 4QMMT is in agreement with the Temple Scroll on the issue of animal hides.

Similar difficulties arise when we consider 4Q394 3-7 ii 14b-19, which appears to take up the issue of the proper location for secular animal slaughter. In the reconstruction of this material Qimron once again adopts a cautious posture:

Unfortunately, the text of these lines is damaged in all of the manuscripts, and it is only by combining a number of tiny fragments from

²² Schiffman, “The Place of 4QMMT,” 88.

²³ According to Qimron, the presence of the reconstructed phrase “handles of ve[ssels] (ידות כליים) suggests that the handles might have been made out of bone, thus the restoration of the word עצמותהם in 4Q397 1-2 2. Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 155n.104. Cf. *m. Mikv.* 10:1.

²⁴ Qimron, “The Nature of the Reconstructed Composite Text,” 11.

three different manuscripts that we have been able to produce a partial reconstruction.²⁵

The difficulties alluded to by Qimron can be appreciated by analyzing the first line and a half of 4Q394 3-7 ii 14b-19:

(4Q394 3-7 ii 14b-15)

14b [וע]ל שא כתוב] איש כי ישחט במחנה או] 14b
15 [ישחט] מחוץ לסחנה שור וכשב ועז 15

14b [And conce]rning that, it is written: [if a man slaughters in the camp, or]

15 [if he slaughters]outside of the camp, cattle, or sheep or goat

Although it seems fairly clear that this passage is based on a paraphrase of Lev 17:3 (איש איש מבית ישראל אשר ישחט שור או־כשב) מחוץ למחנה),²⁶ Qimron immediately draws a comparison between 4Q394 3-7 ii 14b-15 and the Temple Scroll (11Q19 52.13-16), which rules that a clean ox, sheep or goat that is without a blemish may be slaughtered in cities that are greater than “three days walk” (דרך שלושת ימים) from the Temple.²⁷ Based upon this comparison and a partially damaged phrase from 4Q396 1-2 i 1, “they are [no]t slaughtering in the sanctuary” (איןם במקדש), Qimron suggests that 4Q394 3-7 ii 14b-19 and 4Q396 1-2 i 1 “may also refer to the practice of the [author/redactor’s] opponents regarding secular slaughter.”²⁸ Given that 4Q394 3-7 ii 14b-15 appears to paraphrase Lev 17:3, which goes on to rule that any man who does not offer a slaughtered ox, sheep, or goat in front of the tent of meeting (i.e., inside the camp) shall be “cut off” (כרתה) from his people (Lev 17:4), it seems highly likely that the author/redactor of 4QMMT had the issue of secular slaughter in mind. Beyond that, however, the fragmentary nature of the text does not allow us to determine the exact legal position being espoused. With that in mind, Qimron rightly concludes that “[o]ur fragmentary text does not contribute anything new to the subject of

²⁵ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 156.

²⁶ Bernstein, “The Employment and Interpretation of Scripture,” 39.

²⁷ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 156.

²⁸ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 156.

slaughtering” and he directs his readers to “Yadin’s edition of the Temple Scroll ... where references are given to a variety of sources [on secular sacrifice], among them Karaite works.”²⁹

Other than a well preserved rule prohibiting dogs from entering Jerusalem in order to keep the city and the sacred food from becoming contaminated through their scavenging activities (4Q394 8 iv 8b-12; par. 4Q396 1-2 ii 9b-11, 1-2 iii 1-2), 4QMMT contains one additional ruling on clean/unclean animals:

(4Q396 1-2 i 2-4; par. 4Q394 8 iii 6-8; 4Q397 4 1-2)

2 [ועל העברות אֲנִי־נֹשְׁבִים שְׂאִין לזבוח א]ת האם ואת הולד
ביום אחד
3 [ועל האובל אנה]נו חושבים שאי־אכל את הולד
4 [שבמעי אמו לאחר שחימתו ואתם יודעים שהו]א כן וְהִדְבַר כְּתוּב
עברה

- 2 [And concerning pregnant (animals), we are of the opinion that] the mother and its child [are not to be sacrificed] on the same day
- 3 [... And concerning eating, w]e are of the opinion that the foetus
- 4 [which is in its mother’s belly] may (only) be eaten [after it has been slaughtered. And you know that this is] so, and (is in accordance with) the word that has been written (concerning) pregnant (animals).

Similar to the material discussed above, Qimron has reconstructed this passage based on fragments from several different manuscripts. In particular, Qimron gives special attention to 4Q397 4 1-2, which “enables us to reconstruct most of the text.”³⁰ The interesting thing about this comment, however, is that 4Q397 4 1-2 contains a total of three damaged words, none of which parallel the extant material in this section. This observation becomes even more important when one considers that Qimron has reconstructed this passage as containing two different rulings: (1) a prohibition against sacrificing a pregnant animal; and (2) a regulation concerning the non-sacral slaughter of a live fetus. In defense of this proposal, Qimron not only relies on his placement of 4Q397 4 1-2, which supports the non-sacral portion

²⁹ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 156-57.

³⁰ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 157.

of the passage by retaining the word **האובל**, but he also draws attention to the close proximity between his reconstructed ban on sacrificing pregnant animals and 4Q396 1-2 i 1: “they do [not] slaughter in the sanctuary” (**ש[אי]נם שוחטים במקדש**). Additionally, Qimron points to the Temple Scroll and its prohibition against sacrificing a pregnant animal (11Q19 52.5-7) as further proof that 4Q396 1-2 i 2 bans individuals from the same practice.

There are, however, several problems with Qimron’s hypothesis. First, as noted above, it is problematic to base a reconstruction of MMT on the evidence in the Temple Scroll, or any other scroll from Qumran for that matter. Unless we allow each text to speak for itself, free from the influence of other scrolls, we run the risk of distorting the unique witness of the texts and homogenizing their contents. Second, the argument that the material in 4Q396 1-2 i 2 prohibits pregnant animals from being sacrificed, based on its juxtaposition with the phrase “they do [not] slaughter in the sanctuary” (4Q396 1-2 i 1), is significantly weakened when one considers that 4Q396 1-2 i 2 is immediately followed by material that appears to be concerned with non-sacral slaughter (4Q396 1-2 i 3-4). And third, given the lack of any overlapping or parallel material between 4Q397 4 1-2 and 4Q396 1-2 i 2-4, it is not entirely clear that 4Q397 4 1-2 was originally a part of this section or whether it belongs somewhere else.

Given these concerns, what can we actually say about this material? Well, to begin with, the phrase “the mother and the child on the same day” (**האם ואת הולד ביום אחד**) in 4Q396 1-2 i 2 appears to be based upon the prohibition against slaughtering a mother and its young on the same day in Lev 22:28: **ושור או־שה אתו ואת־בנו לא תשחטו ביום אחד**. Additionally, the presence of the citation formula **כתוב** in 4Q396 1-2 i 4 suggests that the author/redactor believed that his interpretations, whatever they may have been, were founded upon scripture. But as Bernstein has noted, “there is certainly no obvious way of reading the biblical text [Lev 22:28] which would imply that slaughtering pregnant animals is prohibited.”³¹ To complicate matters even further, Bernstein adds: “[I]t is even more difficult to infer from the text that a fetus found in a slaughtered animal must be slaughtered separately.”³² Given these difficulties, and those de-

³¹ Bernstein, “The Employment and Interpretation of Scripture,” 41.

³² Bernstein, “The Employment and Interpretation of Scripture,” 41.

scribed above, it is not easy to determine the exact nature of these rulings. In particular it is difficult to tell whether or not the entire passage deals with non-sacral slaughter or if, as Qimron would have us believe, the passage is divided between sacral and non-sacral concerns.

4.2.3 Corpses

The first of two passages on corpse contamination in 4QMMT, 4Q394 3-7 i 16b-19a concerns the purity of those who were responsible for the preparation of the Red Heifer:

(4Q394 3-7 i 16b-19a; par. 4Q395 1 8-10a)

	וּאִפְּ עַל טְהִרַת פֶּרֶת הַחֲמִשָּׁה 16b
[מי]	הַשׁוֹחֵט אוֹתָהּ וְהַסּוֹרֵף אוֹתָהּ וְהַאֹסֵף [א] 17
	הַחֲמִשָּׁה לְכוֹל אֱלֹהֵי הָעֵרִי [בן] הַשֶּׁמֶשׁ לְהִיּוֹת טְהוֹרִים 18
	בְּשֵׁל שֶׁאֵי יִהְיֶה הַטָּהוֹר מִזֶּה עַל הַמַּסָּה ³³ 19a

- 16b And also concerning the purity of the cow of the purification offering:
- 17 The one who slaughters it and the one who burns it and the one who gathers its ashes and the one who sprinkles the [water]
- 18 of purification, all of these (must wait) for the sun to set in order to be cleansed
- 19a so that the one who is pure may sprinkle upon the one who is impure.

Much has been written elsewhere in this study concerning the controversy during the Second Temple period over the issue of the *tebul yom*. With that in mind, it is perhaps sufficient to note that the author/redactor of 4QMMT champions the belief that those who were involved in the preparation of the Red Heifer had to cleanse themselves and wait until evening on the day prior to their participation. This interpretation contradicts that of the Pharisees who, according to the Mishnah, were known to have intentionally defiled the officiating priest prior to the ritual simply to counter the position of the Sadducees who believed that a *tebul yom* was unclean and inca-

³³ Read הַטָּמֵה.

pable of taking part in the Red Heifer rite.³⁴

There are several interesting differences between 4Q394 3-7 i 16b-19a and the biblical text on which it is based (Num 19:1-22). First, in contrast to the biblical text, which makes a very clear distinction between the preparation of the Red Heifer (Num 19:1-10) and the sprinkling of the water of purification (Num 19:11-22), 4QMMT does not understand these as being separate rituals. Specifically, the author/redactor seems to understand Num 19:1-22 as describing a single rite with four constituent parts: slaughtering, burning, gathering the ashes, and sprinkling the water of purification. The interdependence between these four parts is most apparent when the author/redactor claims that “all of these (must wait) for the sun to set in order to be cleansed so that the one who is pure may sprinkle upon the one who is impure” (לכול אלה להערי[ב]ות השמש להיות) - 4Q394 3-7 i 18b-19a; cf. Num 19:19). In other words, in order for the water of purification to be efficacious, each stage of its preparation had to be completed by a clean individual who had waited until evening before taking part in the rite. Any deviation from this approach would apparently contaminate subsequent stages and ultimately render the sprinkler unclean. Second, although Num 19 explicitly calls for the person who gathers the ashes and the person who sprinkles the water of purification to be “clean” (טהור),³⁵ the biblical text does not indicate how one might go about accomplishing this goal. Moreover, Num 19 states that both the priest and the one who burns the cow become defiled as a result of their participation thereby implying that both are clean prior to taking part in the ritual (Num 19:7, 8). By demanding that the one who slaughters the cow (i.e., the priest), the one who burns the cow, the one who gathers the ashes, and the one who sprinkles the water of purification wait until sunset before performing their respective functions, the author/redactor appears to be engaging in the act of gap-filling.³⁶ In so doing, the author/redactor has attempted to answer the question: How might one attain a level of

³⁴ Cf. *m. Parah* 3:7-8.

³⁵ Cf. Num 19:9, 18, 19.

³⁶ Although somewhat speculative, it is possible that the author/redactor of 4QMMT based his ruling on the notion that the priest, the one who burns the cow, the one who gathers the ashes, and the one who sprinkles or touches the water of purification must, after they have performed their duties, engage in various lustrations and wait until evening in order to be considered ritually clean. Cf. Num 19:7, 8, 10, 21.

cleanliness necessary in order to take part in the Red Heifer rite?

The second passage to deal with the notion of corpse impurity in 4QMMT focuses on the impurity of a corpse:

(4Q396 1-2 iv 1b-3; par. 4Q397 6-13 10b-12a)

	ועל [ממאת נפש]	1b
	האדם אנחנו אומרים שכול עצם ש[היא חסרה]	2
	[vacat] ושלמה כמשפט המת או החלל הוא	3

- 1b And concerning [the impurity of the dead]
 2 person we are of the opinion that every bone, whether [it is lack-
 ing]
 3 or whole, should be (dealt with) in accordance with the rule of
 the dead or the slain.

According to Qimron's reconstruction, this passage rules that the bones of a dead body, no matter their size, transmit impurity in the same manner and for the same duration as a corpse. Although this interpretation expands on the witness of Num 19:16,³⁷ in that it specifies the amount of bone necessary in order to transmit corpse impurity, the way in which Qimron arrives at his restoration is problematic.

As we have noted several times already, Qimron frequently relies upon the Temple Scroll in order to reconstruct the *halakha* of 4QMMT. On this occasion, however, Qimron purposely avoids using the Temple Scroll. This is a particularly significant observation when one considers that the Temple Scroll contains a periphrastic interpretation of Num 19:16:

(11Q19 50.4b-9)

And every man who, in an open field, touches the bone of a dead man, or one killed by a sword, or a corpse, or the blood of a dead man, or a grave, shall purify himself according to the statutes of this regulation. And if he is not cleansed in accordance with the regulation of this law he will be impure; his impurity is yet within him and every man who

³⁷ "Whoever in the open field touches one who has been killed by a sword, or who has died naturally, or a human bone [our emphasis], or a grave, shall be unclean seven days" (Num 19:16).

touches him will wash his clothing, bathe, and will be clean by evening.

The Temple Scroll deviates from Num 19:16 by ruling that it is the “bone of a dead man” (עצם אדם מת - 11Q19 50.5) rather than the “bone of a man” (עצם אדם - Num 19:16) that transmits corpse contamination. According to Yadin, the addition of the word מת in 11Q19 50.5 is directed against the rabbis, who believed that the phrase עצם אדם in Num 19:16 included both the living and the dead.³⁸ The upshot of this interpretation is that the Temple Scroll’s position on the issue of bones and corpse contamination is more lenient than the rabbinic position. Based on this observation, Qimron chooses not to build his reconstruction on the Temple Scroll as it would “depart from that of the rabbis in the direction of leniency, which would be exceptional in MMT.”³⁹

While there is no denying that Qimron’s reconstruction of 4Q396 1-2 iv 1b-3 is certainly a possibility, his methodology is flawed. Specifically, Qimron’s approach is fuelled by two concerns that are not always compatible with one another. On the one hand, Qimron has embraced the argument that 4QMMT’s *halakha* is consistently stringent, while, on the other hand, he has argued that all of the evidence in the Dead Sea Scrolls should be treated together “[i]n order to understand the exact attitude of the sect.”⁴⁰ Given that the Temple Scroll’s interpretation of Num 19:16 is far less stringent than that of the rabbis, Qimron is forced to choose between his two concerns. The irony, of course, is that a number of the passages that are used to support the argument that 4QMMT is consistently stringent have been reconstructed based on the witness of the Temple Scroll. Given these concerns, it seems appropriate to adopt a cautious posture towards Qimron’s reconstruction of 4Q396 1-2 iv 1b-3.

4.2.4 Sexual Misdeeds

The first of two passages on sexual misdeeds in MMT, 4Q394 8 iii 9b-19a par. appears to be concerned with improper marital relation-

³⁸ Yadin, *The Temple Scroll*, 1:335.

³⁹ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 171.

⁴⁰ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 156.

ships:

(4Q394 8 iii 9b-19a; par. 4Q396 1-2 i 5-6, 1-2 ii 1; 4Q397.5 1-6)

	9b	[ועל העמו]ני זהםואב ⁴¹
10	[והממזר ופצוע הדכה וכרות השפכת שהם באים] בקהל	
11	[ונשים] לוקחים	
12	טמאות ואף חושבים אנחנו	להיותם עצם אחת
13	ואין לבואם עליהם	[שאין]
14	ואין להם לעשותם	
15	ואין להביאם	עצם אחת
16	ואתם יודעים שמקצת העם	למקדש
17	מתוככם	
18	כבי לכול בני ישראל ראוי להזהר מכללם ערובת [ה]גבר	
19		[ולהיות יראים מהמקדש]

- 9b [And concerning the Ammoni]te and the Moabite
 10 [and the bastard and the one whose testicles have been crushed
 and the one whose penis has been cut off who enter] into the
 congregation
 11 ... [and] marry [women]
 12 [and become one bone ... impurities. And also] we [are of the
 opin]ion
 13 [that one must not ... And one must not liv]e with them
 14 [... And one must not let] them be together in order to become
 15 [one bone. ... And one must not let] them [enter]
 16 [the sanctuary ... And you know that some] of the people ...
 17 [... become] united
 18 [For all of the sons of Israel should be aware of all f]orbidden
 unions
 19 [and have respect for the sanctuary.]

Based on Deut 23:2-4 and the list of those who are prohibited from entering into the congregation of the Lord, this passage has been reconstructed with the help of four fragmentary manuscripts. According to Qimron, there are essentially two ways to understand the phrase “to enter into the congregation of the Lord.” On the one hand, Lam 1:10 understands the expression as referring to those who

⁴¹ Read והמואב.

enter the Temple.⁴² While, on the other hand, the rabbis construed it as pertaining to marriages with Jewish women.⁴³ Combining these two interpretations, Qimron has reconstructed the passage above to indicate that the author/redactor understood the phrase “to enter into the congregation of the Lord” as not only placing strict regulations on marriages between Jewish women and the Ammonites, the Moabites, “the bastard” (דַּמְמוֹן), and the sexually impaired, but that it also prohibited these men from entering the Temple as well.

In response to Qimron’s reconstruction, Bernstein has questioned whether or not 4Q394 8 iii 9b-19a contains a “double exegesis of the idiom ‘to enter the assembly of the Lord’.”⁴⁴ Although Bernstein agrees that this material is concerned with the issue of forbidden marital unions and the “impurities” (טַמְאוּת - 4Q394 8 iii 12b)⁴⁵ that accompany them, Bernstein challenges the notion that this passage also prohibits those mentioned in Deut 23:2-4 from entering the Temple by observing that the only reference to the Temple (4Q394 8 iii 19a; par. 4Q396 1-2 ii 1) is several lines removed from the paraphrase of Deuteronomy.⁴⁶

In support of Bernstein, it is important to recognize that Qimron has based his reconstruction of 4Q394 8 iii 9b-19a on a rather tendentious reading of an article by Joseph Baumgarten, entitled “The Exclusion of ‘Netinim’ and Proselytes in 4Q Florilegium .”⁴⁷ Ac-

⁴² Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma’ase Ha-Torah*, 158. For an opposing position, see Bernstein, “The Employment and Interpretation of Scripture,” 38n21.

⁴³ *Sipre Deut* 246-49.

⁴⁴ Bernstein, “The Employment and Interpretation of Scripture,” 38.

⁴⁵ Given the fragmentary state of this material, it is difficult to determine what these impurities might have been. First, nowhere in the Bible are Gentiles described as a category of impurity. That being said, it is easy to see how a practice like idolatry or the representation of foreign oppression might have inspired the author/redactor to label Gentiles as impure. Second, although the references to individuals whose testicles have been crushed and those whose sexual member has been severed resonates with the notion of imperfection, which is certainly a major concern in the biblical purity system (cf. Lev 13:1-46), the Bible does not classify these individuals as impure. This does not mean, however, that the author/redactor of 4QMMT refrained from making his own connection between sexual imperfection and impurity. Third, a similar observation can be made concerning the “bastard” (דַּמְמוֹן – Deut 23:3), who, although commonly understood to be the offspring of an incestuous union (Lev 18:6-18), is never described as a category of impurity in the Bible. What is described as impure, however, is incest (Lev 18:24), which may well have suggested to author/redactor that the offspring of such unions were also impure. For more on the impurity of outsiders, see Harrington, *The Purity Texts*, 112-27.

⁴⁶ Bernstein, “The Employment and Interpretation of Scripture,” 38.

⁴⁷ Baumgarten, *Studies in Qumran Law*, 75-87.

According to Qimron, Baumgarten's analysis of 4QFlorilegium proves "that the sectarians interpreted those biblical sources which forbade entry into the congregation as prohibiting entry into the sanctuary."⁴⁸ The problem with this reading, however, is that there is little to no evidence to support the notion that 4QMMT was written by the fully formed sectarian community at Qumran or by the same group who wrote 4QFloilegium. When 4QMMT does discuss the Temple it is clearly referring to the existing structure in Jerusalem, whereas 4QFlorilegium seems to be describing a theoretical construct:

The view that the sanctuary in 4Q Florilegium is literally the Temple is most difficult to accept ... What the author of 4Q Florilegium envisions with his human sanctuary is not the rebuilt Temple, but the constitution of a circle of initiates whose "works of the law" and whose searching for deeper revelations of Torah would have the cultic significance associated with sacrifice. This "holy of holies," sanctified by the presence of God's angels, must not be defiled by the presence of strangers.⁴⁹

Rather than prohibiting entry into the Temple proper, Baumgarten argues that the authors of 4QFlorilegium understood themselves to be "a sanctuary (composed) of men" (מקדש אדם - 4Q174 1-2 i 6; cf 1QS 9.3-6).⁵⁰ The author/redactor of 4QFlorilegium prohibited those individuals who were listed in Deut 23:2-4 from becoming members of their community out of fear that the "sanctuary of men" might become contaminated. Not only does this fail to support Qimron's reconstruction of 4Q394 8 iii 9b-19a, but it suggests that there may well be a significant amount of dissonance between 4QFlorilegium and 4QMMT's interpretation of Deut 23:2-4. Given the highly fragmentary nature of 4Q394 8 iii 9b-19a and the paucity of evidence to support Qimron's position, the most that can be said about this passage is that it appears to forbid marriages between Jewish women and those listed in Deut 23:2-4, who are seen as carriers of impurity

⁴⁸ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 159.

⁴⁹ Baumgarten, *Studies in Qumran Law*, 82-84.

⁵⁰ Baumgarten has since changed his position on this issue by suggesting that the phrase מקדש אדם, or "temple of man/Adam," may well be a reference to the Garden of Eden where the Garden functions as a prototypical sanctuary. See, J. Baumgarten, "Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees," in *New Qumran Texts and Studies: Proceedings of the First Meeting of the International Organization for Qumran Studies, Paris 1992* (STDJ 15; Leiden: E. J. Brill, 1994), 5-10.

(4Q394 8 iii 12b).⁵¹

Similar to 4Q394 8 iii 9b-19a, the final passage in 4QMMT to deal with sexual misdeeds (4Q396 1-2 iv 4-11a) also focusses on the topic of improper marital relationships:

(4Q396 1-2 iv 4-11a; par. 4Q397 6-13 12-15)

4 ועל הזונות הנעסס בתוך העם והמה בני זרע]
 5 קדש משכתוב קודש ישראל ועל בה[מתו המהורה]
 6 כתוב שלוא לרבעה כל אים ועל לבוש[ו כתוב שלוא]
 7 יהיה שעטנו ושלוא לזרוע שדו וכ[רמו כל אים]
 8 [ב]גלל שהמה קדושים ובני אהרון ק[דושי קדושים]
 9 [וא]תם יודעים שמקצת הכהנים זה[עם מתערבים]
 10 [והם] מתוככים ומטמא[ם] את זרע[ם] הקודש ואף]
 11a את [זרע]ם עם הזונות

- 4 And concerning the fornications (i.e., illegal marriages) that are taking place in the midst of the people: they are the s[ons of] holy [seed]
- 5 as it is written, Israel is holy. And concerning [his clean] ani[mal],
- 6 it is written that one must not let it mate with another species. And concerning [his] clothing [it is written that they must not]
- 7 be of mixed stuff, and one must not sow his field and vi[neyards with mixed species.]
- 8 For they are holy, and the sons of Aaron are m[ost holy.]
- 9 [And y]ou know that some of the priests and the peo[ple are mingling with each other]
- 10 [and they] unite with each other and defil[e] the [holy] seed [and also]
- 11a their own [seed] with fornications.

According to Qimron, the main issue being addressed in this passage is that of marriages between priests and lay Israelites. Founded primarily upon his reconstruction of line 9, (“And you know that some of the priests and the peo[ple are mingling with each other]”), Qimron argues that the author/redactor of 4QMMT disagrees with such unions as they result in the combination of “mixed species” (כל אים)

⁵¹ Here we are in agreement with Bernstein, who argues: “The simple sense of MMT is that the subject under discussion is the law of marriage, not of the Temple.” Bernstein, “The Employment and Interpretation of Scripture,” 38.

and “defil[e] the [holy] seed” (4Q396 1-2 iv 10b).⁵² While Qimron’s reconstruction and interpretation are certainly a possibility, Baumgarten has theorized that this passage may actually be addressing the issue of Jew/Gentile marriages.⁵³ In response to Baumgarten’s hypothesis, Qimron argues that the such a reading would require line 9 to read [שמקצת הכהנים וה]עם מתערבים בגוים rather than [שמקצת הכהנים וה]עם מתערבים, which, according to Qimron, would exceed line length considerations.⁵⁴ Moreover, argues Qimron, the phrase בתוך העם in line 4 indicates that the so-called “fornications” (הזנות) mentioned in the introduction to this passage are taking place in the midst of the Israelites and not among the Gentiles.

In response to Qimron’s critique of Baumgarten’s position, Kugler has raised several concerns.⁵⁵ First, concerning the notion that the restoration of the phrase [שמקצת הכהנים וה]עם מתערבים בגוים in line 9 would contain too many spaces (i.e., 43) and exceed line length considerations, Kugler has noted that the line lengths in 4Q396 1-2 iv cannot be accurately determined due to the fact that the left edge of the column is absent. Additionally, in the reconstruction of 4Q396 1-2 iii 6 and 9, which come from the same fragment as column iv, Qimron has proposed line reconstructions with 48 and 45 spaces respectively.⁵⁶ Second, Kugler takes issue with Qimron’s contention that the phrase “in the midst of the people” (בתוך העם - 4Q396 1-2 iii 4) can only refer to “marriages *between* Israelites.”⁵⁷ Not considered, argues Kugler, is the notion that the expression בתוך העם could be interpreted as referring to “prohibited marriages [that] were occurring *among* the people.”⁵⁸ Based on these objections, Kugler concludes that “we are left with an ambiguous passage, at least with respect to precisely whom priests may not marry.”⁵⁹

Beyond the fact that the Bible contains numerous passages prohibiting marriages between Jews and Gentiles (Deut 7:3; Ezra 9:12;

⁵² Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 171-75.

⁵³ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 171n.178.

⁵⁴ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 171n.178.

⁵⁵ Kugler, “Halakhic Interpretive Strategies at Qumran,” 135-36.

⁵⁶ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 19.

⁵⁷ Kugler, “Halakhic Interpretive Strategies at Qumran,” 136.

⁵⁸ Kugler, “Halakhic Interpretive Strategies at Qumran,” 136.

⁵⁹ Kugler, “Halakhic Interpretive Strategies at Qumran,” 136.

Neh 10:31, 13:25; cf. *Jub* 30:11),⁶⁰ Qimron's reconstruction of 4Q396 1-2 iv 4-11a repeatedly emphasizes that Israel is set apart as "holy" (קודש - 4Q396 1-2 iv 5, 8) and that they are the offspring of "holy seed" (זרע הקודש - 4Q396 1-2 iv 4b-5a, 10). According to 4Q396 1-2 iii 10-11a, it is this holy seed which is defiled through improper marital relations: "[and they] unite with each other and defil[e] the [holy] seed [and also] their own [seed] with fornications." In other words, not only is the holy seed of Israel polluted, but so is the individual seed of any Israelite or priest who engages in בלאים (4Q396 1-2 iii 6-7). Based on these observations, and those discussed above, it seems plausible to suggest, following Baumgarten, that this passage prohibits Jew/Gentile marriages rather than marriages between lay Israelites and priests.

4.3 Significance

In contrast to the Damascus Document, which is interested in the proper diagnosis of skin diseases, and the Temple Scroll, which focuses on protecting the Temple, Jerusalem and ordinary cities from צרעה, 4QMMT concerns itself with prohibiting those who have not been fully cleansed of a skin disease from eating sacred food and entering places containing sacred food (4Q396 1-2 iii 4b-11; par. 4Q397 6-13 6-10a; 4Q394 8 iv 14b-16). After claiming that some of his contemporaries have been violating this extra biblical law (4Q396 1-2 iii 7b-8a; cf. Lev 13:48, 22:4), the author/redactor of 4QMMT goes on to make a rather interesting distinction between unclean people who knowingly enter places where sacred food is being kept and those who do so accidentally (4Q396 1-2 iii 8b-10). While the editors of *DJD X* are quick to draw a connection between 4QMMT's position on skin diseases and the quarantining of skin-diseased individuals in the Temple Scroll, (Qimron actually goes so far as to offer a reconstruction of 11Q19 45.17-18 based upon the witness of 4QMMT!),⁶¹ the reference in 4QMMT to those who have accidentally violated the aforementioned laws would seem to suggest that this document is at odds with the Temple Scroll. First, where

⁶⁰ See the discussion on Jew/Gentile marriages in Yadin, *The Temple Scroll*, 1:353-54.

⁶¹ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 167-68.

11Q19 45.17-18 and 48.14b-15a prohibit skin-diseased individuals from entering the city of the Temple and ordinary cities respectively, the fragmentary text of 4QMMT fails to specify whether it is talking about Jerusalem or ordinary towns. Second, 4QMMT's reference to unclean people entering places where sacred food is being kept (4Q396 1-2 iii 7b-8a) implies that these individuals have already been granted access to a town or city. Although it has been suggested above that the author/redactor of the Temple Scroll may have allowed purifying individuals to enter the city of their habitation as early as the first day (cf. Lev 14:8), it is important to recognize that the Temple Scroll is somewhat fragmentary at this point and it fails to indicate when these individuals would have been granted access to Jerusalem or other cities, save to say that they must first be clean (11Q19 45.18, 49.1-4). Third, if, according to the idealized world of the Temple Scroll, sacrificial meat was the only type of animal flesh that could be consumed in the city of the Temple (11Q19 52.19-21), it stands to reason that many of the homes and residences in Jerusalem would have contained sacred food. The question is raised: if Temple Scroll's law on sacrificial meat was understood to be binding, then why is it that the author/redactor of 4QMMT fails to prohibit unclean individuals from entering the city of Jerusalem or its environs until the aforementioned individuals have been fully purified?⁶² Finally, given the stringent and utopian nature of the Temple Scroll's purity rulings, which are presented, by and large, as the normative word of God, it seems unlikely that the author/redactor of the Temple Scroll would have followed 4QMMT's rather conciliatory and realistic tone by making special allowances for those who accidentally violate a "divine" prohibition.

Of the five rulings on clean/unclean animals in 4QMMT only one retains enough information to establish the legal position of the author/redactor: 4Q394 8 iv 8b-12; par. 4Q396 1-2 ii 9b-11, 1-2 iii 1-2. According to this ruling, dogs were prohibited from entering Jerusalem so as to keep the city and the sacred food from becoming defiled through their scavenging activities. By contrast, the four remaining rulings on clean/unclean animals in 4QMMT are so fragmentary that it is nearly impossible to reconstruct the *halakhic* positions of the author/redactor. Although Qimron has attempted to re-

⁶² Although an argument from silence, this observation once again highlights the dissonance between the utopian world of the Temple Scroll and those texts that betray a more realistic state of affairs.

construct these rulings based on the witness of the Temple Scroll (4Q394 3-7 ii 2-4 par. // 11Q19 47.7-15, 51.1-6; 4Q394 3-7 ii 14b-15 // 11Q19 52.13-16; 4Q396 1-2 i 1-4 par. // 11Q19 52.5-7 and 4Q397 1-2 1-3 par. // 11Q19 51.1-6), it is generally the case that 4QMMT is too fragmentary to successfully construct its legal positions on the subject of clean/unclean animals, let alone to conclude that the restorations forwarded by Qimron are in agreement with the Temple Scroll (i.e., the text upon which those reconstructions have been based). Given the fragmentary nature of this material and the stated objective of this study (i.e., to examine the texts from Qumran in isolation from one another so as to establish the legal positions of each document free from the influence of other texts) we have decided against summarizing the remaining material on clean/unclean animals.⁶³

In addition to the fragmentary rulings on clean/unclean animals, 4QMMT contains two separate rulings on corpse contamination: (1) a law demanding that those responsible for preparing the Red Heifer and sprinkling the waters of purification must be free from all impurity, having waited until evening to be clean (4Q394 3-7 i 16b-19a; par. 4Q395 1 8-10a); and (2) a fragmentary ruling on the impurity of human bones (4Q396 1-2 iv 1b-3; par. 4Q397 6-13 10b-12a). Concerning the former, it has been noted above that the author/redactor of 4QMMT appears to have rejected the notion of the *tebul yom*. Although Schiffman has claimed that the rejection of the *tebul yom* in 4QMMT, the Temple Scroll and the Damascus Document is a “smoking gun” that reflects a polemical and “Sadducean approach to Jewish law,”⁶⁴ this does not necessarily mean that these texts were produced by the Sadducees or by an offshoot of the Sadducean sect. As Himmelfarb has noted, it is equally possible that the repeated references in the scrolls to waiting until evening are reflective of a shared exegetical approach to the Torah that was common to more

⁶³ In a detailed response to Qimron reconstruction of the *halakha* in 4QMMT, Baumgarten notes: “In sum, this survey of the seventeen laws in *MMT* identified by the editors yields eight about which there exists substantial doubt regarding the nature of the legal rulings, indicating a high degree of uncertainty.” Of the eight uncertain legal rulings alluded to by Baumgarten, four deal with the topic of clean/unclean animals. J. Baumgarten, “The ‘Halakha’ in *Miqsat Ma’ase Ha-Torah* (*MMT*),” *JAOS* 116/3 (1996): 516. Cf. Bernstein, “The Employment and Interpretation of Scripture,” 29-51.

⁶⁴ Schiffman, “The Place of 4QMMT,” 81-98.

than one group.⁶⁵ Regardless of whether one chooses to follow Schiffman or Himmelfarb on this point, it is clear that the author/redactor of 4QMMT considered the Red Heifer rite to be made up of four constituent parts (i.e., slaughtering, burning, collecting, and sprinkling the ashes of the Red Heifer). Moreover, according to the author/redactor, these four elements were to be performed by those who had waited until evening prior to discharging their duties. If any these activities were performed by an individual who had not waited until evening, the entire rite would become contaminated. As for the fragmentary rule on the impurity of human bones, once again we find ourselves being confronted with a rather difficult reconstruction. According to Qimron, 4QMMT rules that the bones of a corpse, regardless of their size, transmit corpse impurity (4Q396 1-2 iv 1b-3; cf. Num 19:16). What is particularly difficult about this reconstruction, however, is that Qimron has opted to ignore a parallel ruling in the Temple Scroll that deviates from Num 19:16 when it rules that it is the bone of a *dead* man rather than the bone of a man (i.e., a living person) that transmits corpse impurity (11Q19 50.4b-9). The upshot of this interpretation is that the Temple Scroll's position on corpse impurity is actually more lenient than that of the rabbis.⁶⁶ Given that Qimron understands 4QMMT's *halakha* to be "stringent, systematic, and fully consistent," he is reluctant to rely upon the witness of the Temple Scroll in this instance in that such a reconstruction would "depart from the rabbis in the direction of leniency, which would be exception in MMT."⁶⁷ The problem with this statement, however, is that many of the rulings that are used to support the notion that 4QMMT is "stringent, systematic, and fully consistent" have been reconstructed based on the witness of the Temple Scroll. These methodological inconsistencies call into question both the editor's reconstruction of 4Q396 1-2 iv 1b-3 par. and the conclusion that 4QMMT exhibits a consistent, systematic, and stringent approach to ritual purity.

Although bodily discharges are not discussed in the extant text of 4QMMT, the author/redactor does take up the issue of sexual misdeeds. In particular, 4QMMT retains two lengthy passages on im-

⁶⁵ M. Himmelfarb, "The Polemic against the Tevul Yom: A Reexamination of Text and Context," (presented at the Tenth Annual International Orion Symposium, New Perspectives on Old Texts, Jerusalem, January 10, 2005), <http://orion.huji.ac.il/symposiums/abstract2005.shtml#Himmelfarb>

⁶⁶ Cf. *Sifre*, Num 127; *'Eduyoth* 6:3; *Kelim* 1:5; *Tos 'Eduyoth* 2:10.

⁶⁷ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 157, 190.

proper marital relationships: (1) those who are prohibited from entering into the congregation of the Lord (4Q394 8 iii 9b-19; par. 4Q396 1-2 i 5-6, 1-2 ii 1; 4Q397 5 1-6; cf. Deut 23:2-4); and (2) a prohibition against Jew/Gentile marriages (4Q396 1-2 iv 4-11; par. 4Q397 6-13 12-15). Concerning the former, it has been argued above that the phrase “to enter into the congregation” (4Q394 8 iii 10b) should be understood as referring to marital unions between Jewish women and certain individuals (cf. Deut 23:2-4). Although 4QMMT does appear to treat the Ammonite, the Moabite, the bastard and the eunuch as categories of impurity, a notion that is not explicit in the Torah, there is no extant evidence in 4QMMT to support Qimron’s contention that this passage also prohibited Jewish women or their illicit marital partners from entering the Temple complex.⁶⁸ On this point we find ourselves in agreement with Bernstein: “The simple sense of MMT is that the subject under discussion is the law of marriage, not of the Temple.”⁶⁹ As for the prohibition against Jew/Gentile marriages (4Q396 1-2 iv 4-11; par. 4Q397 6-13 12-15), once again we find ourselves in disagreement with editors of *DJD X*. Specifically, where Qimron argues that 4QMMT prohibits marital unions between priests and lay Israelites, the fragmentary nature of the text does not make it clear whom the priests can and cannot marry. Moreover, the ambiguous phrase “in the midst of the people” (בתוך העם - 4Q396 1-2 iii 4), which Qimron understands as referring to martial unions occurring between Israelites, can also be interpreted as referring to any and all marital relationship that were taking place “among the people.”⁷⁰ Although the latter would also include the priesthood, we agree with Baumgarten who has convincingly argued that the overriding issue in this prohibition is that of “inter-marriage with pagans.”⁷¹

Of the ten purity rulings discussed above, only three contain enough extant material to determine the exact legal position that is being espoused by the author/redactor of 4QMMT: (1) the law barring skin-diseased individuals from eating sacred food or entering buildings containing sacred food (4Q396 1-2 iii 4b-11; par. 4Q397 6-13 6-10a; 4Q394 8 iv 14b-16); (2) the prohibition against allowing dogs to enter Jerusalem (4Q394 8 iv 8b-12; par. 4Q396 1-2 ii 9b-11,

⁶⁸ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 158.

⁶⁹ Bernstein, “The Employment and Interpretation of Scripture,” 38.

⁷⁰ Kugler, “Halakhic Interpretive Strategies at Qumran,” 136.

⁷¹ Baumgarten, “The ‘Halakha’ in Miqsat Ma'ase ha-Torah,” 515.

1-2 iii 1-2); and (3) the legislation concerning those who are eligible to prepare and sprinkle the ashes of the Red Heifer (4Q394 3-7 i 16b-19a; par. 4Q395 1 8-10a). The remaining rulings are either too fragmentary to establish a confident reconstruction or they have been restored based on a systematic, yet selective, reading of the *halakhic* material from Qumran. This sort of approach, while not without merit, has the potential to distort the unique witness of 4QMMT and frequently results in reconstructions that are far more confident than the extant text will allow.⁷² Moreover, the results of this sort of approach can be used to make rather bold statements about the relationship between texts from Qumran.⁷³ Although the editors of *DJD X* are aware of most of these difficulties, their frequent words of caution regarding the nature of the reconstructed composite text have, all too often, been disregarded. As Baumgarten has observed:

... the editors, who estimate the restorations to constitute about forty percent of the text, are quite frank in cautioning the reader about the conjectural nature of some of those which they proposed. One of the reconstituted laws is prefaced by the editorial comment: "The text is so fragmentary that we can do no more than guess what it may have

⁷² As Baumgarten notes: "scholarly convention requires the use of sigla to distinguish restorations from readings, and marking the latter according to degree of reliability. But proposed readings have an insidious way of infiltrating the literature as if they were assured readings." Baumgarten, "The 'Halakha' in *Miqsat Ma'ase Ha-Torah* (MMT)," 512n.1.

⁷³ According to Harrington: "MMT reveals a strong relationship to other Dead Sea Scrolls, especially the Temple Scroll ... MMT is in agreement with a variety of the Temple Scroll's sacrificial and purity laws, some of which may be polemics against the prevailing halakha, such as the rejection of the *tebul yom*, the impurity of skins of animals slaughtered outside of Jerusalem, rules regarding the slaughter of pregnant animal and other sacrificial laws ..." Although Harrington is correct in noting that 4QMMT and the Temple Scroll both reject the notion of the *tebul yom*, she fails to acknowledge that a significant number of the sacrificial laws and purity rulings in 4QMMT have been reconstructed based upon the witness of the Temple Scroll. Furthermore, Harrington seems to be unaware of Qimron's own apprehensions about some of his proposed reconstructions. For example, when attempting to reconstruct the material on illicit marital unions (4Q394 8 iii 9b-19), Qimron admits that "MMT's lengthy discussion on this subject is poorly preserved, and as a result our conclusions are based largely on conjecture." A similar sentiment is expressed when Qimron cautions his readers against using the composite text of MMT uncritically: "Reconstruction is no more than an educated guess on the basis of the scholar's knowledge and intuition. The composite text of our edition therefore should not be used independently, but rather must always be consulted together with the individual manuscripts and commentary presented in its publication." Harrington, *The Purity Texts*, 53; Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 158; Qimron, "The Nature of the Reconstructed Composite Text of 4QMMT," 9.

said” (p. 154). Another is accompanied by the avowal that “our conclusions are based largely on conjecture” (p. 158). Such scholarly honesty is refreshing and bids the reader to weigh carefully the textual basis for various hypotheses which are proposed.⁷⁴

Based upon these rather compelling words of caution, and on the methodological concerns raised above, it is fair to say that the majority of the legal positions in 4QMMT remain uncertain. Although some readers may feel justified in claiming that we have retreated a little too quickly behind the fragmentary nature of this document or that we have downplayed the similarities between 4QMMT and other texts from the Qumran corpus, such as the shared presence of a 364-day solar calendar and the rejection of the *tebul yom*, the fact remains that many of the purity rulings in 4QMMT have been reconstructed based upon the witness of the Temple Scroll. Beyond the inherent difficulty in using a utopian document to restore what would appear to be a decidedly non-utopian text, it is important to recognize that the wholesale reconstruction of one law/text based on the witness of another law/text tells us nothing new about the understanding of a particular legal position in the Dead Sea Scrolls.⁷⁵ What it does do, however, is create the potentially false impression that the Dead Sea Scrolls are in agreement on certain issues when, in point of fact, they might be in disagreement. Although we do not deny the possibility that the legal material in 4QMMT may well be in agreement with the Temple Scroll, or another document, the fragmentary nature of 4QMMT, when combined with the differences in age, authorship, genre, tone, and audience, compels us to reserve judgment on the question of agreement by embracing an appreciative yet cautious posture towards the reconstructions that are offered in *DJD X*.

⁷⁴ Baumgarten, “The ‘Halakha’ in *Miqsat Ma‘ase Ha-Torah* (MMT),” 512.

⁷⁵ Concerning his reconstruction of the ruling on the purity of hides and animal carcasses (4Q394 3-7 ii 2-4; par. 4Q395 1 12), Qimron notes: “Since this reconstruction is based on the Temple Scroll, it contributes very little which is new to our understanding of this actual law from Qumran.” Similarly, regarding his restoration of 4QMMT’s position on the practice of secular animal slaughter (4Q394 3-7 ii 14b-19), Qimron states: “our fragmentary text [which has been modelled on a ruling in the Temple Scroll] does not contribute anything new to the subject of slaughtering [at Qumran].” Qimron, “The Nature of the Reconstructed Composite Text,” 12; Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma‘ase Ha-Torah*, 156-57.

CHAPTER FIVE
OTHER CAVE 4 MANUSCRIPTS

5.1 Introduction

Located only 200 meters from the site of Khirbet Qumran, Cave 4 contained over 15,000 fragments from nearly 600 manuscripts. By far and away the largest collection of manuscripts recovered from the caves surrounding Qumran, the Bedouin who had discovered the cave in the fall of 1952 attempted to sell vast quantities of fragments from Cave 4 to the highest bidder in Jerusalem while simultaneously trying to misdirect those who were anxious to discover where the fragments were coming from. By the third week of September 1952 the Jordanian Department of Antiquities had located Cave 4 and archaeologists from the Palestine Archaeological Museum and the École Archéologique Française were sent to the cave to conduct an excavation. When archaeologists finally arrived at the cave, however, only one-fifth to one-sixth of the manuscripts remained and it would take upwards of five years to retrieve and purchase the remaining Cave 4 fragments from the Bedouin.¹ What follows is a brief description of each of the Cave 4 manuscripts containing material on ritual impurity.

5.1.1 - 4Q159 (4QOrdinances^a)

Published in a preliminary edition in 1961² and officially in the DJD series in 1968,³ 4Q159 has been dated by Strugnell to somewhere

¹ F. M. Cross, *The Ancient Library of Qumran* (3rd ed.; Sheffield: Sheffield Academic Press, 1995), 33-34.

² J. M. Allegro, "An Unpublished Fragment of Essene Halakha (4QOrdinances)," *JJS* 6-7 (1961-62), 71-73.

³ J. M. Allegro, *Qumran Cave 4. I. (4Q158-4Q168)* (DJD V; Oxford: Clarendon Press, 1968), 6-9.

between the early Herodian period and the late first century BCE.⁴ Although 4Q159's original editor identified a total of nine fragments as belonging to this document, it has since been recognized that fragment 5, which appears to be a *peshet* on Leviticus 16:1,⁵ does not belong to 4Q159. Moreover, fragments 6-9 are so fragmentary that they have been described as "insignificant" and add little to our understanding of 4Q159.⁶

Like many of the texts from Cave 4, 4Q159 contains a wide range of legal material with no discernable organizational structure. For example, not only does this text outlaw cross-dressing (4Q159 2-4 6b-7) and prohibit non-Jews from owning Israelite slaves (4Q159 2-4 1-3a), but it also contains guidelines on the rights of the poor in relation to gleaning (4Q159 1 ii 1-5) and describes the procedures for those who have accused a new bride of non-virginity (4Q159 2-4 8-10).

5.1.2 - 4Q249 (4Qpap cryptA Midrash Sefer Moshe)

4Q249 consists of fourteen heavily damaged fragments of papyrus written in an unusual script dubbed "Cryptic A."⁷ Dating to the first half of the second century BCE, 4Q249 is one of only five documents from Qumran to exhibit a title written on the outer portion of the scroll.⁸ This title, מדרש ספר מושה (4Q249 1 1 verso), would presumably have helped individuals to identify the contents of the scroll when it was rolled shut. Furthermore, S. Pfann has suggested that there may be a connection between this title and the phrase

⁴ J. Strugnell, "Notes en marge du volume V des 'Discoveries in the Judaean Desert of Jordan,'" *RevQ* 7 (1970): 177.

⁵ F. D. Weinert, "4Q159: Legislation for an Essene Community Outside of Qumran," *JSJ* 5 (1974): 203.

⁶ L. H. Schiffman, "Ordinances and Rules (4Q159 = 4QOrd^a, 4Q513 = 4QOrd^b)," in *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations. Volume 1. Rule of the Community and Related Documents* (Tübingen: J. C. B. Mohr [Paul Siebeck]; Louisville, KY: Westminster/John Knox Press, 1994), 145.

⁷ For a humorous anecdote concerning the decipherment of Cryptic A, see Cross, *The Ancient Library of Qumran*, 45.

⁸ The other manuscripts containing titles are 1QS, 4Q8^c, 4Q257, and 4Q504. According to Pfann: "In every case the title was written in a different hand than that of the main text of the scroll. It seems likely that the titles would have been added by librarians for easy retrieval of the scrolls." S. Pfann, "4Q249 Midrash Sefer Moshe," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995* (ed. M. Bernstein, F. García Martínez, and J. Kampen; STDJ 23; Leiden: E. J. Brill, 1997), 11.

מדרש התורה (hereafter MhT), which appears in both the Community Rule (1QS 8.15) and the Damascus Document (4Q266 5 i 17, 11 20; 4Q270 7 ii 15). Given that the terms תורה and ספר מושה were interchangeable in the Second Temple period, Pfann argues that the contents of מדרש ספר מושה were “an essential part of MhT.”⁹ However, if the מדרש ספר מושה was an essential part of MhT and MhT was, according to Pfann, “the source upon which the *Damascus Covenant* relied for its corpus of rules,”¹⁰ then how are we to explain the fact that 4Q249 in no way parallels the legal material in the Damascus Document? Specifically, what little we do have of 4Q249 deals exclusively with the issue of diseased houses (cf. Lev 14): a topic not discussed in the Damascus Document, the Temple Scroll, or 4QMMT.

5.1.3 - 4Q251 (4QHalakha A)

Containing a total of twenty-six fragments written on leather, 4Q251, also known as 4QHalakha A, has been dated to the early Herodian period based on palaeographic considerations.¹¹ As its name suggests, 4QHalakha A exhibits a strong interest in legal matters, but beyond this rather general description there is no discernable organizing principle evident in this document.

Similar to 4Q159, 4Q251 contains an assortment of ordinances on a variety of unrelated topics. For example, in 4Q251 9 1-6 the author/redactor takes up the issue of the firstfruit offering and insists that no grain, wine, or oil be consumed until a portion of it has been given to the priests. Compare this with 4Q251 1-2 4-5, which prohibits individuals from carrying anything into or out of one’s house on the Sabbath, 4Q251 17 1-7, which outlaws incestuous marital unions, such as mother/son, uncle/niece, and aunt/nephew relationships, and 4Q251 8 3b-6, which describes the procedure for dealing with a goring ox that has not previously gored anyone.

⁹ S. Pfann, “4Qpap cryptA Midrash Sefer Moshe,” in *Qumran Cave 4 XXV Halakhic Texts* (DJD 35; Oxford: Clarendon Press, 1999), 2.

¹⁰ Pfann, “4Qpap cryptA Midrash Sefer Moshe,” 2.

¹¹ M. Lehmann, E. Larson, and L. H. Schiffman, “4QHalakha A,” in *Qumran Cave 4 XXV Halakhic Texts* (DJD 35; Oxford, Clarendon Press, 1999), 27-28.

5.1.4 - 4Q265 (4QMiscellaneous Rules)

Consisting of seven identified fragments (4Q265 1-7) and twelve unidentified fragments (4Q265 a-l), 4QMiscellaneous Rules dates to the Herodian period (c. 30-50 CE) and was officially published by Baumgarten in 1999.¹² As early as 1959 Milik noted certain similarities between the Damascus Document, the Community Rule, and 4Q265. In particular, Milik was the first to observe that the Sabbath rites in 4Q265 6 1 - 7 6 were “identical with those of the *Damascus Document* (X. 14 ff.), but follow a different order.”¹³ Additionally, Milik suggested that a large portion of fragment 7, which describes an eschatological “council of the community” (עצת ה'חדר - 4Q265 7 7), “corresponds, with some abbreviation, to a section of the *Rule of the Community* (VIII. 1-10, the Council of fifteen men).”¹⁴ Based upon these and other observations 4Q265 was given the designation 4Q*Serekh Damascus*. More recently, however, the title *Serekh Damascus* has been dropped in favor of the generic title 4QMiscellaneous Rules due to the fact that, unlike the Damascus Document and the Community Rule, the highly fragmentary and diverse contents of 4Q265 do not fit into “any readily recognizable anthological theme.”¹⁵ Furthermore, it has been noted by Hempel that “although the topics dealt with in 4Q265 overlap with S, D, and *Jubilees*, the material in 4Q265 frequently represents an independent treatment of these overlapping topics.”¹⁶ That being said, the suggestion that the relationship between 4Q265, the Community Rule, and the Damascus Document may well predate the final forms of the Community Rule and the Damascus Document, as we have them, carries much weight.¹⁷

The diverse contents of 4Q265 include a penal code resembling those found in the Community Rule and the Damascus Document (4Q265 4 i 4 - ii 2; cf. 1QS 6.24-7.25; 4Q261 3 2-4; 4a-b 1-7; 5a-c 1-9; 6a-e 1-5; CD 14.18b-22; 4Q266 10 i 11 - ii 15),¹⁸ regulations per-

¹² J. Baumgarten, “4QMiscellaneous Rules,” in *Qumran Cave 4 XXV Halakhic Texts* (DJD 35; Oxford, Clarendon Press, 1999), 57-78.

¹³ Milik, *Ten Years of Discovery*, 96.

¹⁴ Milik, *Ten Years of Discovery*, 96.

¹⁵ Baumgarten, “4QMiscellaneous Rules,” 58.

¹⁶ Hempel, *The Damascus Texts*, 103.

¹⁷ Hempel, *The Damascus Texts*, 103.

¹⁸ J. Baumgarten, “The Cave 4 Versions of the Qumran Penal Code,” *JJS* 48 (1992): 273-76.

taining to the admission of new members (4Q265 4 ii 3-9), legal material concerning the Sabbath (4Q265 6 1 - 7 6), information on the structure and role of the eschatological council of the community (4Q265 7 7-10), and an explication of Lev 12's rules on purification after childbirth that is closely related to the Adam and Eve material in *Jubilees* 3 (4Q265 7 11-17).¹⁹

5.1.5 - 4Q274-278 (4QTohorot A-C)

Contrary to the confusing designations 4QTohorot A-C and 4Q274-278, which imply that there are either three or five texts being referred to, the Tohorot or "Purities" material consists of four separate documents: 4Q274 (4QTohorot A), 4Q276 (4QTohorot B^a), 4Q277 (4QTohorot B^b) and 4Q278 (4QTohorot C). The primary reason for this confusion stems from the fact that 4Q275, which was originally given the preliminary designation 4QTohorot B^a, has been renamed 4QCommunal Ceremony and reassigned to those texts from Cave 4 that parallel or reflect similar concerns as those found in the Community Rule.²⁰

4Q274 (4QTohorot A) is made up of four fragments written on parchment and dates to the early Herodian period. Fragment 1 concerns itself with the impurity of the *zab* and other bodily discharges,²¹ and fragment 2 considers the impurity of semen and various purification procedures. The susceptibility of vessels, liquids, and food to impurity is the topic of interest in fragment 3, while fragment 4 contains virtually no legible material.

4Q276 (4QTohorot B^a) and 4Q277 (4QTohorot B^b) take up the issue of the Red Heifer rite and are frequently discussed in light of one another. Between these two documents a total of three frag-

¹⁹ J. Baumgarten, "Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees," in *New Qumran Texts and Studies: Proceedings of the First Meeting of the International Organization for Qumran Studies, Paris 1992* (ed. G. J. Brooke; Leiden: E. J. Brill, 1994), 3-10.

²⁰ P. Alexander and G. Vermes, *Qumran Cave 4. XIX: 4QSerekh Ha-Yahad* (DJD 26; Oxford: Clarendon Press, 1998), 209-16.

²¹ Here we follow Baumgarten who suggest that 4Q274 1 i 1-3a is concerned with the notion of bodily discharges rather than skin diseases, as Milgrom has argued. See J. Baumgarten, "The Laws about Fluxes in 4QTohora^a" and J. Milgrom, "4QTohora^a: An Unpublished Qumran Text on Purities," in *Time to Prepare the Way in the Wilderness: Papers on the Qumran Scrolls by Fellows of the Institute for Advanced Studies of the Hebrew University, Jerusalem, 1989-1990* (STDJ 16; Leiden: E. J. Brill, 1995), 1-8, 59-68.

ments have survived. 4Q276 is represented by one fragment dating to the end of the first century BCE and 4Q277 is represented by two fragments from the early Herodian period.

Finally, 4Q278 (4QTohorot C) contains one fragment that has been dated to the post Herodian period. Exhibiting a total of nine lines, this highly damaged fragment appears to be concerned with corpse impurity and/or the impurity of the *zab/zabah*.

5.1.6 - 4Q284 (4QPurification Liturgy)

Formerly named *Serekh ha-Niddot*, based on a doubtful reading of the introductory phrase $\text{הַיְהוֹדוּת} \text{ הַיְהוֹדוּת}$ in fragment 1 line 6,²² 4Q284 is comprised of ten fragments dating to the first century CE. Of these ten fragments, numbers 1-5 have retained anywhere from four to nine lines of text, while fragments 6-10 exhibit little more than a handful of partial words and damaged letters.

Festivals, Sabbaths, and purification rites are the main topics of interest for the author/redactor of 4Q284. In addition to focussing on the efficacy of the so-called “waters of purification” (מֵי טְהוֹרָה - 4Q284 1 7; 3 3), 4Q284 places certain restrictions on consuming food during one’s purification period (4Q284 2 i 1; 2 ii 3) and outlines various liturgical blessings that were to be recited at the time of purification (4Q284 2 ii 5-6; 3 3-5; 4 2-6; 5 1-4).

5.1.7 - 4Q414 (4QRitual of Purification A)²³

4Q414 consists of thirty-six small fragments written on parchment and it has been dated to the Herodian period. Appearing on the verso of 4Q415 (4QInstruction^a), 4Q414 is an opisthograph, or document with writing on both sides; a relatively rare phenomenon at Qumran. Despite the infrequent appearance of opisthographs, it is interesting to note that 4Q414 seems to parallel yet another opisthograph:

²² We are in agreement with the editor of 4Q284, who notes: “The space following the *he* is commensurate with the protrusion of its upper horizontal stroke; it does not support the insertion of *nun* or any other letter.” J. Baumgarten, “4QPurification Liturgy,” in *Qumran Cave 4 XXV Halakhic Texts* (DJD 35; Oxford, Clarendon Press, 1999), 124.

²³ E. Eshel, “4QRitual of Purification A,” in *Qumran Cave 4 XXV Halakhic Texts* (DJD 35; Oxford, Clarendon Press, 1999), 135.

4Q512. Located on the verso of 4Q503 (Daily Prayers) and written on papyrus, 4Q512 does not appear to be an identical copy of 4Q414. Rather, 4Q414 and 4Q512 seem to represent different recensions of the same composition.

Containing liturgies that were to be recited by those who were participating in certain purification rites, 4Q414 2 ii, 3, 4 2 vaguely refers to “the first, third, and se[venth days]” suggesting that 4Q414 may have required those attempting to cleanse themselves from corpse contamination to bathe on the first, third, and the seventh days (cf. 11Q19 49.16b-21a). Also mentioned in 4Q414 are menstruants (4Q414 7 11; 17 2), lustrations (4Q414 4 5; 11 ii 1; 13 5-7; 33 2), and blessings (4Q414 1 ii-2 i 1-8; 2 ii, 3, 4 6-10; 11 ii 2-6), but given the highly fragmentary nature of 4Q414 and the absence of any overarching context it is impossible to know how these elements relate to one another.

5.1.8 - 4Q472a (4QHalakha C)

Comprised of one fragment written in the early Herodian period, 4Q472a was originally assigned to 4Q472 (4QEschatological Work B) based upon a number of similarities between the visible letters in the two texts. With its publication in 1999, however, 4Q472a (*olim* 4Q472 2) was reclassified as a legal work and renamed 4QHalakha C.²⁴ This document, which exhibits five lines of nearly illegible text, is apparently concerned with the disposal of excrement.

5.1.9 - 4Q512 (4QRitual of Purification B)

Dated to the beginning of the first century BCE, 4Q512 is located on the verso of 4Q503 (Daily Prayers) and is made up of some two hundred and thirty-two fragments written on papyrus.²⁵ This document has been reconstructed (1) on the witness of its extant material; (2) on the better-preserved and frequently formulaic 4Q503; and (3) on 4Q414, which, as noted above, appears to be a recension of the same

²⁴ T. Elgvin, “4QHalakha C,” in *Qumran Cave 4 XXV Halakhic Texts* (DJD 35; Oxford, Clarendon Press, 1999), 155-56.

²⁵ M. Baillet, *Qumran grotte 4. III. (4Q482-4Q520)* (DJD 7; Oxford, Clarendon Press, 1982), 262-86.

work. A close examination of the script of 4Q512 and the papyrus on which it appears suggests that this document was written/copied by a different scribe than that of 4Q503.²⁶

In addition to containing third person instructions for those participating in various rites of purification, 4Q512 also outlines the prayers and blessings that are to be recited by those who have recently been cleansed. According to Baillet, 4Q512 contains laws dealing with sexual impurity (cols. III-VII, IX-XI), the purity of cultic officials (col. IV), skin diseases (col. VIII), and the purification procedures for those who have been contaminated by a corpse (col. XII).²⁷ Although Baumgarten is reluctant to agree with Baillet's assessment,²⁸ it is clear that 4Q512 exhibits a diverse range of legal material.

5.1.10 - 4Q513 (4QOrdinances B)

Part of the allotment of scrolls assigned to J. Starcky, 4Q513 was published in DJD 7 by Baillet and consists of forty-four fragments written on leather. 4Q513 has been dated to the period just before 50 BCE and, like the vast majority of the Cave 4 manuscripts discussed above, contains an assortment of legal material with no discernable organizing principle.²⁹

Although Baillet has emphasized the parallels between the ordinance of the half-shekel in 4Q513 1-2 i 1-6 and 4Q159 1 ii 1-15 and argues that they represent copies of the same text,³⁰ Schiffman counters Baillet's claims by noting that whereas 4Q159 requires a one time offering of the half-shekel, 4Q513's version of the ordinance is longer and does not specify how many times one must offer the half-shekel. Based on these discrepancies and the absence of additional parallels, Schiffman suggests: "it is improbable that 4QOrd^a and 4QOrd^b are manuscripts of the same work."³¹

Other topics discussed in 4Q513 include: illicit sexual activity (4Q513 2 ii 1-7), Sabbath regulations (4Q513 3 1-5), and the impu-

²⁶ J. Baumgarten, "The Purification Rituals of DJD 7," in *The Dead Sea Scrolls: Forty Years of Research* (STDJ 10; Leiden: E. J. Brill, 1992), 200.

²⁷ Baillet, *Qumran grotte 4. III*, 263.

²⁸ Baumgarten, "The Purification Rituals of DJD 7," 200-04.

²⁹ Baillet, *Qumran grotte 4. III*, 287.

³⁰ Baillet, *Qumran grotte 4. III*, 287.

³¹ Schiffman, "Ordinances and Rules," 148.

rity of oil (4Q513 13 1-8).

5.1.11 - 4Q514 (4QOrdinances C)

4Q514, which dates to the first century BCE, is comprised of three fragments written on parchment. As for the designation 4QOrdinances C, Baillet notes: “L'interprétation n'est certes pas des plus faciles et il n'y a pas de recoupement matériel avec 4Q159 et 513; mais il fallait bien adopter un classement commode. On propose donc ce rapprochement à titre d'hypothèse de travail.”³² While this may have been a good working hypothesis, the fragmentary state of 4Q514, when combined with the absence of any parallels with 4QOrdinances A or B, leads one to question the appropriateness of the designation 4QOrdinances C.

Like many of the manuscripts discussed above, 4Q514 is highly fragmentary and does not appear to contain an organizing principle. For example, fragment 1 takes up the issue of first day ablutions, while fragment 2 seems to be concerned with impurity, grain, and some sort of sacrifice. Fragment 3 is so poorly preserved that it is impossible to know what it may have contained.

5.2 - Ritual Impurity

In the introduction above, we have stressed the notion that many of the texts from Cave 4 lack any overarching organizational principles. This observation combined with the presence of a wide range of legal material leads one to the conclusion that, in the Second Temple period, there were a fair number of legal collections in existence.³³ How these collections related to one another is a difficult question to answer and it is one that will be addressed in Chapter 6.

As for the presence of material on ritual impurity, all five of the major categories of impurity are represented in the documents from Cave 4. However, unlike the Damascus Document and the Temple Scroll, which both exhibit material in all five categories, no single document from Cave 4 contains rulings in all five categories. This can primarily be attributed to the fact that the vast majority of the

³² Baillet, *Qumran grote 4. III*, 296.

³³ Schiffman, “Ordinances and Rules,” 148.

documents from Cave 4 are in a highly fragmentary state. Other possible factors include the genre of the document in question, the specific interests of the author/redactor, and the intended function of the text, all of which would have had a profound effect upon the contents of these documents. Although we may be able to make an educated guess about some of these compositional considerations, our inability to make any firm statements about such issues as genre or authorial intention combined with the fragmentary state of this material will severely limit what can be said about the purity rulings in the Cave 4 manuscripts.

5.2.1 Diseases

Of the four texts from Cave 4 containing material on diseases, three of these documents (4Q251, 4Q274, and 4Q512) reveal very little about this type of impurity. For example, in 4Q251 20 ii 1-2 only two words have been retained: Line 1 contains a rather vague reference to “impurity” (וּטְמָא) while line 2 alludes to something “in his flesh” (בְּבִשְׂרָו). Given the presence of these words, the editors have suggested: “the text probably dealt with the skin diseases in Leviticus 13.”³⁴ Beyond this observation, however, little more can be said.

The next document to be discussed is 4Q512, which, according to its editor, appears to contain “[f]ragments du rituel de purification du lépreux (cf. Lev 13-14)?”³⁵ In support of this theory Baillet points to various phrases in his reconstruction of column 8, such as “[and]when [he] has completed” (וּבְמִלְאָתָּהּ לֵוִי - 4Q512 21-22 2) and “[in his hair]” (בְּשַׁעֲרוֹ) (בְּשַׁעֲרוֹ] - 4Q512 25 2), in order to show how the material in this section parallels the biblical regulations on the diagnosis of a skin disease (cf. Lev 13:1-46).³⁶ Although Baillet’s hypothesis concerning column 8 would appear to be bolstered by the presence of such phrases as “[his flesh]” (בְּבִשְׂרָו) (בְּבִשְׂרָו] - 4Q512 27 2), “wash” (וּרְחַץ) (וּרְחַץ] - 4Q512 15 3; 19 1), and “the purity” (הַטְּוָהָר) (הַטְּוָהָר] - 4Q512 16 4), there is simply not enough extant material in 4Q512 to determine whether or not these fragments are actually concerned with skin diseases or with

³⁴ Lehmann, Larson, and Schiffman, “4QHalakha A,” 49.

³⁵ Baillet, *Qumran grote 4. III*, 267.

³⁶ Baillet, *Qumran grote 4. III*, 268.

some other type of impurity.³⁷ Moreover, if they are concerned with skin diseases, it is incredibly difficult to see how 4Q512 might have differed from the biblical rite except to say that it might have been accompanied by liturgical material (4Q512 16 i 1-9; 28 1-5).³⁸

There is some debate as to whether or not 4Q274 1 i 1-4 is concerned with skin diseases. According to Milgrom: “The *מצרע* is the subject of 11.1-4. He is not mentioned by name but the scriptural allusions and description render the identification unmistakable.”³⁹ This interpretation is not shared by the official editor of 4Q274, however. In contrast to Milgrom, Baumgarten understands 4Q274 1 i 1-4 as referring to the *zab*, or those men who are afflicted with a bodily discharge.⁴⁰ At the heart of this disagreement is the interpretation of the phrase “Unclean, unclean” (*טמא טמא* - 4Q274 1 i 3), which Milgrom understands to be a reference to skin diseases: “The leper who has the disease shall wear torn clothes and let the hair of his head hang loose, and he shall cover his upper lip and cry, ‘Unclean, unclean’” (Lev 13:45).⁴¹ Although Baumgarten acknowledges that the phrase *טמא טמא* in 4Q274 1 i 3 is indeed a quotation of Lev 13:45, he proposes that its meaning has been widened by the author/redactor of 4Q274 to include other types of impure individuals. In support of this hypothesis Baumgarten points to 4Q274 1 i 1: “In a bed of sor[ro]w shall he li[e and in a]seat of sighing shall he sit” (*משכב יג[ו]ן ישכנב ו[ז]מושב אנהה שב*). Although clearly metaphorical, Baumgarten argues that this passage refers to Lev 15:4 and indicates that the *zab* must be the subject of 4Q274 1 i 1-4a as only a

³⁷ This scepticism is also shared by James Davila who questions Baillet’s reconstruction of column 8: “The reference to ‘his flesh’ [in 4Q512 27 2] offers some support of Baillet’s idea that this column covered the rules concerning skin diseases in Leviticus 13-14, although the indicators are far from compelling.” J. Davila, *Liturgical Works* (ECDSS 6; Grand Rapids: Eerdmans, 2000), 284, 286.

³⁸ In addition to the material in column 8, Baillet argues that 4Q512 fragment 67 is concerned with the regulations on the diseases of a house (i.e., the presence of the phrase *מ"ה הסגר* in 4Q512 67 2; cf. Lev 14:46). While certainly a possibility, fragment 67 of 4Q512 is far too damaged to make any significant contribution to our discussion. Baillet, *Qumran grotte 4. III*, 279.

³⁹ Milgrom, “4QTohora^a: An Unpublished Qumran Text on Purities,” 61.

⁴⁰ Baumgarten, “4QTohorot A,” 101-02; idem, “The Laws of Fluxes in 4QTohora^a,” 1-8.

⁴¹ Not only does Milgrom understand 11.1-4a as referring to skin diseases, but he also suggests that, “upon the recovery from his illness, [the *מצרע*] should recite the fixed blessings of thanksgiving of 4Q512.” As we have seen above, however, it is not entirely clear that 4Q512 is concerned with skin diseases. Milgrom, “4QTohora^a,” 61.

man with a bodily discharge can defile a bed or a seat.⁴² Furthermore, not only does line 4b prohibit contact between menstruants and the *zab*, which suggests that the *zab* was the subject of the preceding lines, but the proposed sequence of 4Q274 1 i (i.e., *zab*, menstruant, *zabah*) follows the order of Lev 15.⁴³ That being said, we find ourselves in agreement with Baumgarten over Milgrom and consider 4Q274 1 i 1-4a as referring to the *zab*.

The final text to be discussed in this section exhibits any number of difficulties. Written in a script known as Cryptic A,⁴⁴ 4Q249 is a highly fragmentary document that appears to be concerned with household diseases or moulds (cf. Lev 14:33 ff.). As proof of this, the editor of 4Q249, S. Pfann, points to the presence of such words as $\text{חל} \text{ל} \text{י}$ (4Q249 1 2), $\text{נ} \text{ת} \text{י}$ (4Q249 1 3), and $\text{ב} \text{י} \text{ת}$ (4Q249 1 3, 13; 2 9a; 4 4), all three of which are attested in Lev 14:43-45. Although we agree that 4Q249 seems to have contained material relating to household diseases, the text is so fragmentary that it is difficult to determine what it once said. This opinion is not shared by Pfann, however, who has offered a rather optimistic reconstruction of 4Q249 column 1 in DJD 35.⁴⁵ Seeing that a detailed critique of Pfann's restoration is beyond the scope of this study, we will restrict our comments to one or two methodological concerns.

In attempting to reconstruct column 1 of 4Q249 Pfann has relied upon two structural patterns that he believes to be present in the 14 fragments attributed to 4Q249. First, the legal prescriptions in 4Q249 are, according to Pfann, offset by *vacats* that appear at the end of each preceding paragraph. In support of this theory, Pfann cites the presence of *vacats* in 4Q249 1 5, 2 4, and 13 4. Also cited are "additional [unnamed] examples of these characteristics in manuscripts written in Cryptic A."⁴⁶ As the editor himself notes, however, the fragmentary nature of 4Q249 prevents him from accurately determining whether the *vacats* denote "open" or "closed" paragraphs. Furthermore, the observation that other Cryptic A documents contain *vacats* which are used in a similar manner is not, in and of itself, indicative of a pattern in 4Q249. On the contrary, what determines a *vacat*'s function is the content and format of a text, not the type of

⁴² Baumgarten, "4QTohorot A," 101.

⁴³ Baumgarten, "4QTohorot A," 102.

⁴⁴ For a discussion on "Cryptic A," see S. Pfann, "4Q298: The Maskil's Address to all the Sons of Dawn," *JQR* 85 (1994): 216-25.

⁴⁵ Pfann, "4Qpap cryptA Midrash Sefer Moshe," 18-23.

⁴⁶ Pfann, "4Qpap cryptA Midrash Sefer Moshe," 3.

script that a text is written in. Second, Pfann argues that the paragraphs in 4Q249 frequently begin with some sort of quote or biblical proof-text that is often preceded by the introductory formula כְּתוּב כִּאֲשֶׁר. It is difficult to see how Pfann can argue that this is a pattern, however, when no obvious biblical quotations have survived and the introductory formula is extant in only one fragment (כְּאֲשֶׁר כְּתוּב] - 4Q249 13 5).⁴⁷ Further complicating matters are Pfann's comments concerning fragment 13: "Although the physical description and literary style of frg. 13 are similar to 4Q249 ... the connection of this fragment to *Misrash Sefer Moshe* is uncertain."⁴⁸ In other words, the one fragment containing the phrase כְּאֲשֶׁר כְּתוּב may not even be related to 4Q249.⁴⁹ These difficulties, combined with the highly fragmentary state of 4Q249, bring into question the structural framework upon which Pfann has based his reconstruction and compels us to take a cautious approach to this material.

5.2.2 Clean/Unclean Animals

The first of six passages on clean and unclean animals in the material from Cave 4, 4Q251 10 4-6a appears to be concerned with the dedication of the firstborn:

(4Q251 10 4-6a)⁵⁰

4 אֵלֶּם וְלִבְהֵמָה הַטְּמֵאָה] הַ וְהַטְּהוֹרָה]
 5 אֵךְ [בְּכוֹר הָאָדָם וּבִהֵמָה הַטְּמֵאָה
 6a אֵךְ [בְּכוֹר הַשּׁוֹר] וְ[וְהַצֹּאֵן]

- 4 [the m]an and the unclean[n or the clean] animal
 5 [but]the firstborn of a man and the unclean animal
 6a [but the firstborn of the co]w[and] the flock

⁴⁷ The only other fragment to exhibit the introductory formula has been heavily reconstructed (כְּאֲשֶׁר כְּתוּב] - 4Q249 14 4) and has not been used in the reconstruction of column 1.

⁴⁸ Pfann, "4Qpap cryptA Midrash Sefer Moshe," 17.

⁴⁹ It should be noted that fragment 13 is also cited by Pfann in order to establish a pattern of usage for *vacats* in 4Q249. Pfann, "4Qpap cryptA Midrash Sefer Moshe," 3.

⁵⁰ Lehmann, Larson, and Schiffman, "4QHalakha A," 36-38.

As the editors of this text have noted, this passage appears to be based on Num 18:15-20 and the offering of the firstborn. Addressed to the priests, the biblical text demands that all firstborn children and unclean firstborn animals are to be redeemed one month after their birth with five shekels of silver, or twenty gerahs (Num 18:15-16). By contrast, a firstborn “cow” (שׁוֹר), “sheep” (כֶּשֶׁב), or “goat” (עֵז) cannot be redeemed as they are holy and must be offered to the Lord (Num 18:17). Numbers also states that the priests are entitled to the flesh, breast, and the right thigh of the firstborn sacrifice as well as any other holy offerings that are donated to the Lord (Num 18:18-20).

In comparing 4Q251 10 4-6a with Num 18:15-20 one notes that there are very few differences between these two texts. For example, in line 4 we most likely have a paraphrase of Num 18:15a (כל פטר רחם לכל בשר אשר יקריבו ליהוה באדם ובבהמה), thus the reconstruction “[the m]an and the unclean or the clean animal” (4Q251 10 4b).⁵¹ Similarly, the reference to “the firstborn of a man and the unclean animal” in line 5 appears to parallel the rules for ransoming a firstborn child or unclean animal in Num 18:15b-16. Finally, the mention of “the flock” (הצאן) in line 6a suggests that the author/redactor of 4Q251 simply consolidated the list of acceptable firstborn animals from עז בכור או כשב או בכור עז in Num 18:17 to הצאן בכור השור (4Q251 10 6a). Beyond these observations little more can be said.

The second of three passages from 4Q251 on clean and unclean animals, lines 1-7 of fragment 12 contain a handful of ordinances on eating meat:

(4Q251 12 1-7)⁵²

[שׁוֹר] ו[כשב ועז אשר לא שלמו] שבעת ימים	] 1
[אש] ב[מ]ע[י] אמו ואל יאכל בשרו כי	] 2
ה[י]א א[ל] יאכל איש בשר בהמה	] 3
vacat	
[נב] ל[ו]ת וטרפה אשר לא חיה כי	] 4
[ל] [o]ת לנכרין [וחלבה לעש]ות	] 5
[ול] [ז] כחה ממנו הכ	] 6
[ר] ח[י]ן ב[ו]	] 7

⁵¹ Lehmann, Larson, and Schiffman, “4QHalakha A,” 38.

⁵² Lehmann, Larson, and Schiffman, “4QHalakha A,” 39-41.

- 1 []a cow[or] a lamb and a goat which have not completed
[seven days]
- 2 [whi]ch is in the wom[b of]its mother. And you may not eat its
meat, for []
- 3 [i]t. A man may not eat the meat of an animal *vacat*
- 4 [that which] dies of itself or that which is torn by wild beasts
that did not live, for[]
- 5 [] [] to a foreigner[]and its milk, to d[o]
- 6 []and to [sl]aughter it from it []
- 7 [] w]ash in []

Although fragmentary, lines 1-2 appear to be based on Lev 22:27-28. In particular, line 1 seems to be a paraphrase of Lev 22:27 and the rule that an animal must not be taken from its mother and offered to the Lord until the eighth day after its birth.⁵³ The only appreciable difference between our passage and the biblical text is that, unlike Leviticus, 4Q251 does not mention anything about sacrifices. While this may indicate that the author/redactor of 4Q251 had domestic situations in mind,⁵⁴ it is also possible that a reference to sacrifices, if it did once exist, has simply been lost.

4Q251 12 2 appears to continue with an interpretation of Lev 22:28 by taking up the issue of whether or not a mother and its young may be sacrificed on the same day. According to the editors, 4Q251 prohibits individuals from slaughtering a pregnant animal and eating its fetus unless the fetus has been ritually slaughtered first.⁵⁵ Although this is certainly a possibility, it must be noted that 4Q251 12 1-2 does not explicitly prohibit the slaughtering of pregnant animals. Rather, the focus is on newborn animals and the fetus.

Based upon Deut 14:21, 4Q251 12 3-4 appears to prohibit individuals from eating the meat of an animal that has died of natural causes (נבלה) or an animal that has been torn apart by another animal (טרפה). Also based on Deut 14:21, line 5 seems to be concerned with the rule on giving or selling a נבלה or a טרפה “to a foreigner” (ל נכרי) and the prohibition against boiling a kid in its

⁵³ Humanitarian considerations are the primary explanation given for this provision. See Milgrom, *Leviticus 17-22*, 1883.

⁵⁴ Lehmann, Larson, and Schiffman, “4QHalakha A,” 40.

⁵⁵ Lehmann, Larson, and Schiffman, “4QHalakha A,” 40.

mother's "milk" (חלב).⁵⁶ Concerning the material in line 4, it has been proposed that the author/redactor of 4Q251 harmonized Deut 14:21, which prohibits one from eating a נבלה, with that of Exod 22:30, which prohibits one from eating a טרפה.⁵⁷ If true, this would parallel the ban on priests being allowed to eat the נבלה and the טרפה in Lev 22:8.

As for lines 6-7, the fragmentary nature of this material makes it difficult to determine what the topic of discussion may have been. That being said, we agree with the editors of 4Q251 who have suggested that line 6 most likely dealt with the sacrifice of a prohibited animal while line 7 may have referred to the purification procedures for those who have touched a נבלה or a טרפה: "And every person that eats what dies of itself or what is torn by beasts, whether he is a native or a sojourner, shall wash his clothes, and bathe himself in water, and be unclean until the evening; then he shall be clean" (Lev 17:15).⁵⁸

The third and final passage from 4Q251 dealing with clean and unclean animals is located in fragment 14. Highly damaged, 4Q251 14 1-2a appears to contain an interpretation of Lev 27:11-13 and the ordinances on the redemption of an impure animal that has been pledged to the Temple. According to Leviticus, an impure animal could not be sacrificed in the Temple and it had to be redeemed through a monetary payment. Compare this with 4Q251 14 1-2a where we have the phrase]הבהמה הטמאה אשר], which may well be a paraphrase of Lev 27:11: ואם כל בהמה טמאה אשר לא יקריבו ממנה קרבן ליהוה. This is followed in line 2a by the phrase "he] shall redeem it" (יגאלו). According to the editors, the presence of יגאלו in line 2 clears up an ambiguity in Lev 27:13, which indicates that individuals had the opportunity to decide whether or not they wanted to redeem their unclean animal: ואם גאל יגאלנה.⁵⁹ By contrast, the phrase "he] shall redeem it" in 4Q251 14 2a suggests that, in the opinion of the author/redactor, all unclean animals had to be redeemed.

⁵⁶ Regarding the word וחלב, the editors of 4Q251 have emphasized the difficulty in determining whether this refers to the mother's milk (חלב – Deut 14:21) or to the forbidden fat (חלב) of the נבלה and the טרפה in Lev 7:22. Lehmann, Larson, and Schiffman, "4QHalakha A," 41.

⁵⁷ Lehmann, Larson, and Schiffman, "4QHalakha A," 40.

⁵⁸ Lehmann, Larson, and Schiffman, "4QHalakha A," 41.

⁵⁹ Lehmann, Larson, and Schiffman, "4QHalakha A," 42.

Similar to Qimron's reconstruction of 4QMMT, 4Q265 7 5b-6a has been restored based on the witness of the Temple Scroll. Specifically, the phrase *קדש שלושים רס* [in line 6a has been reconstructed to read: “[Let no man eat the meat of an ox or lamb near the T]emple by a distance of thirty stadia” (לא יואכל איש בשר שור) - 4Q265 7 5b-6a).⁶⁰ Compare this with the Temple Scroll, which reads: “All clean animals in which there is a blemish you shall eat in your cities far from my Temple at a radius of thirty stadia” (וכל הבהמה הטהורה אשר יש בה מום) - 11Q19 52.16b-18a). Although the phrase *קדש שלושים רס* [in 4Q265 does bear a striking resemblance to the phrase *רס סביב שלושים רס* in the Temple Scroll, it is difficult to see how these rulings might parallel one another. Specifically, where 4Q265 7 5b-6a deals with the Sabbath and its regulations, the corresponding passage in the Temple Scroll is concerned with permanently removing all perceived abominations from Jerusalem in order to protect the city and the Temple from becoming contaminated. In addition to this, 11Q19 52.16b-18a is only one component of a larger system dealing with the sacrifice and slaughter of animals and it should not, in contrast to the Sabbath regulations of 4Q265, be read in isolation.⁶¹ Lastly, the Temple Scroll prohibits individuals from eating clean blemished animals within thirty stadia of the Temple. Compare this with the reconstruction of 4Q265 7 5b-6a which fails to indicate whether or not the animals in question are blemished. Without a reference to blemishes it is difficult to see why the author/redactor of 4Q265 would have banned the meat of an ox or a lamb from being eaten within thirty stadia of the Temple when such an animal would not have been seen as an abomination. Given these observations one questions both the reconstruction of 4Q265 and the decision to base said reconstruction on the Temple Scroll.⁶²

The final document to contain material on clean/unclean animals

⁶⁰ Baumgarten, “4QMiscellaneous Rules,” 69-70.

⁶¹ See pp. 141-143 above.

⁶² Noting the “great likeness between this text [4Q265 7 5b-6a] and that in our scroll [11Q19 52.16b-18a],” Yadin has suggested that “the following may perhaps be the restoration: *רס [בשעריי יאכלנה רחוק מן ה]מקדש שלושים רס*.” Although this is closer to the wording of the Temple Scroll, none of the difficulties described above have been solved by Yadin's proposed reconstruction. Yadin, *The Temple Scroll*, 1:318.

is 4Q274. On two separate occasions 4Q274 refers to unclean creeping things (cf. Lev 11), but very little of this material has survived. For example, in 4Q274 2 ii 5-6 all that remains of the text is a reference to an “unclea[n] creeping thing [” (שרץ טמא] - 4Q274 2 ii 5) and “he who touches it[” (והנוגע בו] - 4Q274 2 ii 6). Similarly, 4Q274 3 ii 10-12 contains three fragmentary lines that appear to parallel the material in Lev 11:33 ff.,⁶³ however, very little of this document is extant and it is difficult to determine how, if at all, it might have differed from its biblical counterpart.

5.2.3 Corpses

The material on corpse impurity from Cave 4 is dominated by references to the sprinkling of the מֵי נְדָה. In point of fact, only three of the thirteen passages on corpse contamination from Cave 4 fail to contain either an extant or reconstructed reference to the waters of sprinkling: 4Q251 18 3-4, 4Q278 1-7, 4Q414 2 ii, 3, 4 5. In the case of 4Q278 1-7, very little written material has survived, let alone any references to the Red Heifer rite or the מֵי נְדָה, making it difficult to ascertain whether or not the main focus of this text was corpse impurity, the impurity of the *zab/zabah*, or both.⁶⁴ As for 4Q251 18 3-4, the author/redactor seems to have paraphrased Deut 21:1-9 and the regulations concerning those who have discovered a corpse in a field. Given the fragmentary nature of 4Q251 there is some question as to whether or not lines 1, 2, 5, and 6 are also concerned with corpses,⁶⁵ but the presence of such phrases as “[the earth to render it impure]” (הארץ לטמאה] - 4Q251 18 2) and “[everything which has no life essence to it is dead, in a gra[ve shall it be buried]” (כול אשר לא נפש עליו מות בקבר יקבר - 4Q251 18 6) suggest that this fragment may have once contained a series of regulations on the burial of corpses. Beyond this, however, little more can be said.

⁶³ Baumgarten, “4QTohorot A,” 109.

⁶⁴ Baumgarten, “4QTohorot C,” 122.

⁶⁵ In relation to line 1, the editors suggest: “The phrase אִשׁ בְּרֵעָהּ, with the preposition –בְּ, often refers to armed struggle, and this may fit the context of lines 3-6, dealing with the finding of a corpse. But it is equally possible that this is the end of some other law which we cannot identify.” Moreover, in reference to line 5, the editors note: “It is impossible to know if this line still concerns the corpse found in the field.” Lehmann, Larson, and Schiffman, “4QHalakha A,” 47.

Similar to 4Q251 and 4Q278, 4Q414 2 ii, 3, 4 2-10 appears to be related to corpse contamination but fails to contain any explicit references to the *מי נדה*. In 4Q414 2 ii, 3, 4 2, for example, we find a fragmentary reference to “the first, the third, and the se[venth]” (לראשון לשלישי ולשביעי) followed by a call to bathe in water (4Q414 2 ii, 3, 4 5; par. 4Q512 42-44 ii 2) and to offer prayers of thanksgiving (4Q414 2 ii, 3, 4 6-10; par. 4Q512 42-44 ii 3-5). As we have noted elsewhere, Num 19:19 demands that those who have become corpse-contaminated are to be sprinkled with the *מי נדה* on the third and seventh days and bathe in water on the seventh day. Nowhere does the biblical material require a corpse-contaminated person to perform a ritual of purification on the first day; nor do the scriptures insist that an individual offer prayers of thanksgiving after they have been cleansed.

On three separate occasions the Cave 4 material ostensibly prohibits the sprinkling of the *מי נדה* on the Sabbath. In 4Q251 1-2 6 we have the phrase *מיא נדה* [ב]בש[ר]ו ביום [ה]שבת,⁶⁶ which, although containing the variant spelling *מיא*, appears to be connected with the Sabbath prohibitions in 4Q251 1-2 1-5. Similarly, 4Q265 7 3 is located in and amongst a series of Sabbath regulations which, according to Baumgarten’s reconstruction, prohibits priests from sprinkling the *מי נדה*: “[Let n]o man of the seed of Aaron sprinkle w[ater for purification]” (4Q265 - [א]ל יז איש מזרע אהרון מני נדה) 7 3).⁶⁷

By far and away the most overt prohibition against sprinkling on the Sabbath is found in 4Q274 2 ii 2-3a: “And if] the seventh (day) [fal]ls for him on the Sabbath day let him not sprinkle on the Sabbath, for [it says: ‘Observe]the Sabbath’.” (ואם יח[ול עליו השביעי]” (ביום⁶⁸ השבת אל יז בשבת כי] אמר שמור את] השבת) Referring to those individuals whose seventh day of purification falls upon the Sabbath, the author/redactor of 4Q274 2 ii 2-3a appears to have

⁶⁶ Here we follow Baumgarten’s suggested reconstruction over that of the editors who propose to read *מיא נדה* [ב]בש[ר]ו ביום [ה]שבת. Although we agree that the restoration of the preposition *ב* before the word *בש[ר]ו* is not without difficulties, Baumgarten’s reconstruction is better suited to the context of lines 1-5 (i.e., Sabbath prohibitions). Baumgarten, “4QMiscellaneous Rules,” 71; Lehmann, Larson, and Schiffman, “4QHalakha A,” 28.

⁶⁷ Baumgarten, “4QMiscellaneous Rules,” 69-71.

⁶⁸ Read *ביום*.

⁶⁹ Baumgarten, “4QTohorot A,” 103-05.

found support for his prohibition in the words of Deut 5:12: שְׁמוֹר אֶת־יוֹם הַשַּׁבָּת. It must be noted, however, that the biblical material nowhere prohibits the sprinkling of the מֵי נְדָה on the Sabbath.

As we have suggested above, the vast majority of the material on corpse contamination from Cave 4 contain references to the מֵי נְדָה. Aside from the three texts mentioned above, Cave 4 exhibits seven additional passages containing the phrase מֵי נְדָה. Of these seven passages, only 4Q276 1-9 and 4Q277 1 ii 1-10 contain any detailed information about the Red Heifer rite. Before we examine these texts however, let us briefly consider the five remaining passages containing references to the sprinkling of the מֵי נְדָה.

Our first text, 4Q284 1, appears to be concerned with festivals, Sabbaths, and new moons (4Q284 1 3-5) and it is in this setting that a reference to מֵי נְדָה seems to occur: “[w]aters of sprinkling in order to clea[n]se themselves” (4Q284 1 7 - [מֵי נְדָה לְהַתְקַדְּשׁ]). Although the fragmentary state of this text prevents us from determining the exact relationship between line 7 and the calendrical setting of lines 3-5, Baumgarten has observed that the juxtaposition between the reference to מֵי נְדָה in line 7 and the reference to an “[e]mission of semen” ([שִׁכְבַּת הַזֵּרַע]) in line 8, may well suggest that the מֵי נְדָה, in addition to being associated with corpse contamination, was also considered to be an efficacious means of cleansing oneself from the impurity of a bodily discharge.⁷⁰

In addition to the passage just described, 4Q284 contains two heavily reconstructed references to the מֵי נְדָה. In 4Q284 2 i 2b-4 Baumgarten has restored the text to read: “with the waters of [sprinkling and when] his seven [days] are full [] [] he shall wash [his] bo[dy in water] (וּבַמַּלְאֹת לֹ) (בְּמֵי הַזֵּיָהּ).⁷¹ Similarly, 4Q284 3 2-3 has been reconstructed to read: “[] at the setting of the sun of the se[venth] day [] water] for sprinkling, he shall respond and say, Blessed are yo[u, God of Israel]” (בְּבוֹא שֶׁמֶשׁ הַיּוֹם) []

⁷⁰ This hypothesis will be discussed in greater detail below. See Baumgarten, “4QPurification Liturgy,” 125; idem, “The Use of the מֵי נְדָה for General Purification,” in *The Dead Sea Scrolls Fifty Years After their Discovery: Proceedings of the Jerusalem Congress, July 20-25, 1997* (eds., L. H. Schiffman, E. Tov, and J. C. VanderKam; Jerusalem: Israel Exploration Society, 2000), 481-85.

⁷¹ Baumgarten, “4QPurification Liturgy,” 125-26.

[הש]ביעי מי [נדה וענה ואמר ברוך אתה אל ישראל].⁷² Aside from the presence of a liturgical blessing (4Q284 3 3-5; cf. 4Q284 2 ii 4-6; 4Q414 13 5-10; 4Q512 1-6 xii 1-17), which is not mentioned in the biblical record as a requirement for those who have been purified from contamination, the main point of interest in 4Q284 is the repeated emphasis on the setting of the sun on the seventh day which, according to Baumgarten, suggests that the author/redactor did not accept the notion of the *tebul yom* (4Q284 2 i 3, 2 ii 3b-4a, 3 2).⁷³ Additionally, the call to bathe at the completion of seven days (4Q284 2 i 3-4) appears to echo the purification procedures in Num 19:19: “The clean person shall sprinkle upon the unclean on the third day and on the seventh day; thus on the seventh day he shall cleanse him, and he shall wash his clothes and bathe himself in water, and at evening he shall be clean.”

In contrast to the situation described in Numbers, where individuals were only expected to bathe on the seventh day, 4Q414 13 5 and 4Q512 1-6 xii 5-6 appear to require an immersion prior to the sprinkling of the נדה מי. For example, in 4Q414 13 5 we encounter the phrase “and he shall b[ath]e in the water and sprinkle up[on]” (ור[ח]י) (במים והזה ע[ל]). Similarly, 4Q512 1-6 xii 5-6 contains a reference to the “waters of sprinkling” (מימי ה[נ]י) that is preceded by a reference to the “waters of washing” (מי רחי). Although the author/redactor of 4Q512 suggests that these lustrations are “for impurity that extends over ti]me” (ל[טמא]י ע[ת]ים) (4Q512 1-6 xii 2) and “for purification that requires extended time” (לטהרת עיתם) (4Q512 1-6 xii 5),⁷⁴ these chronological references are quite vague and appear to describe the ritual as a whole rather than one specific aspect of it, such as the preliminary immersion. Given the rather generic nature of 4Q512’s temporal allusions, Baumgarten has argued that these lustrations were, in addition to being used to remove corpse impurity, employed to cleanse individuals from other long lasting impurities, such as those experienced by the *zab/zabah*. In order to explore this hypothesis let us now turn our attention to 4Q277 1 ii 7b-10a.

Preceded by a number of regulations on the Red Heifer rite,

⁷² Baumgarten, “4QPurification Liturgy,” 127.

⁷³ Baumgarten, “4QPurification Liturgy,” 127.

⁷⁴ Baillet, *Qumran grotte 4. III*, 272-74; Baumgarten, “4QTohorot A-C,” 83; idem, “The Purification Rituals of *DJD* 7,” 206-08.

Baumgarten's reconstruction of 4Q277 1 ii 7b-10a indicates that the מִי נִדָּה was believed to be capable of cleansing individuals from a wide variety of impurities:

(4Q277 1 ii 7b-10a)⁷⁵

- זֶה [מִקְבָּלִים] 7b
 8 [אִתְּ מִי [הַנְּזֹה] יֵאָבְדוּ בְּמִים וַיִּטְ[ה] יוּ מִמַּמְאֵת הַנֶּפֶשׁ בְּ[אָדָם] (?)
 [וּמִכָּל
 9 [טַמְאָה] אַחֲרַת [בְּזוֹ] רֹקַע עֲלֵיהֶם [הַכּוֹ] הִן אֵת מִי הַנִּדָּה לְטַהֲרוֹ
 [כִּי לֹא
 10a [יִתְקַדְּשׁוּ] כִּי אִם [יִ]טְהָרוּ וְטַהֲרוּ [בְּשָׂרָהֶם]
- 7b And those [who receive]
 8 [the] waters [of sprin]kling shall (first) immerse themselves in water and be cle[an]sed of [human ?] corpse defilement [and of every]
 9 other [defilement when the pri]est [spr]inkles the lustration water upon [them to purify them for they cannot]
 10a [be sanctified] unless they are cleansed and their flesh is c[lean.]

Here again, as with the material in 4Q414 and 4Q512, we have a call to bathe prior to the sprinkling of the מִי נִדָּה. Unlike the passages described above, however, Baumgarten's reconstruction of 4Q277 1 ii 7b-10a suggests that, in addition to cleansing individuals from corpse contamination, the combination of a preliminary lustration and the sprinkling of the מִי נִדָּה was thought to purify individuals from "[every] other [defilement]" (אֲחֵרָה] - 4Q277 1 ii 8b-9a). According to Baumgarten, this reading is supported by the presence of the word בֶּשֶׂר at the end of line 10a, which would appear to have sexual implications, and the juxtaposition between lines 7b-10a and the material on the impurity of a *zab* in lines 10b-13.⁷⁶

The strength of Baumgarten's argument lies in his systemic reading of the material from Cave 4. As noted above, Baumgarten understands the juxtaposition between the material on the מִי נִדָּה and the references to *zab* and seminal emissions in 4Q277, 4Q284, and 4Q512 as an indication that the authors of these texts believed that

⁷⁵ J. Baumgarten, "4QTohorot B^b," in *Qumran Cave 4 XXV Halakhic Texts* (DJD 35; Oxford: Clarendon Press, 116-18.

⁷⁶ Baumgarten, "The Use of the מִי נִדָּה for General Purification," 482.

the waters of sprinkling were capable of cleansing individuals from both corpse contamination and bodily discharges. Moreover, the reconstructed reference to “[every] other [defilement]” in 4Q277 combined with the presence of liturgical blessings after the sprinkling of the מִי נְדָה in 4Q284, 4Q414, and 4Q512 denotes a contritional tone that, according to Baumgarten, is better suited to the notion of sexual impurity than it is to corpse contamination. Although the present study is at odds with a systemic approach, we acknowledge that the evidence in the individual texts mentioned above does appear to suggest a possible association between the sprinkling of the מִי נְדָה , bodily discharges, and sexual impurity.

The final two passages to be discussed in this section, 4Q276 1-9 and 4Q277 1 ii 1-7a, are concerned with the Red Heifer rite and the preparation of the מִי נְדָה :

(4Q276 1-9)⁷⁷

[בגדים] אשר לוא שרת במ בקודש	1
[וחייב את הבגדים ושח]ט את	2
[ה]פֶּרֶה [ל]פניו ו<נ>שא את דמה בכלי חרש אשר	3
[קד]ש במזבח והזה מדמה באצבע [ו]שבע	4
[פעמים א]ל נֹכַח א[ו]הל מועד והשליך את הָאָרֶז	5
[ואת האזוב ואת שני ה]תולע אל תוך שרפתה	6
ואס[ך] את אפר הפרה	7
[והנ]יחוהו למשמרת	8
[ו]לבש הכוהן	9

- 1 [garments] in which he did not minister in the sacred (precincts)
- 2 [] and he shall gird the garments and slaugh[ter
- 3 [the] cow [be]fore him, and he shall <c>arry its blood in a clay vessel which
- 4 [was sancti]fied by the altar. And he shall sprinkle from its blood with [his] finger seven
- 5 [times to]ward that t[e]nt of meeting. And he shall cast the cedar wood
- 6 [and the hyssop and the cri]mson [cloth] into the midst of its burning

⁷⁷ J. Baumgarten, “4QTohorot B^a,” in *Qumran Cave 4 XXV Halakhic Texts* (DJD 35; Oxford: Clarendon Press, 1999), 111-13.

- 7 [and he shall gath]er the ashes of the cow
 8 [and]they shall[pl]ace it for safekeeping
 9 [and]the priest shall put on ...

Loosely paralleling Num 19:1-10, 4Q276 1-9 differs from the biblical description of the Red Heifer rite in at least two ways. First, according to 4Q276 1, the garments worn by the priest during the Red Heifer rite were different than the garments that would have been worn in the Temple precincts. As Baumgarten has observed, the call to wear non-consecrated clothing in 4Q276 is presumably based upon the fact that the priest's garments were rendered unclean as a result of his participation in the Red Heifer rite (cf. Num 19:7).⁷⁸ The contamination of the priest's clothing is further alluded to in lines 2 and 9 where the priest is required to "gird the garments" (וְחָיַב אֶת הַבְּגָדִים) and change his clothing respectively. Regarding the former, Baumgarten has rightly observed that the call to "gird the garments and slaugh[ter]" was probably meant to protect the priest's clothing from being stained with blood.⁷⁹ Second, the reference to carrying the blood of the Red Heifer "in a clay vessel which [was sancti]fied by the altar" (בְּכֵלֵי חֶרֶשׁ אֲשֶׁר [קִדְּשׁ בַּמִּזְבֵּחַ] - 4Q276 3b-4a) is likewise absent in Num 19. Given the fact that clay or earthen vessels were considered to be susceptible to contamination during the Second Temple period it is difficult to explain why the author/redactor of 4Q276 specifically requires clay vessels to be used during this highly important ritual. Although Baumgarten has suggested that clay vessels may have been used in order to distinguish the Red Heifer rite, (i.e., a ritual conducted outside of the Temple; cf. Num 19:3-4), from those rites that were performed inside the Temple with stone or metal vessels (cf. *b. Menah.* 28b, Rambam, *Yad, Bet Habehirah* 1:18),⁸⁰ the added stipulation that the clay vessel must be "sancti]fied by the altar" suggests that these containers were specially made for the Red Heifer rite. Unlike stone vessels, which were impervious to impurity, or metal vessels, which could be purified and used repeatedly, a clay vessel used during the Red Heifer rite would become permanently contaminated and unsuitable for reuse thereby ensuring its destruction (cf. Lev 6:28, 11:33).

⁷⁸ Baumgarten, "4QTohorot B^a," 112.

⁷⁹ Baumgarten, "4QTohorot B^a," 112.

⁸⁰ Baumgarten, "4QTohorot B^a," 112. See also J. Baumgarten, "The Red Cow Purification Rites in Qumran Texts," *JJS* 46 (1995): 112-14.

The final passage from Cave 4 containing information on the Red Heifer rite is located in 4Q277 1 ii 0-7a:

(4Q277 1 ii 0-7a)⁸¹

ולקח הכוהן] 0
 [את] האזוב ואת] שני התולעת והשל יד אל תוך שרפת הפרה] 1
 [ואסף] איש טהור מכול טמאת ערב] את אפר הפרה ונתן אותו] 2
 [ביד (?)] הכוהן המכפר בדם הפרה וכול] הנוגע באפר והנושא] 3
 [את] כל י] החלמה]אש] ר כפרו בם את משפט ה]חטאת(?) ורחין] 4
 5 במים]ויט]מא עד ה]ער]ב והנזגע]כלחת מי הנדה יט]מא ואל יז
 6 איש א]ת] מי הנדה על מ]מאי נ]פש] כיא איש כוהן טהור]יזה]
 7a על]הן כי]מ]כפר ה]א על הטמ]א ועלול אל יז על הטמא

- 0 [the priest shall take]
 1 [the] hyssop and the [crimson cloth and he shall cast it into the midst of the burning cow]
 2 [and] a man who is pure from all impurities (that last until) evening [will gather the ashes of the cow and place them]
 3 [into the hand (?)] of the priest who atones with the blood of the cow. And anyone [who touches the ashes or carries]
 4 [t]he [vessels] of clay with [whi]ch they atone (in accordance with) the law of [purification offering (?), shall bathe]
 5 in water and [he will be un]clean until ev[en]ing. And the one who touches [the] moisture of the water of sprinkling will be un[clean. And do not allow a man to sprinkle]
 6 the water of sprinkling upon those who are c[or]pse] contaminated for (only) a clean priest [may sprinkle]
 7a [upon] them fo[r] he [is ato]ning for the impu[re]. And a child shall not sprinkle upon the unclean.

Opening with what appears to be a paraphrase of Num 19:6 in lines 0-1, 4Q277 1 ii 2-3a moves on to describe the person responsible for gathering the ashes of the Red Heifer. Similar to Num 19:9, the gatherer of the ashes is described as “a clean man” (איש טהור - 4Q277 1 ii 2), however, where Numbers simply states that the individual in question had to be clean, 4Q277 stipulates that the איש טהור must also be free from “all impurities (that last until) evening” (מכול טמאת ערב - 4Q277 1 ii 2). By emphasizing that the gatherer

⁸¹ Baumgarten, “4QTohorot B^b,” 116-17.

of the ashes had to be free from all impurities that last until evening 4Q277 effectively prohibited the *tebul yom* from gathering the ashes of the Red Heifer.⁸² On a related note, 4Q277 1 ii 2-3a also differs from the biblical record when it demands that the אִישׁ טָהוֹר place the ashes “[into the hand(?)] of the priest who atones with the blood of the cow” ([בִּיד(?)]) הכוהן המכפר בדם הפרה). Compare this with Num 19:9 which indicates that the ashes were to be deposited “outside of the camp in a clean place” (מחוץ למחנה במקום טהור). Not only does 4Q277 display a shift in thought regarding the storage and protection of the ashes, but the reference to the priest who “atones with the blood of the cow” (4Q277 1 ii 3a) - המכפר בדם הפרה), combined with the reference to atonement and the מִי נִדָּה in line 7, indicates that the sprinkling of the blood and the sprinkling of the מִי נִדָּה were, in addition to being rites of purification, also believed to be rituals of atonement similar to that of Yom Kippur.⁸³

In addition to these observations, 4Q277 1 ii 3b-5a also mentions an association between clay vessels and the Red Heifer rite: “And anyone [who touches the ashes or carries t]he [vessels] of clay with [whi]ch they atone (in accordance with) the law of [purification of-fering (?), shall bathe] in water and [he will be un]clean until ev[en]ing.” In contrast to 4Q276, however, which indicates that a sanctified clay vessel was used to carry the blood of the Red Heifer (4Q276 3b-4a), the presence of the verb כִּפַּר and the plural reconstruction החלמה [כלי] in 4Q277 1 ii 4 suggests that clay vessels may also have been used as containers for the ashes and the מִי נִדָּה.⁸⁴ It is also interesting to note that, unlike Num 19:10, which requires the gatherer of the ashes to wash his clothing and wait until evening to be clean, 4Q277 1 ii 4b-5a demands that the gatherer of the ashes and those who have carried the clay vessels bathe in water and wait until evening to be clean.

The final issue on which 4Q277 1 ii 0-7a and Num 19 differ concerns those individuals who were considered to be eligible to sprinkle the מִי נִדָּה. Whereas Num 19:18-19 indicates that the sprinkler need only be a clean man (אִישׁ טָהוֹר), 4Q277 1 ii 5b-7a demands that the sprinkler be a ritually clean priest. Excluded as sprinklers are the laity and children (4Q277 1 ii 5b-7a), the latter having been

⁸² Baumgarten, “4QTohorot B^b,” 117.

⁸³ Baumgarten, “4QTohorot B^b,” 117-18.

⁸⁴ Baumgarten, “4QTohorot B^b,” 118.

the practice of Pharisees (cf. *m. Para* 3.2-4).

5.2.4 Bodily Discharges

Cave 4 has yielded a number of passages containing references to bodily discharges. Although three of these passages are quite large (i.e., 4Q265 7 11-17; 4Q274 1 i 0-9, 2 i 1-9), most of this material is highly fragmentary and difficult to interpret. For example, in 4Q284 1 8 we find a reference to an “[e]mission of semen” (שִׁכְבַת הַזֶּרַע) that is preceded by the phrase “[w]aters of sprinkling in order to clea[n]se themselves” (שִׁמֵי נְדָה לְהַתְקַדְּשׁ) (4Q284 1 7). As noted above, Baumgarten has argued that the juxtaposition between the reference to the waters of sprinkling and an emission of semen suggests a possible connection between the ritual for purification from corpse contamination and bodily discharges.

Similarly enigmatic, 4Q414 7 11 contains the phrase “female and the menstruating woma[n]” (נְקִיבָה וְהַדְוִינָה (?)). Appearing at the end of a text that contains three separate idioms for purity (עַם טָהוֹר, מוֹעֲדֵי טוֹהַר, and בְּטַהֲרַת יִשְׂרָאֵל), there has been some discussion as to whether or not 4Q414 7 11 should be understood as a summary statement for the material in the ten preceding lines.⁸⁵ Unfortunately there is simply not enough extant material in 4Q414 7 to make any concrete determinations about its content, let alone the relationship between the phrase נְקִיבָה וְהַדְוִינָה in line 11 and the rest of the passage.

Although one could make similar observations about 4Q414 17 1-2 and 4Q512 33+35 iv 1-10, both of which contain the partially reconstructed word בְּנִדָּה, it is important to recognize that the presence of the word נְדָה does not, in and of itself, indicate that a particular passage is concerned with menstrual impurity. As Baumgarten has noted, the author/redactor of 4Q512 frequently employs נְדָה as a generic label for impurity rather than using it to describe the contamination of a woman during her menstrual cycle.⁸⁶ Moreover, Himmelfarb has observed that “despite the prominence of the term

⁸⁵ Baumgarten, “4QRitual of Purification A,” 143-44.

⁸⁶ Cf. מְעֵרוֹת נְדָה – 4Q512 34 v 17; מְעֵרוֹת נְדָה – 4Q512 29-32 vii 9; בְּנִדָּה – 4Q512 1-6 xii 16. Baumgarten, “The Purification Rituals of *DJD* 7,” 200-01.

נדה in 4Q512 the speaker in all of the liturgies is male.”⁸⁷ That is not to say, however, that 4Q512 is wholly without any references to bodily discharges. On the contrary, 4Q512 7-9 xi and 10-11 x both appear to contain regulations regarding the purification of a *zab*. According to the latter, “[when he has complete]d the seven days of his pur[ification ...] he will wash his clothes in wa[ter and bathe his body] and (afterwards) he will put on his clothes and he will bless whe[re he stands ...] God of Isr[ae]l [...]” (4Q512 11 x 2-5; cf. 4Q512 10 x 1-2). Loosely paralleling the purification procedures in Lev 15:13, 4Q512 10-11 x demands that the individual in question “put on his clothes and bless wh[ere he stands” (וכססה את בגדיו) (וברך ענל עומדו).⁸⁸ Not present in the biblical record, the reference to putting on one’s clothing and offering a blessing “wh[ere he stands” (ענל עומדו) - 4Q512 11 x 4) indicates that the accompanying prayers of thanksgiving were uttered after the individual had been cleansed but before he had removed himself from the water.⁸⁹

Like the material in 4Q512 10-11 x, the presence of such phrases as “in the purification of his bo[dily discharge” (בטוהרו הזנובו) - 4Q512 9 xi 2) and “to eat and to dr[ink” (ולשאנתות) - 4Q512 9 xi 3) suggest that 4Q512 9 xi is likewise concerned with the purification of the *zab*. As Baumgarten has noted, 4Q512 9 xi appears to have focused on the seventh and final day of purification when, after bathing, putting on his clothing, and offering a prayer of thanksgiving, the former *zab* would have been able to eat and drink pure foodstuffs without contaminating them.⁹⁰ Although we agree with this interpretation, we disagree with Baumgarten’s proposed reconstruction of line 4. Specifically, Baumgarten has argued that Baillet’s restoration of line 4, “and to be a [holy] people” (ולהיות עם קדוש), is at odds with the overall context of 4Q512 7-9 xi, which, according to Baumgarten, focuses on the purification of the individual *zab* rather than a large group of people. In order to correct this perceived difficulty Baumgarten has proposed reconstructing the text to read “and to be with[his wife” (ולהיות עם אשתו) based on the presence

⁸⁷ Himmelfarb, “Impurity and Sin in 4QD, 1QS, and 4Q512,” 35-36.

⁸⁸ Here we follow Baumgarten’s restoration of line 4, which reads: וכססה את בגדיו וברך ענל עומדו. Compare this with Baillet’s reconstruction of line 4: See Baillet, *Qumran grotte 4. III*, 270; Baumgarten, “The Purification Rituals of *DJD* 7,” 201-02.

⁸⁹ Baumgarten, “The Purification Rituals of *DJD* 7,” 201-02.

⁹⁰ Baumgarten, “The Purification Rituals of *DJD* 7,” 203; Cf. 4Q514 1 i 1-11.

of a similar phrase in Gen 39:10 (לְהִיּוֹת עִמָּה) and on the notion that the quarantining of the *zab* in 11Q19 48.15 would have prevented married couples from having sexual relations with one another until the husband had been cleansed.⁹¹ Aside from the fact that 4Q512 8 xi 1 contains the phrase [ט]הרתת ישר[אל], which is representative of a significantly larger group than a solitary *zab*, the attempt to reconstruct 4Q512 7-9 xi 4 based on the witness of the Temple Scroll is largely unwarranted and the distorts the unique witness of 4Q512.

Returning to the topic of bodily discharges, 4Q277 1 ii 10b-13 concerns those who are touched by a *zab* and those who carry his clothing:

(4Q277 1 ii 10b-13)⁹²

וכל אשר יגע [בו]	10b
[איש הזב את] זוכו [] [וא] oo [] יד[יו] שט[ו] פֹּזֶת במים י[טמא]	11
[מש] כבו ומוש[בו] [] נגעו [] זוכו כמגע טמא[ו]	12
[ויט] מה עד [ה] ערב והנושא [את ב] גדיו ו[רח] ין וטמא עד	13
ה[ע]רב	

- 10b And all who are touched [by]
- 11 [a man with a bodily] discharge [] [and whose] hand[s are n]ot r[in]sed in water will be [unclean]
- 12 [] his [b]ed and [his] sea[t] touched [] his bodily discharge as the touch of [his] uncleanness
- 13 [and he will be un]clean until [the] evening and one who carries his [gar]ments will [bat]he in water and he will be unclean until [ev]ening.

Following a series of regulations concerning the Red Heifer rite and the preparation of the מִי נִדָּה, 4Q277 1 ii 10b-11 indicates that those who have been touched by a *zab* with unwashed hands are rendered unclean. According to Baumgarten, where lines 12-13a seem to suggest that those objects that are touched by a *zab* before he washes his hands are contaminated to the same degree as the *zab*'s seat or bed, line 13b specifies that those who have carried the clothing of a *zab* must bathe and wait until evening in order to be cleansed from

⁹¹ Baumgarten, "The Purification Rituals of *DJD* 7," 204.

⁹² Baumgarten, "4QTohorot B^b," 116-17.

their impurity.⁹³

Concerning lines 10b-11, there appears to be little difference between 4Q277's position on the *zab* with unwashed hands and that of Lev 15:11. The same cannot be said, however, for 4Q277 1 ii 12-13a where the author/redactor has gap-filled the material in Lev 15:4-12. Specifically, where Lev 15 fails to specify the degree to which the touch of a *zab* with unwashed hands contaminates inanimate objects, 4Q277 1 ii 12-13a seems to imply that the touch of a *zab* with unwashed hands contaminates objects to the same degree as those items located beneath him. A similar exegetical move is made in line 13b where the author/redactor suggests that carrying a *zab*'s clothing is just as defiling as carrying his bed, seat, or saddle (cf. Lev 15:10). Apparently the author/redactor of 4Q277 1 ii 12-13 has attempted to fill the gaps present in the biblical text by applying second degree *zab* impurity to every situation except those in which the *zab* had first washed his hands.

At least two texts from Cave 4 have been cited as containing rulings on excrement: 4Q265 6 2 and 4Q472a 1-5. There is some doubt, however, as to the identification of these passages. Concerning the former, Harrington has suggested: "4Q265 explicitly forbids wearing garments soiled with excrement on the Sabbath."⁹⁴ The problem with this interpretation, however, is that it implies that one could, if they so desired, wear clothing that was stained with excrement on any day of the week except the Sabbath. While we acknowledge that the semantic range for the word זָוָה includes the notion of excrement,⁹⁵ it seems highly unlikely that individuals would have been allowed to wear garments soiled with excrement at any time, let alone on the Sabbath. A far more plausible interpretation, and one that is espoused by the editor of 4Q265,⁹⁶ is to interpret the phrase זָוָהִים בְּגָדֵי in 4Q265 6 2 as prohibiting individuals from wearing soiled or dirty clothing on the Sabbath (cf. CD 11.3-4; Zec 3:3-4).

Purportedly containing a reference to excrement, 4Q472a 1-5 is in an incredibly poor state of preservation. As Torleif Elgvin has noted: "The letters are hardly discernible on the photographs and [they are]

⁹³ Baumgarten, "4QTohorot B^b," 118.

⁹⁴ Harrington, *The Purity Texts*, 106.

⁹⁵ Jastrow, *Dictionary of the Targumim*, 2:1265.

⁹⁶ Cf. Baumgarten, "4QMiscellaneous Rules," 69, 76.

even more difficult to read on the fragment itself.”⁹⁷ Having examined the digital images of 4Q472a, we find ourselves in agreement with Elgvin, who continues: “The poor quality of the photographs, with little contrast between the ink and the skin, makes reading extremely difficult.”⁹⁸ Given the nature of these difficulties one is surprised, therefore, by Elgvin’s confidence in DJD 35 regarding 4Q472a’s place in the corpus of texts from Qumran:

The suggested interpretation of lines 2-3 would add another significant parallel to the list of purity practices common to the Essenes, as described in the ancient sources and reflected in many Qumran documents. It is therefore suggested that this fragment belonged to a halakhic work originating in the Yahad.⁹⁹

One might ask how it is possible to make such far ranging conclusions about a fragment when it is so poorly preserved. The answer, it would appear, lies in what has been described as the “certain” presence of the word **נָא** in this poorly preserved document. What follows is Elgvin’s reconstruction of 4Q472a in DJD 35:

(4Q472a 1-5)¹⁰⁰

]oooooo[	1
]למבְּסִי צוֹ אִם לוֹא[	2
]אִלְ שְׁלִישׁ עֵלַי פִּי נִשְׁ[	3
]לֹא עַל מַעֲשֵׂה[	4
]ל[	5

1]	...	[
2	]	to cover excrements.	If he does not[
3	]	a vessel according to [
4	]	regarding a dee[d	
5]	[

In the commentary to his reconstruction, Elgvin suggests that the word **נָא** in line 2 should be understood as a shortened form of the

⁹⁷ Elgvin, “4QHalakha C,” 155.

⁹⁸ Elgvin, “4QHalakha C,” 155.

⁹⁹ Elgvin, “4QHalakha C,” 156.

¹⁰⁰ Elgvin, “4QHalakha C,” 155.

word צוֹאֵה meaning “dirt” or “excrement.”¹⁰¹ This interpretation is directly dependent on the tentative reconstruction of the word לִמְכֹסִי , which immediately precedes the abbreviated word צו .¹⁰² According to Elgvin: “If one understands צו as ‘commandment’, לִמְכֹסִי is hardly intelligible.”¹⁰³ Based on this observation, Elgvin translates the phrase צו לִמְכֹסִי as “to cover excrements” and he relies on this interpretation to draw a direct connection between the authors of 4Q472a and the Essenes who, according to Josephus, were known to have defecated into a small trench that they would cover with dirt once they had finished.¹⁰⁴ It is this connection in particular that appears to have persuaded Elgvin to understand the word שֶׁלִישׁ in line 3 as a “vessel” that would have been used to dig trenches and bury excrement.¹⁰⁵

In the fall of 2005, I had the opportunity to examine 4Q472a *in situ* with Elgvin at the Israel Museum in Jerusalem. After viewing this document under an infrared camera in the IAA’s scroller it was immediately apparent to both of us that the readings forwarded by Elgvin in DJD 35 were in need of correction. Nearly a year later, in the fall of 2006, the IAA provided us with newly acquired infrared images, which Elgvin and I have subsequently used to create a new reading:¹⁰⁶

(4Q472a 1-5)

	וְרוֹצַע עוֹרְרִי] ooo[	1
י[	אִסְרוּ שְׂבֻטֵי נוּעַם לְמַטְעַן תָּם ב	2
כ[	אֵל מְלוֹשׁ עֲרִסְתוּ נב]	3
ג[	וְעַל כֵּן עֲמְ]ו	4
	ג[	5

1] ... and hasten, awake(?) [

¹⁰¹ Elgvin, “4QHalakha C,” 156.

¹⁰² The word צו can also be interpreted as a *piel* imperative from the root צוה , meaning “to command.”

¹⁰³ Elgvin, “4QHalakha C,” 156.

¹⁰⁴ Elgvin, “4QHalakha C,” 156. Cf. *J. W.* 2.8.9 ff 148-49.

¹⁰⁵ Elgvin, “4QHalakha C,” 156.

¹⁰⁶ Elgvin and Werrett’s reconstruction and interpretation of this document, entitled “4Q472a in Infrared Light: Latrine Manual Down the Drain,” is set to be published in *RevQ* in the winter of 2007.

- 2 He]will gather (the) tribes of (his) delight, to pla[n]t them in
 3]all his kneaded dough will be ea[ten(?]
 4] ... therefore his peo[ple
 5] [

Although the reconstruction and translation of this fragment is not entirely clear, there is good reason to believe that this document is eschatological in nature rather than *halakhic*. As Elgvin and Werrett have observed: “Line 2 seems to contain a (prophetic?) promise of salvation to the tribes of Israel or their remnant, designated ‘tribes of (his) delight’, who again will be gathered into their land.”¹⁰⁷ Given the complete absence of any references to defecation or ritual purity, we can confidently state that 4Q472a has absolutely nothing to do with excrement and that it should be removed from the category of *halakhic* texts and reassigned to the category of parabillical material.

Closely paralleling *Jubilees* 3, 4Q265 7 11-17 provides us with an aetiological explanation for the rituals of purification associated with postpartum contamination (cf. Lev 12):

(4Q265 7 11-17)¹⁰⁸

- 11 בשבוע הראיִשׁ]וֹן נברא האדם וקודש לא היה לו עד] *vacat*
 12 אשר לא הובא אל גן עדן ועצם [מעצמיו לוקחה לאשה וקודש
 לא]
 13 [ה]יה לה עד אשר לא הובאה אצ[לו אל גן עדן אחר שמונים
 יום]
 14 [כי] קדוש גן עדן וכול האב אשר בתוכו קודש] לכן אשה אשר
 ילדה [זכר]
 15 וטמאה שבעת ימים כימי נדת דותה תטמא ושל[שים ושלושת ימים
 תשב בדם]
 16 טהרה *vacat* ואם נקבה תלד וטמאה [שבעים כנדחה וששים יום
 וששת ימים]
 17 [תש]ב בדם טוהרה בכול קודש [לא תגע ואל המקדש לא תבוא
 עד מלאת]

- 11 *vacat* In the fir[st] week [Adam was created, but he had nothing sacred (?) until]

¹⁰⁷ Elgvin and Werrett, “4Q472a in Infrared Light: Latrine Manual Down the Drain,” forthcoming in *RevQ* (2007).

¹⁰⁸ Baumgarten, “4QMiscellaneous Rules,” 70-71.

- 12 he was brought to the Garden of Eden. And a bone[of his bones
was taken for the woman, but nothing sacred (?)]
- 13 did she [ha]ve until she was brought to h[im in the Garden of
Eden after eighty days,]
- 14 [for] the Garden of Eden is sacred and every young shoot which
is in its midst is a consecrated thing. [Therefore a woman who
bears a male]
- 15 shall be impure seven days, as in the days of her menstruation
shall she be impure, and th[irty three days shall she remain in the
blood]
- 16 of her purity. *vacat* And if she bears a female she shall be impure
[two weeks as in her menstruation, and sixty six days]
- 17 [shall she remai]n in the blood of her purity. [No]consecrated
thing [shall she touch, nor shall she enter the sanctuary until the
completion of ...]

Unlike Gen 2:15 where God places Adam into the Garden of Eden immediately after his creation, 4Q265 7 11-13 suggests that Adam and Eve were not granted immediate access to the Garden (cf. *Jubilees* 3:9-10). According to 4Q265, this waiting period was apparently due to the sacrosanct nature of the Garden (קִדְּוֶשׁ גֵּן עֵדֶן - 4Q265 7 14; cf. *Jubilees* 3:12-13) thereby implying that Adam and Eve were thought to have been rendered impure as a result of their creation. Having provided an aetiological explanation for the post-partum purity regulations in the Torah, the author/redactor of 4Q265 then paraphrases Lev 12:1-5 in an effort to solidify the connection between his retelling of the Gen 2 narrative and Lev 12 (cf. *Jubilees* 3:10-12). Although the retelling of the Gen 2 narrative is clearly dependent upon Lev 12, it is told in such a way so as to make the reader believe that the laws of Torah had been in existence since the beginning of creation.¹⁰⁹

In comparing the purity regulations of Lev 12 with the aetiological explanation presented in 4Q265, two observations stand out. First, as Baumgarten has noted, the logical symmetry of 4Q265's aetiology is unclear.¹¹⁰ In particular, there appears to be a disjunct between 4Q265, which describes Adam and Eve as being prohibited from entering into the Garden for forty and eighty days respectively,

¹⁰⁹ Baumgarten, "Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees," 5.

¹¹⁰ Baumgarten, "Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees," 5.

and Lev 12, which forbids any woman who has recently given birth from entering the sanctuary for a total of forty or eighty days depending on the sex of her child. In the former, the recipients of impurity are the newly created Adam and Eve, whereas in the latter it is the mother who is rendered impure. Although the period of purification for Adam and Eve in 4Q265 could be understood as describing the length of time that a male or female child would have had to wait before being allowed to come in contact with the sacred, the paraphrase of Lev 12, as well as Lev 12 itself, fails to mention the purity status of a mother's newborn child or the child's relationship to the sacred. This disjunct prevents us from being able to say with certainty whether or not the author/redactor of 4Q265 would have considered a newborn child to have been rendered impure along with its mother.¹¹¹ Second, both *Jubilees* and 4Q265 have attempted to draw a theological connection between the Garden of Eden and the Temple where the Garden functions as a sort of prototypical sanctuary.¹¹² Although a detailed discussion on the relationship between the Garden of Eden and the Temple is well beyond the scope of this study, it is important to recognize the potential value of such a connection. Specifically, the theological relationship between the Garden and Temple in 4Q265 and *Jubilees* may well have a bearing on the interpretation of the phrase מקדש אדם in 4Q174 1-2 i 6, which has typically been understood as referring to either an actual sanctuary built by man or as a sanctuary made up of men.¹¹³ In contrast to these interpretations Baumgarten has suggested that the phrase מקדש אדם should be understood as a reference to the temple of Adam: a restored Eden sanctuary where those who have been chosen by God will perform "works of the Torah" (מעשי תורה - 4Q174 1-2 i 7) and eat from the tree of life in the end of days.¹¹⁴

The final two passages from Cave 4 to contain information on bodily discharges are both located in 4Q274. In the case of 4Q274 1

¹¹¹ Baumgarten, "Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees," 6.

¹¹² Baumgarten, "Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees," 6.

¹¹³ For a detailed discussion on the interpretation of this phrase, see G. Brooke, *Exegesis at Qumran: 4QFlorilegium in its Jewish Context* (Sheffield: Sheffield Academic Press, 1985), 184-93; D. Dimant, "4QFlorilegium and the Idea of the Community as Temple," in *Hellenica et Judaica: Hommage a Valentine Nikiprowetzky* (ed. A. Caquot; Lueben-Paris: Editions Peeters, 1986), 165-89.

¹¹⁴ Baumgarten, "Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees," 9-10.

i 0-9, the author/redactor discusses the contaminating touch of individuals with bodily discharges:

(4Q274 1 i 0-9)¹¹⁵

[אל 0
 1 יחל להפיל את תחננו משכב יגו]ן ישכב ו]מ'ושב אנחה ישב בדר
 לכול הטמאים ישב זרחוק מן
 2 הטהרה שתים עשרה באמה בדברו אליו ומערב צפון לכול בית
 מושב ישב רחוק כמדה הזות
 3 איש מכול הטמאים [אש]ר יגע בו ורחץ במים ויכבס בגדיו
 ואחר יואכל כי הוא אשר אמר טמא טמא
 4 יקרא כול ימי היותו [בו הנ]ג'ע והזבה דם לשבעת הימים אל תגע
 בזב ובכול כלי [א]שר יגע בו הזב וש[כב]
 5 עליו א' אשר ישב עליו ואם נגעה תכבס בגדיה ורחצה ואחר
 תוכל ובכול מודה [א]ל תתערב בשבעת
 6 ימיה בעבור אשר ל[ו] א' תגאל את מחנ' קד[שי] ישראל וגם אל
 תגע בכול אשה [זב]ה סדם לימים רב[ים]
 7 והסופר אם זכר ואם נקבה אל יגע בזב זב טמא בדוה
 בנדתה כי אם טהרה מ[נד]תה כי הנה דם
 8 הנדה כזב ואשר נוגע בו ואמ תצ[א מאיש] שכבת הזרע
 מגעו יטמא ה[איש הנ]וגע באדם מכול
 9 הטמאים האלה בשבעת ימי טה[רתו] אל יוכל כאשר יטמא
 לנפ[ש האדם ור]חץ וכבס ואח[ר]

- 0 [Let him not]
 1 begin to cast his sup[plica]tion. In a bed of sor[ro]w shall he li[e
 and in a]seat of sighing shall he sit. Apart from all the unclean
 (ones) shall he sit and at a distance of
 2 twelve cubits from the purity when he speaks to him; towards
 the northwest of any dwelling place shall he dwell at a distance
 of this measure.
 3 Anyone of the unclean [wh]o [touches] him shall bathe in water
 and wash his clothes and afterwards he may eat; for this is as
 said, 'Unclean, unclean!'
 4 shall he call out all the days [that the aff]liction is [upon him].
 And a woman who has a flow of blood, during the seven days
 she shall not touch a *zab*, nor any vessel [w]hich the *zab* has lain

¹¹⁵ Baumgarten, "4QTohorot A," 100-01.

- 5 upon or sat upon. And if she did touch, she shall wash her clothes and bathe, and afterwards she may eat. And with all her effort she shall not mingle (with others) during her seven
- 6 days so as not to contaminate the ca[m]ps of sanct[ities of] Israel; also, she is not to touch any woman with a blood [fl]ow lasting man[y] days.
- 7 And one who is counting (seven days), whether male or female, shall not tou[ch one who has an unclean]n [flux] or a menstruating woman in her uncleanness, unless she was purified of her [unclean]liness; for the blood of
- 8 menstruation is like the flux and the one touching it. And when [a man has] an emiss[ion] of semen his touch is defiling. A[man who tou]ches any person from among
- 9 these impure ones during the seven days of [his] purify[cation shall no]t eat, just as if he had been defiled by [a human cor]pse; [and he must b]athe and wash (his clothes) afterward[ds]

One of the largest passages on ritual impurity from Cave 4, this text is primarily interested in preventing unclean individuals from touching other unclean individuals. In particular, the author/redactor of 4Q274 1 i 0-9 singles out those individuals with a bodily discharge in order to outline his thoughts on the matter. Although Milgrom has argued that lines 0-4a have the *מצרע* in mind based on the presence of the phrase “Unclean, unclean!” (cf. Lev 13:45), we agree with Baumgarten who argues that this phrase has been widened to include other types of impure individuals, such as the *zab*. As noted above, Baumgarten finds support for this position in line 1 where the author/redactor refers to the “bed of sorrow” and the “seat of sighing.” Although metaphorical, these phrases are clearly a reference to the *zab* in Lev 15:4. Additionally, Baumgarten points to the prohibition against a menstruant touching a *zab* in line 4b, which suggests that the *zab* was the subject of lines 0-4a, and to the sequence of the impurities discussed in lines 0-9, which would appear to follow the ordering of Lev 15 (i.e., *zab*, menstruant, *zabah*).

According to 4Q274 1 i 1-2, the *zab* is to separate himself from all unclean persons and pure food; the distance of separation prescribed by the author/redactor being twelve cubits to the northwest of any dwelling place and twelve cubits from any pure foodstuffs. While the notion of keeping unclean individuals from contaminating clean individuals is certainly a major theme in the Torah, 4Q274's desire to separate the *zab* “from all of the unclean (ones)” (לכול הטמאים) -

4Q274 1 i 1) is unattested in the biblical record and indicates that unclean individuals were thought to have been capable of contracting additional forms of impurity if that form of impurity was greater than their own. This is implied in line 3 where the author/redactor states: “Anyone of the unclean who touches him (i.e., the *zab*) shall bathe in water and wash his clothes and afterwards he may eat.” Moreover, in line 4a the author/redactor quotes Lev 13:45 in an effort to provide biblical support for the notion that those who have been rendered impure are considered to be “Unclean (to the) unclean!” (4Q274 1 i 4a).

The remainder of 4Q274 1 i contains a series of examples where those who are contaminated with a particular type of bodily discharge are prohibited from coming in contact with individuals whose bodily discharge was more serious than their own. For example, in lines 4b-6 the author/redactor declares that all menstruants are prohibited from touching a *zab* or any items that may have been contaminated by him. If the menstruant comes in contact with a *zab* or his belongings, she must “wash her clothes and bathe and afterwards she may eat” (4Q274 1 i 5). Additionally, the menstruant is commanded not to mingle with clean individuals or to come in contact with a *zabah*. Concerning the former, the author/redactor suggests that a menstruant’s impurity might “contaminate the ca[m]ps of sanct[it]ies of] Israel” (4Q274 1 i 6a). As for the reference to avoiding contact with a *zabah*, the author/redactor neglects to mention what the consequences might be. One assumes, however, that the result would be the same as touching a *zab* (cf. 4Q274 1 i 5).

In line 7 the author/redactor commands those individuals who are in the process of becoming cleansed from an impurity to avoid contact with “one who has an unclean [flux] or a menstruating woman.” Here again we are confronted with the notion that an individual with a lesser impurity can be contaminated by a person with greater impurity. This observation is tempered, however, by the author/redactor’s comments at the end of line 7: “for the blood of menstruation is like the flux” (כִּי הַנְּהָ דָם הַנִּדְהָ כְּזָוָה) - 4Q274 1 i 7b-8a). Although it has been suggested that 4Q274 considers the menstruant and the *zab* to be equally impure in all situations, it is somewhat difficult to accept this proposition.¹¹⁶ For one thing, nowhere in 4Q274 is the *zab* described as having to purify himself after coming in contact with a

¹¹⁶ Milgrom, “4QTohora^a: An Unpublished Qumran Text on Purities,” 64.

menstruant. Moreover, the situation in 4Q274 where the menstruant is likened to the *zab* is one in which those who are engaged in the act of cleansing themselves have come in contact with one suffering from a bodily discharge. Seeing that the Torah is silent on this subject, it seems more likely that the author/redactor has attempted to gap-fill the biblical record by suggesting that the touch of a *zab* and a menstruant were equally defiling to those individuals who were engaged in the act of purifying themselves. This hypothesis would appear to be supported by the summarizing statement in lines 8b-9: “A[man who tou]ches any person from among these impure ones during the seven days of [his] purifi[cation shall no]t eat, just as if he had been defiled by [a human cor]pse; [and he must b]athe and wash (his clothes) and afterwar[ds].” In particular, the reference to a “[man who tou]ches any person from among these impure ones” (4Q274 1 i 8b-9) suggests that all of the bodily discharges mentioned in lines 1-8 (i.e., the *zab*, *zabah*, menstruant, and seminal emitter) were considered to be equal in defilement to that of a corpse for those who were participating in a seven day purification period.¹¹⁷ Although the purifying individual who has come in contact with a person suffering from a bodily discharge was required to wash their clothing and bathe before eating, apparently they did not have to start their entire seven day program of purification over again.¹¹⁸

The final passage on bodily discharges from Cave 4 is concerned with semen and its ability to contaminate people and objects:

(4Q274 2 i 4-9)

4 [כו] ל נוגע בשכבת הזרע מאדם עד כול כלי יטבול והנושא אוֹתוֹ
 5 [יטב] ל והבגד אשר תהיה עליו והכלי אשר ישאנה יטבול
 6 [במי] ם ואמ¹¹⁹ במחנה יהיה איש אשר לוא השיגה ידו ורח[ץ]
 7 [ולבש כו]ל הבגד אשר לוא נגעה בו רק אל יגֵע בו אִי לחמו
 והנוגֵע]
 8 [במ]ש[כבו ובמ]שבו אמ¹²⁰ לוא נגע בו ב[גדרו ורחץ] כמים ואם
 9 [נגע בו בגדרו] וכבס ולכול הקודשים יכבס [יש] במים את

¹¹⁷ Here again we find a comparison between bodily discharges and corpse contamination. See Baumgarten, “4QTohorot A-C,” 83-87; idem, “The Use of the מִן הַיָּדָה for General Purification,” 481-85.

¹¹⁸ Baumgarten, “4QTohorot A,” 103.

¹¹⁹ Read םא.

¹²⁰ Read םא.

- 4 [Everyth]ing that is touched by an emission of semen, be it a
 5 person or any vessel, shall be immersed; and whoever carries it
 6 [shall immers]e; and the garment upon which there is (semen),
 7 and the vessel which bears it, is to be immersed
 8 [in wate]r. And if there is in the camp a man who does not have
 9 the means (for a second garment), let him wash (himself)
 10 [and put on an]y garment with which it (the semen) was not in
 11 contact, as long as it does not come in contact with his food.
 12 And one who touches
 13 [the b]e[d or the s]eat of one (who emitted semen), if [his]
 14 gar[ment] was not in contact with it, [he shall wash (himself)
 15]with water, but if
 16 [his garment touched it (the bed or the seat)], he must launder it.
 17 And for all sacred (food), a m[an] is to wash in water ...

In comparing the regulations on the impurity of semen in Lev 15:16-18 with those outlined in 4Q274 2 i 4-9, Harrington has argued that “Tohorot regards semen as more defiling than a straightforward reading of Scripture would suggest.”¹²¹ One of the problems with this statement, aside from the obvious difficulty in determining what constitutes a “straightforward reading of Scripture,” is that Harrington has only compared 4Q274 with Lev 15:16-18. Not included in her discussion are the purity rules involving semen in Lev 22:4-7. With that in mind, let us briefly outline the biblical position on the impurity of semen.

According to Lev 15:16-17 both the individual who has experienced an emission of semen and any garments or skins that have come in contact with semen are rendered impure. In both cases, the impurity can be expiated through washing and waiting until evening. As for those who have experienced a seminal emission during sexual intercourse, both the man and the woman are defiled and they must bathe and wait until evening to be cleansed (Lev 15:18). Moving on to Lev 22:4, one notes that priests are not allowed to touch anything that has become contaminated “through contact with the dead or a man who has had an emission of semen.” Furthermore, priests are prohibited from touching any unclean individual “whatever his uncleanness may be” (לכל טמאָהוּ - Lev 22:5), which would include those who have been rendered unclean through a seminal emission.

¹²¹ Harrington, *The Purity Texts*, 104.

Finally, Lev 22:6-7 ends with the purification procedures for priests who have been rendered impure from any of the impurities referred to in vv.4-5: “The person who touches any such shall be unclean until evening and shall not eat of the sacred donations unless he has washed his body in water. When the sun is down he shall be clean; and afterward he may eat of the holy things, because such are his food.”

Returning to 4Q274 2 i, it appears as if the author/redactor has attempted to combine many of the elements present in Lev 15:16-18 and 22:4-7 in order to create a comprehensive set of rules on seminal contamination. This set of rules has also been influenced through an analogical comparison with the purity rulings on the *zab* (Lev 15:1-15).

In 4Q274 2 i 4a we are told that any individual or item that comes in contact with semen is rendered unclean and must be immersed, which loosely follows Lev 15:17-18. The author/redactor then specifies that “whoever carries it (i.e., a semen stained object) [shall immerse]e” (4Q274 2 i 4b-5a). Although this appears to be based on the prohibition against carrying a *zab*-contaminated object in Lev 15:10, the only discernable connection between Lev 15:10 and 4Q274 2 i 4b-5a is the notion of carrying an unclean item. In point of fact, where Lev 15:10 requires the washing of clothes, bathing in water, and waiting until evening for those who have carried an item that was situated beneath a *zab*, 4Q274 only requires those who have carried a semen stained object to immerse themselves. Moving on to 4Q274 2 i 5b-6a, the author/redactor demands that semen stained garments and the vessels in which these garments were contained had to be immersed. Although this appears to go well beyond Lev 15:16-18's position on seminal contamination, Lev 22:4 indicates that objects that have been rendered impure by the touch of a man who has had a seminal emission were capable of transmitting impurity to priests. It should come as no surprise therefore that the author/redactor of 4Q274 believed semen stained clothing to be capable of rendering objects and people impure through direct contact.

In lines 6b-7a we find a rather interesting ruling that allows those individuals who “do not have the means” (לֹא הֵשִׁיגָה יָדוֹ) to refrain from washing their clothing if their clothing has been rendered impure through contact with a semen stained object. To this the author/redactor adds the stipulation that the individual in question must wash himself in water and keep his garments from touching his

food. According to Baumgarten, this ruling contradicts the notion that the authors of the Dead Sea Scrolls “invariably mandated the most extreme standards of purity” by allowing those in a lower socioeconomic position to be given some leeway in relation to the letter of law.¹²² Although Harrington counters this position by noting that “Scripture does not require the semen-contaminated to wash his clothes, only bathing is necessary,”¹²³ her critique misses the mark by not taking into account the material in lines 7b-9a. Specifically, those who touch the bed or seat of a seminal emitter while simultaneously keeping their clothing from coming in contact with the bed or seat are only required to wash their body (Ll. 7b-8a). Moreover, only if a person’s garments come in contact with the defiled bed or seat do they become contaminated and require laundering (Ll. 8b-9). Therefore the ruling in lines 6b-7a allowing for those who were poor to refrain from washing their clothing is not an indication that those who have been rendered impure through seminal contamination must wash their body and their clothing. Rather, it is an indication that those individuals who were without the means were not required to wash their clothing if their clothing had been indirectly contaminated by semen.

Aside from the observation that 4Q274 2 i 7b-9a appears to have been influenced by the rules concerning those who touch the seat or the bed of the *zab* in Lev 15:5-6, one notes that there is a stark contrast between immersing and washing in this text. For example, in lines 4-6a, we are told that any object, person, or garment which comes in direct contact with semen “shall be immersed” (״טבול״).¹²⁴ Also to be immersed are any people or vessels that carry a semen stained garment. By contrast, those people or garments coming in contact with the bed or seat of a seminal emitter were only required to wash (״רחץ״) and/or launder (״כבש״) respectively. Given that the man without means in lines 6b-7a is only required to wash and not immerse, it follows that he must not have come in direct contact with semen or carried any semen stained items, thereby supporting our interpretation above. Finally, the reference to keeping one’s unclean

¹²² Baumgarten, “4QTohorot A-C,” 80.

¹²³ Harrington, *The Purity Texts*, 16n.2.

¹²⁴ According to Baumgarten, “טבול, which is not used for ritual bathing in the Bible, clearly refers to full immersion, as distinguished from washing (״רחץ״) ... The emphatic use of טבול, unique to this text, implies that its author did not consider immersion mandatory for all purifications. Thus it may be presumed that ״רחץ״ in lines 6-8 describes a more lenient procedure.” Baumgarten, “4QTohorot A,” 105.

clothing from touching “his food” (לחמו - 4Q274 2 i 7) combined with the reference to “sacred (food)” (קודשים) in line 9 indicates that the author/redactor may well have had Lev 22:6-7 in mind: “The person who touches any such shall be unclean until evening and shall not eat of the sacred donations unless he has washed his body in water (רחץ בשרו במים). When the sun is down he shall be clean; and afterward he may eat of the holy things (הקדשים), because such are his food (לחמו).”

5.2.5 Sexual Misdeeds

Located immediately after a paraphrase of Deut 22:5 prohibiting men and women from wearing the clothing of the opposite sex,¹²⁵ 4Q159 2-4 8-10a takes up the now familiar issue of a bride who has been accused of non-virginity (cf. Deut 22:13-21):

(4Q159 2-4 8-10a)¹²⁶

- | | | |
|---|---|-----|
| 8 | כי יוצי איש שם רע על בתולת ישראל אם ב[עת] קחתה | 8 |
| | אוּתָהּ יֹאמֵר וּבִקְרוּהָ [נָשִׁים] | |
| 9 | נֶאֱמָנוֹת וְאִם לֹא כִחַשׁ עֲלֶיהָ וְהוֹמְתָהּ וְאִם בִּשְׁ[קָר] עָנָה בָּהּ | 9 |
| | וּנְעַנְשׁ שְׁנֵי מִנִּים [וְלֹא] | |
| | יִשְׁלַח כּוֹל יָמָיו | 10a |
-
- | | | |
|---|---|--|
| 8 | When a man brings a bad name (i.e., a claim of non-virginity) against a young Israelite girl, if, at [the time] he married her, he shall say (as much), then she shall be examined by [women] | |
| 9 | (who are) trustworthy. And if he has not lied about her, then she shall be put to death. But if he has testified [false]ly, regarding her, he is to be fined two minas [and he may not] | |

¹²⁵ 4Q159 2-4 6b-7; Cf. 4Q271 3 3-4.

¹²⁶ Here we have followed Schiffman's reconstruction of 4Q159 but we have provided our own translation. Furthermore, we have adopted Tigay's suggestion that the word [נשׁ] should be reconstructed at the end of line 8. L. Schiffman, "Ordinances (4Q159 – 4QOrd^a)," in *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations* (ed. J. H. Charlesworth; Tübingen: J. C. B. Mohr [Paul Siebeck]; Louisville: Westminster/John Knox Press, 1994), 154-57; J. Tigay, "Examination of the Accused Bride in 4Q159: Forensic Medicine at Qumran," *JANES* 22 (1993): 131. See also J. Allegro, *Qumran Cave 4. I. (4Q158-186)*, 8; F. Weinert, "4Q159: Legislation for an Essene Community Outside of Qumran," *JSJ* 5 (1974): 184.

10a send her away (i.e., divorce her) all of his days.

Perhaps the biggest distinction between 4Q159 2-4 8-10a and the text upon which it has been based (Deut 22:13-21), involves the way in which the virginity of the accused bride was determined. In contrast to Deut 22:15-17, which describes the mother and father of the bride as having to spread a blood-stained sheet before the elders of the city in order to prove that their daughter's hymen had been broken on her wedding night, 4Q159 calls for "[women] (who are) trustworthy" to physically examine the accused bride in what has been described as "an early example of forensic medicine."¹²⁷ Far more reliable than a blood-stained cloth, which could have been tampered with,¹²⁸ the examination of the accused bride by an experienced woman would, in theory, have been a far more accurate way to determine whether or not the bride had lost her virginity prior to the consummation of her marriage.

According to 4Q159 2-4 9, if, after she had been examined, it was determined that the accused bride had lost her virginity prior to her first sexual encounter with her husband, she was to be put to death. The location, means, and rationale for her death, however, are not discussed. Compare this with Deut 22:20-21, which not only specifies the location and the way in which she was to be killed (i.e., stoned to death by the men of the city before the door of her father's house), but it also indicates why: "because she has wrought folly (עֲשָׂתָה נְבִלָה) in Israel by playing the harlot (לְזוֹנוֹת) in her father's house, so you shall purge the evil from the midst of you." In short, it was up to the local community to cleanse itself from the impurity of the accused bride's illicit sexual activity through the ritualized act of stoning.¹²⁹

According to 4Q159, if the accused bride was found to have been a virgin prior to her first sexual encounter with her husband, the hus-

¹²⁷ Tigay, "Examination of the Accused Bride," 133.

¹²⁸ Furthermore, the presence of blood and semen would have made the sheet ritually defiling. For a discussion on the various ways in which a sheet could have been tampered with, see Tigay, "Examination of the Accused Bride," 129-30.

¹²⁹ Although the impurity described in this passage more appropriately falls into the category of moral impurity, all sexual activity, regardless of whether or not it is moral or immoral, renders individuals ritually unclean (Lev 15:18). Moreover, the presence of blood and semen combined with the possibility of a previous sexual encounter that was never attended to in a ritual sense, places this passage, and virtually all of the passages on sexual misdeeds discussed above, into a category of impurity that lies somewhere between ritual and moral.

band was required to pay a fine of two minas and he was not allowed to divorce her for the duration of his life (4Q159 2-4 9b-10a). Aside from the fact that the author/redactor of 4Q159 has changed the description of the husband's fine from one hundred shekels to "two minas" (שני מנין), which is equal to one hundred shekels, 4Q159 neglects to mention whether or not the husband is to be physically punished for his unsubstantiated accusations. By contrast, Deut 22:18 indicates that, in addition to paying a fine, the husband who has made the false accusation is to be whipped by the elders of the city.

4Q251 16 1-3a takes up the issue of priestly marriages and the rights of a priest's wife:

(4Q251 16 1-3a)¹³⁰

ואישה כי תהיה לכוהן ואכל ה' את לחם אישה] 1
 קנין כספו ויליד ביתו הם יאכלו בלחמו רק זונה] 2
 [וחללה לוא יאכלו את לחם הקודש] 3a

- 1 [And when a women is married to a priest she may ea]t
 of the food of her husband
 2 [one purchased by him or one who is born into his
 house th]ey may eat from his food. Only a harlot
 3a [and a woman who is profaned may not eat the sacred food.]

Based on Lev 22:10-13 and the regulations concerning those who were allowed to eat priestly food, 4Q251 16 2-3a appears to prohibit a harlot or a profaned woman from partaking in the sacred food. According to the editors of 4Q251: "Lines 2-3 rule that if a priest, in violation of that law [i.e., Lev 21:7], marries such a woman, she is forbidden to eat of the holy offerings."¹³¹ While we agree that a זונה and a חללה would have been barred from eating the priestly portion, the notion that the author/redactor of 4Q251 would have prohibited these women from eating the sacred food while simultaneously allowing them to blatantly disregard Lev 21:7 and marry priests would seem to be counterintuitive. What seems more plausible is that the

¹³⁰ Lehmann, Larson, and Schiffman, "4QHalakha A," 44.

¹³¹ The editors continue: "A forbidden marriage to a priest does not communicate the special rites afforded to one who is a legitimate part of the priest's household." Lehmann, Larson, and Schiffman, "4QHalakha A," 44.

author/redactor of 4Q251 simply included the זנות and הלל in order to specify that their impure status prevented them from eating the sacred food. Another possibility, although less likely given that the context of the passage deals with those who were permitted to eat the priestly portion, is that lines 2b-3a have been erroneously reconstructed and should be seen as a paraphrase of Lev 21:7: “They shall not marry a harlot or a woman who has been defiled; neither shall they marry a woman divorced from her husband; for he is holy to his God” (אשה זנה וחללה לא יקחו ואשה גרושה מאישה לא יקחו) (כי־קדש הוא לאלהיו).

Fragment 17 of 4Q251 is concerned with the issues of incest and proper marital relationships:

(4Q251 17 1-7)

[	על העריות]	1
אל יקח איש את אשת אביו ולא יגלה את כנף אביו לא יקח איש]	את בת אחיו ואת בת א[חותו]	2
אל יגלה]	איש את ערות א[חותו] או אביו זמה היא ואשה לא תהיה	3
[	לא אחי]	4
[	אביה ולא אחי אמה]	5
[	אל יגל איש ערות]	6
[	אל יקח איש בתו נ[ערה לאיש זר]	7

- 1 Concerning improper sexual behaviour[]
- 2 A man is not to take his father's w[ife so as not to uncover his father's hem. A man is not to take]
- 3 the daughter of his brother or the daughter of his s[ister
A man is not to uncover]
- 4 the nakedness of the sister of [his] mo[ther or (the sister) of his father; it is a depravity. A woman is not to marry the brother]
- 5 of her father or the brother of her mother[]
- 6 A man is not to uncover the nakedness of []
- 7 A man is not to marry his un[married] daughter [to a non-priest
...]

Opening with the phrase “Concerning improper sexual behavior” (על העריות), 4Q251 17 contains a partially preserved list of improper sexual relationships. In line 2a, for example, the author/redactor appears to prohibit sons from marrying their father's wives, thereby paralleling Deut 22:30 (cf. Lev 18:8, 20:11). To this

the author/redactor adds uncle/niece unions (Ll. 2b-3a, 4b-5a), which have no biblical parallel, and aunt/nephew relationships to his list of prohibited sexual partners (Ll. 3b-4a; cf. Lev 18:12-13, 20:19). Regarding the latter, the editors have observed: "This same law is found in 11QTa LXVI 15 ... and we have restored line 4 in accord with this text."¹³² What is interesting about this observation, however, is that a similar statement is made by the editors concerning lines 4b-5a, but, unlike lines 3b-4a, the editors have chosen not to rely upon the witness of the Temple Scroll for their reconstruction of this line: "Both cases [i.e., uncle/niece and aunt/nephew unions] are referred to explicitly in 11QTa LXVI 16-17, which seems to agree in its entirety with frg. 17. Perhaps our restoration should include the words כִּי הוּעֵבֶה הָיִא in line 5 in accordance with 11QTa LXVI 17, but we cannot be certain."¹³³ Beyond the notion that the use of one Qumran text to reconstruct another distorts the unique witness of the text that is being restored, the absence of a consistent methodology in the quotations above makes it difficult to determine what criteria are being used to decide when and where the editors will rely on the witness of the Temple Scroll.

Unlike the material in 4Q251 17 1-5, it is very difficult to determine the nature of the forbidden relationships in lines 6-7. For example, although it has been suggested that line 6 may have prohibited unions between a son and his mother, we agree with the editors who argue that one would expect to see a prohibition against mother/son relationships before a reference to aunt/nephew relationships rather than after it (cf. Lev 18:8, 19).¹³⁴ Finally, in line 7 the editors have restored the text to read: "A man may not marry his un[marrried] daughter [to a non-priest" (אֵל יִקַּח אִישׁ בְּתוּלָה נְעֻרָה) (לְאִישׁ זָר). However, in the comments to line 7 the editors confess that "[t]his appears to be a law against marrying off one's daughter to a non-Jew or against a priest marrying off his daughter to a non-priest."¹³⁵ This indecision on the part of the editors appears to be driven by the fact that they are unable to find an appropriate parallel in the Temple Scroll or in any other document from Qumran.¹³⁶ The

¹³² Lehmann, Larson, and Schiffman, "4QHalakha A," 46.

¹³³ Lehmann, Larson, and Schiffman, "4QHalakha A," 46.

¹³⁴ Lehmann, Larson, and Schiffman, "4QHalakha A," 46.

¹³⁵ Lehmann, Larson, and Schiffman, "4QHalakha A," 46.

¹³⁶ Although the editors are unable to find an appropriate parallel in the material from Qumran they do provide several examples from the Dead Sea Scrolls in order to justify their interpretation. In particular, they point to 4QMMT B 75-82 which,

editors continue: “If the restoration of [ערה] at the end of line 7 is correct, then this law would be limited in our text to marrying a virgin daughter of a priest to a non-priest.”¹³⁷ While we agree with the logic behind this statement, the context of the passage as a whole does not appear to have priests in mind. Rather, it is the lay Israelite who is instructed not to engage in forbidden sexual unions in lines 1-6. Therefore it seems more plausible to suggest that line 7 may have had Jew/Gentile relationships in mind, which brings us to our final passage.

4Q513 2 ii appears to deal with intermingling of priestly daughters and non-Jews:

(4Q513 2 ii 2-5)¹³⁸

2 בעלות לבני הנכרי ולכול הזנות אשר] אשר
 3 ראה לו להאכילם מכול תרומת השם]
 4 ולבגן מלאכי ולכפר במהבהם¹³⁹ לרצון על ישראל
 5 הזנות מאכליהם נשא עוון כי החל כו]

- 2 They are mistresses to foreigners. And for all of the fornication which [which]
 3 he cho[se] for himself, to give them to eat from all the offerings of the []
 4 and for the portion of my [m]essenger and to make atonement {in them} with them for the acceptance of I[srael]
 5 the fornication of their food, he bears the sin since he has profaned it []

Given the presence of such words as “foreigners” (בני הנכרי), “fornication” (זנות), and “offering” (תרומה), Baumgarten has suggested that this passage deals with illicit marital relationships between

according to Qimron and Strugnell, refers to a ban on marriages between priests and Israelites. The indecision regarding the reconstruction of 4Q251 17 7 arises, however, when the editors note that Baumgarten has interpreted the same passages from MMT as referring to intermarriage between Jews and Gentiles. See Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 171-75, 171n.178; Lehmann, Larson, and Schiffman, “4QHalakha A,” 46.

¹³⁷ Lehmann, Larson, and Schiffman, “4QHalakha A,” 46.

¹³⁸ Here we follow Baillet's reconstruction of 4Q513 2 ii with an eye towards Schiffman's restoration. See Baillet, *Qumran grotte 4. III*, 288-89; Schiffman, “Ordinances and Rules,” 158-61.

¹³⁹ The scribe has deleted the word במה and he has replaced it with בהם.

priestly families and non-Jews.¹⁴⁰ Opening with a reference to women who marry foreigners, line 2 is understood by Baumgarten to echo Lev 21:9 and the notion that the daughters of priests who engage in illicit relations profane both themselves and their fathers.¹⁴¹ In addition to this, Schiffman has argued that lines 2b-3 appear to be concerned with priests who partake in illicit unions.¹⁴² In both cases it has been suggested that the author/redactor of 4Q513 understood such activities as defiling the priests and preventing their families from partaking in the sacred offerings.¹⁴³ Given the fragmentary state of this text, however, little more can be said.

5.3 Significance

Any attempt to discuss the significance of ritual purity in the documents from Cave 4 is highly problematic. To begin with, the Cave 4 texts are incomplete, fragmentary, and devoid of any overarching context or organizational structure, which makes it nearly impossible to identify the genres, authors, and/or intended audiences for these documents. To complicate matters even further, we have, in our discussion above, organized the relevant material from Cave 4 into the Torah's five major categories of impurity. Although there are certain advantages to organizing the Cave 4 material in this way, such as the ability to retain a cohesive and fluid discussion that not only emulates the style of the preceding chapters but also functions as an easily accessible reference tool, this approach is not without drawbacks. In particular, by grouping the Cave 4 material into categories of impurity rather than looking at each text in isolation, the reader is left with the erroneous impression that the material from Cave 4 is representative of a single, monolithic composition. In an effort to counteract this unfortunate side effect we will attempt to

¹⁴⁰ J. Baumgarten, "Halakhic Polemics in New Fragments From Qumran Cave 4," in *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, April 1984* (Jerusalem: Israel Exploration Society, 1985), 392.

¹⁴¹ Baumgarten, "Halakhic Polemics in New Fragments From Qumran Cave 4," 393.

¹⁴² Schiffman, "Ordinances and Rules," 159.

¹⁴³ Concerning the notion of "sacred offerings" (תרומת הקדשים), we agree with Baumgarten who has argued that the word at the end of line 3 should be restored to read הקדשים (cf. Lev 22:12). See Baumgarten, "Halakhic Polemics," 398n.15.

provide the reader with a brief summary of the material above on a text-by-text basis. We begin our summary with 4Q159.

In contrast to Deut 22:15, which requires the parents of a bride who has been accused of non-virginity to spread the bloodstained matrimonial sheets before the elders of the city, 4Q159 calls for a “trustworthy woman” to examine the bride in order to determine if she was a virgin prior to consummating her marriage (4Q159 2-4 8b-9a). Aside from being a far more reliable and modest way to determine if a bride had engaged in sexual intercourse prior to her wedding night, this practice would have also prevented the bride’s parents from tampering with the sheet and/or becoming contaminated by the seminal fluid and vaginal blood that would have rendered the sheet ritually unclean.

The fragmentary state of 4Q249, when combined with our methodological concerns regarding its reconstruction,¹⁴⁴ demands that we adopt a cautious posture to its tentative restoration in DJD 35.¹⁴⁵ Furthermore, the contention that 4Q249 was “the source upon which the *Damascus Covenant* relied for its corpus of rules,”¹⁴⁶ cannot be substantiated due to the complete absence of any shared legal material between 4Q249 and the Damascus Document. Based upon these concerns, and those that were raised in the discussion above, the only thing that can be said with confidence is that the author/redactor of this document appears to have been interested in household diseases (cf. Lev 14:33-57).

4Q251 contains a variety of purity rulings on unrelated topics. Not only does this text discuss the dedication of firstborn animals (4Q251 10 4-6a), animals that have been torn by wild beasts or died of natural causes (4Q251 12 1-7), and the redemption of impure animals that have been dedicated to the Temple (4Q251 14 1-2a), but it also prohibits the הַדָּבָר from being sprinkled on the Sabbath (4Q251 1-2 6), outlines the rights of those who live in a priestly household (4Q251 16 1-3a), and bans a number of incestuous marital unions, such as uncle/niece and aunt/nephew relationships (4Q251 17 1-7). Although some of the rulings in 4Q251 go beyond the witness of the Torah, such as the prohibitions against sprinkling the הַדָּבָר on the Sabbath and uncle/niece relationships, many of purity

¹⁴⁴ See pp. 221-22 above.

¹⁴⁵ Pfann, “4Qpap cryptA Midrash Sefer Moshe,” 20-21.

¹⁴⁶ Pfann, “4Qpap cryptA Midrash Sefer Moshe,” 2.

laws in this text either paraphrase the Torah or gap-fill the biblical material by way of analogy.

Similar to the wide range of topics that are addressed in 4Q251, 4Q265 exhibits a seemingly unrelated assortment of purity rulings. These rulings include various Sabbath prohibitions against wearing soiled clothing (4Q265 6 2), sprinkling the *מי נדה* (4Q265 7 3), and eating the meat of an ox or a lamb within a distance of thirty stadia of the Temple (4Q265 7 5b-6a). Also included in this document is a rather lengthy discussion on post-partum impurity that offers an aetiological explanation for the rules regarding pregnancy in Lev 12 (4Q265 7 11-17; *Jub* 3). This diverse range of material justifies 4Q265's alternate designation as 4QMiscellaneous Rules.

Among the topics considered in the 4QTohorot manuscripts are unclean creeping things (4Q274 2 ii 5-8, 3 ii 10-12), the Red Heifer rite (4Q274 2 i 2-3a; 4Q276 1-9; 4Q277 1 ii 2-10a), the defiling nature of bodily discharges (4Q274 1 i 0-9; 4Q277 1 ii 10b-13), and the ability of semen stained items to contaminate those who come in contact with them (4Q274 2 i 4-9). In addition to prohibiting the *מי נדה* from being sprinkled on the Sabbath (4Q274 2 i 2-3a), the 4QTohorot texts also call for those who receive the *מי נדה* to immerse themselves prior to being sprinkled by a priest (4Q277 1 ii 7b-10a). The extra biblical references to priests and first day ablutions, when combined with the phrase “[every] other [defilement]” (*וּמִכֹּל*) אחרת [טמאה] – 4Q277 1 ii 8b-9a), suggest that the Red Heifer rite has been expanded beyond its biblical association with corpse contamination (Num 19) in order to cover a much wider variety of impurities.

The notion that the Red Heifer rite has been expanded beyond its intended use in the Torah is further emphasized by the witness of 4Q277 1 ii 0-7a. According to this document, those who were taking part in this rite were required to wait until evening before and after discharging their respective duties (4Q277 1 ii 2, 5), thereby indicating that the author/redactor of this text rejected the notion of the *tebul yom*. Moreover, the priests who were responsible for sprinkling both the blood of the Red Heifer and the *מי נדה* are described as engaging in an act of “atonement” (*כפר*) – 4Q277 1 ii 3, 7a). The emphasis on atonement, which is nowhere mentioned in the biblical record, indicates that the author/redactor of 4Q277 has expanded the scope of the Red Heifer rite to cover an assortment of ritual and

moral transgressions. Not only does this explain why it is that the sprinkler had to be a ritually clean priest (i.e., the only individual who could dispense atonement), but it may also shed some light on the author/redactor's decision to prohibit the laity and children from acting as sprinklers (4Q277 1 ii 5b-7a).

Before summarizing the remaining documents from Cave 4 it is worth noting that the 4QTohorot texts contain several detailed discussions on the *zab*, menstruant, *zabah*, and semen stained items (4Q274 1 i 0-9, 2 i 4-9; 4Q277 1 ii 10b-13). Unfortunately, the length and scope of this material makes it incredibly difficult to offer a concise summary of our findings without becoming overly redundant. With that in mind, we direct the reader to the discussion above.¹⁴⁷

4Q284 contains several references to the מִי נִדָּח. Interestingly, this text appear to draw a connection between the waters of purification and seminal emissions (4Q284 1 7-8) while simultaneously calling those who have been sprinkled with the מִי נִדָּח to offer a liturgical blessing at the end of their period of purification (4Q284 3 2-3). These observations suggest that the Red Heifer rite has been expanded far beyond its presentation in Num 19 in order to include certain liturgical elements and additional forms of impurity that are not included in the biblical description of the מִי נִדָּח. Additionally, one notes a repeated emphasis in 4Q284 to waiting until the setting of the sun on the seventh day (4Q284 2 i 3, 2 ii 3b-4a, 3 2). Although these references are quite fragmentary, the frequent call to wait until evening suggests that the author/redactor of 4Q284 rejected the notion of the *tebul yom*.

In contrast to 4Q284, 4Q414 calls for standardized prayers of thanksgiving to be recited both before and after an individual has been cleansed from their respective form of contamination (4Q414 2 ii, 3, 4 6-10). While the fragmentary remains of 4Q414 are quite vague, this document does retain the words “the first, the third, and the se[venth]” (לְרֵאשִׁוֹן לְשִׁישִׁי וּלְשִׁבְעִי) – 4Q414 2 ii 3, 4 2) and the word “sprinkle” (וְהִזָּה - 4Q414 13 5), which can be referring to none other than the מִי נִדָּח. In addition to these references, 4Q414 also retains the isolated phrase “the female and the menstruating woma[n]” (נְקִבָּה וְהַדְוִיָּה) – 4Q414 7 11). Unfortunately, it is difficult

¹⁴⁷ See pp. 244-52 above.

to tell if this is a summary statement for the preceding material or if it is referring to the purification procedures for a woman whose menstrual cycle has come to an end.

As for 4Q472a, the original publication of this document was complicated by the poor quality of the photographs and the even poorer quality of the manuscript. In contrast to the reconstruction of offered in DJD 35,¹⁴⁸ which indicates that this text is concerned with the impurity of excrement, new infrared photography of this document proves beyond a shadow of a doubt that 4Q472a has absolutely nothing to do with excrement or ritual purity and that it should be reassigned to the category of parabiblical material.

Moving on to 4Q512, we have noted above that this text call for an immersion prior to the sprinkling of the מִי נְדָה (4Q512 1-6 xii 5-6) and liturgical blessings to be recited by those who have been purified from contamination (4Q512 1-6 xii 1-17, 10 x 1-2, 11 x 2-5). Additionally, the author/redactor's references to the מִי נְדָה and the $\text{לְטַמְאֵי מִי רַחֵץ}$ being used "for [impurity that extends over ti]me" ($\text{לְטַמְאֵי מִי רַחֵץ}$ – 4Q512 1-6 xii 2) and "for purification that requires extended time" ($\text{לְטַהַרְתָּ עֵתִים}$ – 4Q512 1-6 xii 2) suggests that these lustrations were understood to have been an acceptable way to cleanse long-lasting impurities, such as bodily discharges (4Q512 7-9 xi, 10-11 x). Although somewhat speculative, this hypothesis may well be supported by the frequent use of the word נְדָה , which appears to be a generic label for impurity in 4Q512 (4Q512 1-6 xii 16, 29-32 vii 9, 34 v 17). In particular, the similarity between the word נְדָה and the phrase מִי נְדָה may well go a long way towards explaining why it is that the מִי נְדָה , (i.e., a rite that is associated with corpse impurity in the Torah), seems to have evolved into a ritual that was capable of cleansing any sort of contamination that fell under the category of נְדָה .

As noted above, 4Q513 appears to be concerned with marital relationships between priestly families and Gentiles (4Q513 2 ii 2-5). According to this document, priestly families were prohibited from partaking of the sacred food if one of their members had entered into a marital relationship with a Gentile. Unfortunately, the fragmentary nature of this document makes it difficult to say much beyond this.

The final text to be summarized is 4Q514. In fragment 1 of this

¹⁴⁸ Elgvin, "4QHalakha C," 155.

document the author/redactor discusses ablutions, seminal emissions, and eating food in a state of purity (4Q514 1 i 1-10). In particular, 4Q514 emphasizes the notion that individuals who have yet to cleanse themselves from their impurity cannot partake of any foodstuffs (4Q514 1 i 6). Although this law raises the question of how it is that an individual with a prolonged period of impurity might survive, it seems plausible to conclude that 4Q514 is referring to sacred food rather than unconsecrated foodstuffs.

As our brief summary has shown, the individual documents from Cave 4 contain a wide assortment of purity rulings. With the possible exception of the Sabbath regulations in 4Q251 and 4Q265, the Cave 4 texts do not appear to contain any compositional structure or organizing principles. Moreover, the highly fragmentary and random nature of these rulings makes it exceedingly difficult to offer any overarching comments about this material. That being said, it is nevertheless possible to make several important observations. To begin with, it is interesting to note that the Cave 4 texts take up many of the same issues and express similar, if not identical, interpretations. For example, on more than one occasion the Cave 4 documents prohibit the sprinkling of the הַטְּמֵאָה on the Sabbath (4Q251 1-2 6; 4Q265 7 3; 4Q274 2 i 2-3a), require corpse-contaminated individuals to engage in a first day ablution (4Q277 1 ii 7b-10a; 4Q414 2 ii, 3, 4 2, 13 5; 4Q512 1-6 xii 5-6), argue in favor of waiting until evening to be fully cleansed from impurity (4Q277 1 ii 2, 5; 4Q284 2 i 3, 2 ii 3b-4a, 3 2), and expand the Red Heifer rite beyond its intended use and description in the Torah (4Q277 1 ii 0-10a; 4Q284 1 7-8, 3 2-3; 4Q414 2 ii 3, 4 2-10; 4Q512 1-6 xii 1-17, 7-9 xi, 10-11 x).

The similarities mentioned above should come as no surprise. After all, the documents in question were all found in the same cave, date to roughly the same period of time, and were, with the exception of 4Q249, written in the same Hebrew script. Similarly, at least one of the exegetical approaches that one would expect to find, such as gap filling, analogical reasoning, homogenization, and/or textual expansion, are present in each of the documents from Cave 4, including the Cave 4 manuscripts of the Damascus Document and 4QMMT. Given these similarities it is somewhat surprising that we did not find a larger number of parallels than we did. Although we would not want to push this idea too far, there are several confirmed cases in which the documents that were recovered from Cave 4 exhibit explicit disagreement with one another. In particular, where the

4QTohorot texts indicate that the sprinkler of the מִן־הַכֹּהֵן must be a priest (4Q277 1 ii 3, 7a), the Damascus Document and 4QMMT call for the sprinkler to be a “clean man” (4Q269 8 ii 4b-6a; 4Q394 3-7 i 17-19a). Furthermore, the Cave 4 manuscripts of the Damascus Document and 4QMMT exhibit an understanding of the Red Heifer rite that is much closer to that of the Torah than they are to those texts from Cave 4 that have expanded the rite to include other forms of impurity, moral considerations, and certain liturgical elements, such as prayers of thanksgiving. Although the latter would seem to suggest an evolution of thought on the subject, it is best to reserve judgment on this issue until we have had an opportunity to compare the purity rulings from Qumran in a much more comprehensive manner. It is to this task that we now turn.

CHAPTER SIX
COMPARISON

6.1 Diseases

In comparing the material on skin diseases from the Damascus Document, the Temple Scroll, 4QMMT, and the manuscripts from Cave 4, one is confronted by a number of unique concerns. In the Damascus Document, for example, the author/redactor focuses on the diagnosis of skin diseases (4Q266 6 i 1-13; 4Q269 7 1-13; 4Q272 1 i 1-20; 4Q272 1 ii 1-2; 4Q273 4 ii 1-11). From the presence of a “spirit” (רוח) that was thought to have disrupted the normal flow of blood in one’s arteries (4Q266 6 i 6-8; 4Q272 1 i 2; 4Q273 4 ii 11) to limiting the period of examination for a skin disease to one week (4Q266 6 i 8-11; 4Q269 7 4-7; 4Q272 1 i 5-6), the Damascus Document attempts to clarify and streamline the rather convoluted diagnostic procedures outlined in Lev 13. Beyond the observation that the author/redactor appears to have understood skin diseases as being representative of a sinful condition (4Q270 2 ii 12), the Damascus Document’s primary interest in skin diseases is with its proper diagnosis, a notion that is supported by the witness of CD 13.4b-7a, which instructs the “Overseer” (מבקר) to educate priests in the proper interpretation of the laws relating to a suspected case of צרעת.

In contrast to the Damascus Document, the Temple Scroll exhibits absolutely no interest in the symptoms or diagnosis of a suspected skin disease. Rather, the Temple Scroll concerns itself with protecting various locations from being contaminated by a skin-diseased person. In 11Q19 45.17b-18 we are told that individuals with a skin disease were not allowed to enter the city of the Temple (i.e., Jerusalem) until they had been cleansed. This is supplemented by 11Q19 46.16b-18, which calls for the construction of places of quarantine to the east of Jerusalem where those with skin diseases, bodily discharges, and those who have had an emission of semen were required

to reside. Similarly, the author/redactor also calls for places of quarantine to be built in order to protect ordinary cities from those with skin diseases, bodily discharges, menstrual uncleanness, and from the impurity of postpartum women (11Q19 48.14-17a). Although the Temple Scroll is somewhat vague on when an individual would have been able to reenter the city of their residence, we have argued above that the author/redactor may have allowed individuals to return to their cities as early as the first day of their purification (cf. Lev 14:8). Finally, given the fragmentary references in the Temple Scroll to the purification procedures associated with an unclean skin disease, it is difficult to determine whether the author/redactor had skin-diseased individuals in mind or if he was addressing a different concern, such as the purification of a house with צִרְעָה (11Q19 49.1-4).

Moving on to 4QMMT, one notes an entirely different set of concerns. Specifically, the author/redactor focuses on the notion of protecting the sacred food from being contaminated by a skin-diseased individual. According to 4QMMT, those who have been healed from a skin disease, but have yet to be cleansed, were to remain outside of their homes for seven days so as not to defile any sacred food (4Q396 1-2 iii 4b-11, iv 1; par. 4Q397 6-13 6-10a; 4Q394 8 iv 14b-16; cf. Lev 14:8). What makes this passage interesting is that the author/redactor makes a very clear distinction between those who unwittingly enter their homes prior to being cleansed and those who do so knowingly (4Q396 1-2 iii 8b-10). This observation, coupled with the absence of any references to places of quarantine, suggests that those who had been healed of a skin disease would have been allowed to enter the city of their residence before they had been fully cleansed so long as they did not enter their home or approach the sacred food. Finally, the author/redactor of 4QMMT stipulates that sacred food must not be consumed by a person who is being purified from a skin disease until the evening of the eighth day (4Q396 1-2 iii 11- iv 1).

As noted above, the material from Cave 4 on skin diseases is so fragmentary that it is difficult to determine what these texts might have said. Aside from the observation that 4Q249 appears to have contained a discussion on household diseases (cf. Lev 14:33 ff.), the remaining texts from Cave 4 (i.e., 4Q251, 4Q274, and 4Q512) are in such a poor state of preservation that it is nearly impossible to know whether these documents were concerned with skin diseases or with

some other type of impurity. Although the presence of the contritional expression ״טַטְטָה״ in 4Q512 28 4 may well indicate that the author/redactor equated skin diseases with a sinful condition, the evidence in 4Q512 is far from clear, which severely limits what one can say about this material. Furthermore, if a text like 4Q512 does have the purification of a skin-diseased person in mind, the addition of a liturgical blessing that was to be recited after bathing (4Q512 16 i 1-9; 28 1-5) would represent a ritual act that is unattested in both Lev 14 and the texts described above.

Beyond the differences in genre, authorship, age, etc., the diversity of thought outlined above makes it rather difficult to offer a detailed comparison of this material. Not only is there an absence of explicit disagreement between these texts but in the places where they do agree they do so implicitly. Concerning the latter, two examples come to mind: First, both the Damascus Document and 4Q512 seem to imply that skin diseases are symbolic of a sinful condition (4Q270 2 ii 12; 4Q512 28 4). It is somewhat debatable, however, as to whether or not 4Q512 is concerned with skin diseases or with some other form of impurity. Second, both the Temple Scroll and 4QMMT suggest that a person who has been healed from a skin disease may enter the city of their residence as early as the first day of their purification, thereby agreeing with Lev 14:8 (11Q19 45. 17b-18; 4Q396 1-2 iii-iv 1). Although we have argued as much above, we acknowledge that the evidence in 11Q19 45.17b-18 is far from conclusive and that this passage can also be read as preventing individuals from entering the city of the Temple until their period of purification has been completed. Moreover, the lack of references to places of quarantine in 4QMMT suggests that the author/redactor may not have required the construction of such places.

It goes without saying, of course, that the absence of evidence is not evidence of absence. Consider, for example, the notion that 4Q512 appears to contain a liturgical blessing as a part of the purification procedures for those who have been healed from a skin disease. When compared with the purification procedures in 11Q19 49.1-4 one notes that there is no mention whatsoever of a liturgical blessing. Putting aside for the moment the question of whether or not these fragmentary texts are actually concerned with the purification of a skin-diseased individual, what does this implicit disagreement indicate? Does it suggest a simple lack of concord between two or more authors, redactors, groups, systems, genres, texts and/or

reconstructions? Does it reflect the evolution of thought within the confines of one group, one system, and/or one corpus of related texts? Or is there some other explanation for these differences? Given the absence of any explicit parallels in this material it is extremely difficult to answer these questions.

6.2 - Clean/Unclean Animals

In contrast to the material on diseases, there appear to be several parallels in the regulations on clean and unclean animals. Consider, for example, the prohibition against eating the carcass of an animal. According to 11Q19 48.6, an individual is not to eat the “carcass” (נבלה) of a winged creature or animal but these carcasses may be “sold” (מכור) to foreigners. Compare this with 4Q251 12 3-4 which states that a man may not eat the carcass of an animal that dies of natural causes (נבלה) or a carcass that has been torn by wild beasts (טרפה). To this one notes that 4Q251 also contains a highly fragmentary reference to foreigners (ל[] סת לנכרין) (4Q251 12 5) making it difficult to determine if the text would have followed Deut 14:21, which allows carcasses to be both given and sold to foreigners, or if 4Q251 would have agreed with the Temple Scroll, which only mentions the selling of carcasses to foreigners (11Q19 48.6). Furthermore, the combination of prohibiting both the נבלה and the טרפה in 4Q251 is unattested in both the Temple Scroll and Deut 14:21 and appears to have been influenced by the priestly purity regulations in Lev 22:8 (cf. Ezek 44:31).

On the surface, the differences between 11Q19 48.6 and 4Q251 12 3-5 would appear to be minimal. Specifically, it is hard to believe that the author/redactor of the Temple Scroll would have allowed individuals to eat טרפה in violation of Exod 22:30 simply because he does not list it alongside נבלה as being prohibited. What is potentially interesting about this omission, however, is that the Temple Scroll frequently applies the purity regulations of the priests to the laity (cf. 11Q19 50.22b-51.01, 51.1-5, 60.01-2). Surely the author/redactor of the Temple Scroll would have known about Lev 22:8 and its prohibition against allowing priests to eat both the נבלה and the טרפה, but for whatever reason the author/redactor of the Temple Scroll fails to interpret Deut 14:21 in the same manner as

4Q251.

A second parallel concerning clean and unclean animals involves the slaughtering of pregnant animals. According to the Temple Scroll, the sacrifice of a pregnant ox, sheep, or goat is forbidden in that it is an abomination to God (11Q19 52.5). Similarly, a reconstructed passage from 4QMMT prohibits the sacrifice of pregnant animals and outlines its position on the issue of the non-sacral slaughter of a fetus (4Q396 1-2 i 2-4; par. 4Q394 8 iii 6-8; 4Q397 4 1-2). As we have noted above, however, the methodology behind the reconstruction of 4QMMT is frequently problematic. In particular, the restoration of the ban on the sacrifice of pregnant animals is based on two rather weak arguments. First, Qimron's reconstruction is heavily dependent upon the tentative placement of 4Q397 4 1-2.¹ According to Qimron, the presence of the word *האובל* in 4Q397 4 1-2 when juxtaposed with the phrase "they do [not] slaughter in the sanctuary" (*אין* [שוחטים במקדש] - 4Q396 1-2 i 1) indicates that 4Q396 1-2 i 1-4 contains both sacral and non-sacral concerns. Aside from the observation that 4Q397 4 1-2 does not parallel any of the material in 4Q396 1-2 i 1-4, thereby calling into question its placement in the reconstruction of this passage, the proposal that 4Q396 1-2 i 2 is concerned with the sacrifice of a pregnant animal based on its juxtaposition with the phrase "they do [not] slaughter in the sanctuary" (4Q396 1-2 i 1) becomes problematic when one notes that 4Q396 1-2 i 2 is immediately followed by what appears to be a ruling on non-sacral slaughter (4Q396 1-2 i 3-4). Second, and most importantly, Qimron's reconstruction of 4Q396 1-2 i 2 is directly dependent upon the witness of the Temple Scroll. Beside the fact that the reconstruction of one Qumran scroll based on the witness of another may distort the unique witness of the scroll that is being restored, the paraphrase of Lev 22:28 in 4Q396 1-2 i 2 actually argues against Qimron's suggestion that 4Q396 1-2 i 2 prohibits the slaughtering of pregnant animals. As Bernstein has noted, "there is certainly no obvious way of reading the biblical text [Lev 22:28]² which would imply that slaughtering pregnant animals is prohibited."³ Based on these observations, we find it difficult to accept the notion

¹ See Pp. 199-201.

² "And whether the mother is a cow or a ewe, you shall not kill both her and her young in one day" (Lev 22:28) - *וְשׁוֹר אִמָּהּ אִתּוֹ וְאֶת־בְּנֵיהָ לֹא תִשְׁחָטֵם בְּיוֹם אֶחָד* - Lev 22:28).

³ Bernstein, "The Employment and Interpretation of Scripture," 41.

that 4QMMT parallels the Temple Scroll on this issue.

Having detailed some of the methodological concerns associated with Qimron's reconstruction of 4QMMT in Chapter 4, we will refrain from presenting them in their entirety once again. It must be noted, however, that in each of the four places where the Temple Scroll and 4QMMT are described as paralleling one another on the subject of clean and unclean animals, the reconstruction of 4QMMT has been directly dependent upon the witness of the Temple Scroll: 4Q394 3-7 ii 2-4 par. // 11Q19 47.7-15; 4Q394 3-7 ii 14b-15 // 11Q19 52.13-16; 4Q396 1-2 i 1-4 par. // 11Q19 52.5; and 4Q397 1-2 1-3 par. // 11Q19 51.1-6. While some of these reconstructions would appear to be more plausible than others, it is generally the case that 4QMMT is simply too fragmentary to reconstruct its legal positions on the subject of clean and unclean animals let alone to conclude that the restorations forwarded by Qimron are in agreement with the text upon which those reconstructions have been based. By way of comparison, let us now turn our attention to yet another passage containing a supposed parallel on clean and unclean animals.

According to the editors of 4Q265 7 5b-6a, this fragmentary passage prohibits individuals from eating the meat of an ox or a lamb within a radius of thirty stadia from the Temple: [לֹא יֹאכַל אִישׁ בֶּשֶׂר שׁוֹר וְשֶׂה קְרוֹב לְמִקְדָּשׁ שְׁלוֹשִׁים רֶסֶם]. Not unlike Qimron's approach to 4QMMT, the editors of 4Q265 have based their reconstruction of the witness of the Temple Scroll: "All clean animals in which there is a blemish you shall eat in your gates far from my Temple at a radius of thirty stadia" (וְכֹל הַבְּהֵמָה הַטְּהוֹרָה אֲשֶׁר יֵשׁ בָּהּ מוֹם בְּשַׁעֲרֵיכֶם תֹּאכְלֶנָּה רְחוֹק מִמִּקְדָּשִׁי סְבִיב שְׁלוֹשִׁים רֶסֶם - 11Q19 52.16b-18a). Although it is difficult to deny the similarities between the phrase [קְדָשׁ שְׁלוֹשִׁים רֶסֶם] in 4Q265 and [קְדָשׁ שְׁלוֹשִׁים רֶסֶם] in the Temple Scroll, there are a number of significant differences between these two passages. To begin with, 4Q265 7 5b-6a is located within a list of Sabbath regulations while the parallel text in 11Q19 52.16b-18a is situated in a section dealing with the permanent removal of all abominations from Jerusalem. Second, unlike the Sabbath material in 4Q265, 11Q19 52.16b-18a is located within a complex system dealing with the sacrifice and slaughter of animals and it is not intended to read in isolation from that system.

Finally, where the Temple Scroll specifies that it is a blemished animal that is prohibited from being consumed within thirty stadia of

the Temple (וכול הבהמה המהורה אשר יש בה מום), the reconstruction of 4Q265 proposed by the editors fails to specify whether the meat of the ox or lamb is blemished. This final observation raises an important question: Why would the author of 4Q265 prohibit individuals from eating the meat of an ox or a lamb within thirty stadia of the Temple if these animals did not have a blemish? In short, the lack of agreement described above suggests at least three possible interpretations: (1) 11Q19 52.16b-18a and 4Q265 7 5b-6a are significantly different rulings;⁴ (2) the reconstruction of 4Q265 7 5b-6a is erroneous; or (3) the Temple Scroll should not have been used to reconstruct 4Q265 7 5b-6a: a passage whose context appears to be significantly different from the witness of the text on which it has been restored.

Before we bring our comparison of the material on clean and unclean animals to a close let us briefly discuss two additional parallels. According to the Damascus Document, all ritually clean locusts are to be cooked “while they are alive” (עד הם חיים - CD 12.15a) prior to being consumed. A similar thought is echoed in the Temple Scroll when, after listing those members of the locust-grasshopper family that were considered to be clean (11Q19 48.3-6; cf. Lev 11:20-23), the author/redactor concludes: “You shall not eat any carcass with wings, or (carcass) of an animal” (נבלה בעוף ובבהמה לוא תאכלו) - 11Q19 48.6a). Although both of these passages appear to require locusts to be alive prior to their consumption, a notion that is already implicit in the Torah (cf. Exod 22:30; Lev 17:15, 22:8; Deut 14:21; and Ezek 44:31), the Temple Scroll fails to indicate whether or not locusts may be eaten raw or if they must first be cooked.

Finally, we find three references in the scrolls to unclean swarming things (שרץ) or creeping things (רמש) and their ability to contaminate individuals. Where the Damascus Document indicates that individuals are to avoid making their souls detestable by eating creeping things (אל ישקץ איש את נפשו בכל החיה והרמש לאכל) - CD 12.11b-12a), the Temple Scroll and 4Q274 2 ii are con-

⁴ If eating a clean unblemished animal within a radius of thirty stadia from the Temple was prohibited on the Sabbath (4Q265 7 5b-6a), then logic would dictate that it would have been acceptable to engage in this activity on any day except the Sabbath. This is at odds with the Temple Scroll, which rules that clean blemished animals were to be slaughtered and eaten at a distance of thirty stadia from the Temple (11Q19 52.16b-19a) while clean unblemished animals were to be sacrificed in the Temple and eaten in Jerusalem (11Q19 52.13b-16).

cerned with the carcasses of swarming things and their ability to contaminate objects and individuals through direct contact (11Q19 50.20-51.05a; 4Q274 2 ii 5-6; cf. Lev 11:29-40). Although the Temple Scroll does not explicitly prohibit individuals from eating swarming or creeping things, it does contain a reconstructed reference to the carcasses of edible animals and a series of regulations dealing with the defiling touch of an edible animal's carcass (11Q19 51 05b-5). Based on the juxtaposition between the laws on unclean swarming things (11Q19 50.20-51.05a) and those on the carcasses of edible animals (11Q19 51.05b-5) combined with the fact that the Temple Scroll paraphrases large portions of Lev 11, (i.e., a chapter which repeatedly prohibits individuals from eating swarming things; cf. Lev 11:10-12, 41-43), it seems plausible to conclude that the author/redactor of the Temple Scroll would have agreed with the Damascus Document's prohibition against eating creeping things. As for 4Q274 2 ii 5-6, other than noting that it appears to agree with 11Q19 50.20-51.05a and Lev 11.29-40 on the defiling touch of a swarming thing, the fragmentary nature of this text prevents us from making any definitive statements concerning its particular legal position.

6.3 – Corpses

In what is arguably the first explicit parallel in the material from Qumran discussed thus far, 4Q251 1-2 6, 4Q265 7 3, and 4Q274 2 ii 2-3a prohibit individuals from sprinkling the מִי נְדָה on the Sabbath. According to 4Q274 2 ii 2-3a, the most intact of the three rulings, if the seventh day of one's purification falls on the Sabbath he or she must wait until the following day to complete their purification from corpse contamination. Compare this with 4Q251 1-2 6 and 4Q265 7 3, which both exhibit a list of Sabbath prohibitions containing reconstructed lines referring to the sprinkling of the מִי נְדָה: “[Let n]o man of the seed of Aaron sprinkle w[ater for purification]” (אִלּוּ יִזְ אִישׁ) [מִי נְדָה - מִזְרַע אַהֲרֹן מִי נְדָה 4Q265 7 3]; and “[water for purification [on] his fl[es]h on the day of [the] Sabbath” (מִי נְדָה [ב]בִּשְׁבַּת) [הַשַּׁבָּת 4Q251 1-2 6). Although one could quibble over the fact that these lines have been reconstructed, the juxtaposition between these reconstructions and their respective Sabbath prohibi-

tions, combined with the presence of such words as “sprinkle” (טִי - 4Q265 7 3) and “waters of purification” (מֵי טָהָר - 4Q251 1-2 6), suggests that these three texts were in agreement with one another on banning the sprinkling of מֵי טָהָר on the Sabbath.

Concerning the preparation of the Red Heifer and the sprinkling of the מֵי טָהָר, several parallels are apparent. According to the Damascus Document, 4QMMT, and 4Q277, the sprinkler of the מֵי טָהָר had to be a clean individual. However, where the Damascus Document and 4QMMT specify that the prospective sprinkler was required to wait until evening in order to be considered clean (4Q269 8 ii 4b-6a; 4Q394 3-7 i 17-19a), 4Q277 simply prohibits the laity from acting as sprinklers (4Q277 1 ii 5b-7a). In both cases, there appears to be a slight deviation from the biblical position. Although the Damascus Document and 4QMMT parallel Num 19 by requiring the sprinkler to be a “clean man” (טָהוֹר - Num 19:18-19), these documents go beyond the biblical text by stipulating that the sprinkler had to wait until evening prior to fulfilling his duties. Moreover, where Num 19 describes the sprinkler generically as a “man” (אִישׁ), thereby allowing for the possibility that lay individuals could function as a sprinkler, 4Q277 indicates that the sprinkler of the מֵי טָהָר had to be a priest. According to 4Q277, the role of sprinkler was given to the priests because the author/redactor, in contrast to the Torah, the Damascus Document, and 4QMMT, believed that the מֵי טָהָר was considered to be both a ritual of purification and a ritual of atonement: “And do not allow a man to sprinkle] the water of sprinkling upon those who are c[orpse] contaminated for only a clean priest [may sprinkle upon] them fo[r] he [is ato]ning for the impu[re]” (4Q277 1 ii 5b-7a).

In addition to the material discussed above, both the Damascus Document and 4Q277 prohibit children from acting as sprinklers of the מֵי טָהָר (4Q269 8 ii 6; 4Q277 1 ii 7). Not only is this ruling absent in the Torah but it may also be representative of a polemic against the Pharisees who were known to have used young boys to sprinkle the מֵי טָהָר during the Second Temple period (cf. *M. Parah* 3:1-2). Given the consensus opinion on the genre of 4QMMT (i.e., a letter written to the Temple establishment by the founders of the nascent Qumran community outlining certain halakhic differences between the community and their Pharisaic opponents), it is somewhat surprising that 4QMMT does not echo the prohibition against

using children as sprinklers. There are, of course, any number of ways in which this absence of evidence can be explained, but the complete dearth of references to children acting as sprinklers in 4QMMT is certainly conspicuous by its absence and may well have a bearing on the question of 4QMMT's genre.

As one of the main proponents of the consensus opinion on 4QMMT's genre, Qimron has embraced the notion that the *halakha* in 4QMMT is consistently stringent. This is at odds, however, with Qimron's belief that all of the evidence in the Dead Sea Scrolls should be treated together so as to understand the Qumran community's attitude on various issues. In order to demonstrate the incompatibility of these two concerns let us consider Qimron's reconstruction of 4Q396 1-2 iv 1b-3.

According to the Temple Scroll, which contains a periphrastic interpretation of Num 19:16, it is the "bone of a dead man" (בעצם מת אדם - 11Q19 50.4b-9) rather than the "bone of a man" (בעצם אדם - Num 19:16) that conveys corpse contamination. This interpretation, suggests Yadin, is directed against the rabbis who believed that the reference to the "bone of a man" in Num 19:16 included both the living and the dead, thereby indicating that the Temple Scroll's position on bones and corpse contamination is actually more lenient than that of the rabbis.⁵ Given Qimron's adoption of the belief that such an interpretation would "depart from that of the rabbis in the direction of leniency, which would be exceptional in MMT,"⁶ he has chosen not to restore 4QMMT based on the witness of the Temple Scroll. Rather, Qimron has reconstructed 4QMMT as ruling that the bones of a dead body, regardless of their size, transmit corpse impurity for the same duration as that of a corpse (4Q396 1-2 iv 1b-3; par. 4Q397 6-13 10b-12a). Qimron's restoration expands on the witness of Num 19:16 by specifying the amount of bone necessary to render an individual unclean but the methodology behind this reconstruction raises some difficult questions. Specifically, is the *halakha* of 4QMMT "stringent, systematic and fully consistent,"⁷ as Qimron would have us believe, or have his preconceived notions about MMT adversely affected his reconstructions of the text? Seeing that at least four of Qimron's restorations are directly dependent upon the

⁵ Yadin, *Temple Scroll*, 1:355.

⁶ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 171.

⁷ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 157.

witness of the Temple Scroll,⁸ it is difficult to see how he can argue that MMT is “stringent, systematic and fully consistent” when the Temple Scroll exhibits at least one ruling that is more lenient than that of the rabbis.

According to CD 12.17b-18, every vessel, nail, peg, or tool that is located in a corpse-contaminated house is unclean. Compare this with the Temple Scroll, which indicates that the house and all of its contents, including people, are rendered unclean for seven days (11Q19 49.5-21a). Although the Damascus Document and the Temple Scroll both appear to take a comprehensive stance on the defilement of objects in a corpse-contaminated house, they differ with regard to the cleansing of certain items. For example, where the Damascus Document requires corpse-contaminated skins, clothing, and utensils to be sprinkled with the מֵי טָהָר (4Q269 8 ii 3b-6a), the Temple Scroll simply demands that clothing, sacks, and skins be washed in water.⁹

While there appears to be a lack of concord in the scrolls on the subject of cleansing inanimate objects from corpse contamination, the regulations pertaining to individuals appear to be fairly cohesive. Specifically, the Temple Scroll, 4Q277, 4Q414, and 4Q512 require those individuals who have been contaminated by a corpse to bathe in water prior to being sprinkled with the מֵי טָהָר on the third and seventh days: 11Q19 49.16b-21, 50.10-16a; 4Q277 1 ii 7b-10a; 4Q414 2 ii, 3, 4 2, 13 5; 4Q512 1-6 xii 5-6. Interestingly, Tobit (Tob 2:1-9) and Philo (*De Specialibus Legibus* 3.206-207) also testify to first day ablutions for the corpse-contaminated, which indicate that this may well have been a common practice during the Second Temple period. According to Milgrom, this practice was thought to remove a level of impurity thereby allowing corpse-contaminated individuals to have non-sacred contact with people, objects, and food prior to being fully cleansed.¹⁰ This final point brings us to the notion of the *tebul yom*, or one who has not waited until evening to become pure.

In contrast to the Pharisees, who believed that the *tebul yom* was eligible to take part in the Red Heifer rite (cf. *M. Parah* 3:7), the

⁸ 4Q394 3-7 ii 2-4 par. // 11Q19 47.7-15; 4Q394 3-7 ii 14b-15 // 11Q19 52.13-16; 4Q396 1-2 i 1-4 par. // 11Q19 52.5; and 4Q397 1-2 1-3 par. // 11Q19 51.1-6.

⁹ Clothing was to be laundered on the first, third, and seventh days, while sacks and skins were to be washed on the first day (11Q19 49.16-20).

¹⁰ Milgrom, “First Day Ablutions in Qumran,” 562-64.

manuscripts from Qumran stress the notion that those participating in the Red Heifer rite and the sprinkling of the מִן הַדָּהָב had to cleanse themselves from all impurity, having waited until evening before taking part in their respective rituals. Where 4Q277 and the Damascus Document require those who gather the ashes of the Red Heifer (4Q277 1 ii 2) and those who sprinkle the מִן הַדָּהָב (4Q269 8 ii 3b-6) to be free from all impurities that last until evening, 4QMMT indicates that every individual who was involved in the preparation of the Red Heifer and the sprinkling of the מִן הַדָּהָב had to wait until evening before participating in these rites (4Q394 3-7 i 16b-19a). Furthermore, the texts from Qumran indicate that those who were attempting to purify themselves from corpse contamination (11Q19 49.20-21, 50.4b-9, 10-16a, 50.20-51.5a), as well as other forms of impurity (4Q277 1 ii 10b-13; 4Q396 1-2 iii 4b-11, 1-2 iv 1), were required to wait until evening on their last day of purification in order to be considered clean. Although the texts above do not explicitly agree with one another in every respect, their repeated emphasis on waiting until evening indicates that, at the very least, the authors of these texts did not accept the notion of the *tebul yom*.

Yet another place where we find agreement in the scrolls concerns the issue of liquids and their ability to transmit impurity. According to the Temple Scroll, once a corpse and its contaminating presence have been removed from a house, the entire area was to be cleansed in order to remove any oil, wine, or water (11Q19 49.9-10). While not directly responsible for contamination, liquids were thought to have functioned as transmitters of impurity and were to be removed from a corpse-contaminated house in order to ensure that the purification of the house was efficacious. The ability of liquids to transmit corpse impurity is further emphasized in 11Q19 49.5-10:

⁵ And when a man dies in your cities, any house in which he dies will be unclean ⁶ for seven days. Everything which is in the house and anything that is brought into the house will be unclean ⁷ seven days. And all food that has water poured upon it will be unclean and all liquid ⁸ will be unclean. And earthenware vessels shall be unclean, as well as anything that is in them; for the pure man ⁹ it will be unclean. And the open vessels will be unclean for every man of Israel, as well as all the liquid ¹⁰ that is in them.

Not only are all liquids in a corpse-contaminated house considered to

be impure, but any food that has been touched by said liquid is also rendered impure. Compare this with the Damascus Document, which indicates that all wood, stones and dust that have been stained with oil are rendered impure to the same degree as any impurity that they come in contact with (CD 12.15b-17a). Although this passage does not explicitly mention corpses, the following line in the Damascus Document (CD 12.17b-18) concerns the contamination of a house by a corpse, which, as noted above, is suggestive of a connection between corpse contamination and the ability of liquids to act as a conduit for impurity.¹¹

Finally, according to Baumgarten's understanding of 4Q277 1 ii 7b-10a, the מִי נִדָּה was, in addition to its status as a ritual detergent for corpse impurity, capable of purifying individuals from "[every] other [defilement]" (וּמִכָּל טִמְאָה [אֲחֵרָה] - 4Q277 1 ii 8b-9a). In support of this interpretation Baumgarten points to the juxtaposition between the מִי נִדָּה and the references to bodily discharges in 4Q284 1 7-8, and 4Q512 1-6 xii 5-6. Moreover, the presence of liturgical blessings after the sprinkling of the מִי נִדָּה in 4Q284 3 2-3, 4Q414 13 5-10, and 4Q512 1-6 xii 1-17 denotes a contritional tone that, according to Baumgarten, is better suited to the notion of sexual impurity than it is to corpse contamination. Although this rather dynamic understanding of the מִי נִדָּה is not found in the Damascus Document, the Temple Scroll, or 4QMMT, it seems plausible to suggest that the authors of 4Q277, 4Q284, 4Q414, and 4Q512 believed the מִי נִדָּה to be an effective means of cleansing individuals from a variety of impurities.

6.4 - Bodily Discharges

Four passages from Qumran are cited as containing information on the defiling nature of excrement: 11Q19 46.13-16a; 1Q33 7.6b-7; 4Q265 6 2; and 4Q472a 1-5. As noted above, however, it is doubtful that the authors of 4Q265 and 4Q472a had excrement in mind when composing their respective documents. Concerning 4Q265 it has been argued that the reconstructed phrase בְּגָדֵי אִם צִוּאִים in fragment 6 line 2 prohibits people from wearing garments stained with excre-

¹¹ Cf. 4Q394 8 iv 6-8a.

ment on the Sabbath. Seeing that such a ruling would imply that individuals could wear excrement stained clothing on any day but the Sabbath, which is highly suspect, we agree with Baumgarten who argues that the phrase $\text{בגדי} \text{ם צואים}$ in 4Q265 6 2 most likely prohibited individuals from wearing dirty or soiled clothing on the Sabbath.

As for 4Q472a, our discussion above has shown that this document has nothing whatsoever to do with excrement or ritual purity and that it should be reassigned to the category of parabiblical material.¹²

Turning now to our remaining passages on excrement (11Q19 46.13-16a and 1Q33 7.6b-7), one is struck by the lack of agreement between these two texts. Based on Deut 23:12-14, which demands that men are to defecate in a designated location outside of the war camp so as not to offend God, both the Temple Scroll and the War Scroll call for individuals to defecate at a particular distance from the camp/city. Where the Temple Scroll calls for latrines to be built at a distance of three-thousand cubits to the northwest of Jerusalem (11Q19 46.13-16a) the War Scroll simply states “And there will be between all of their camps and the place of the hand two-thousand cubits” (1Q33 7.6b-7a) - יהיה בין כול מחניהמה למקום היד כאלפים באמה). Although there is a perceived difference between semi-permanent structures built outside of Jerusalem and temporary latrines located beyond the confines of a mobile war camp, it is important to recognize that the author of the Temple Scroll frequently applies the laws of the war camp to Jerusalem (cf. 11Q19 45.7b-12, 17, 63.10-15). Moreover, given that the Temple Scroll and the War Scroll are written in a similar genre, (i.e., with a utopian worldview), the lack of explicit agreement between these texts regarding the distance between the camp/city and the so-called “place of the hand” is potentially significant.

Several passages from Qumran take up the issue of childbirth and the impurity of postpartum women: 4Q265 7 11-17; 4Q266 6 ii 5-12; 11Q19 48.14-17a, and 11Q19 50.10-16a. Concerning the latter, the author/redactor of the Temple Scroll rules that a pregnant woman whose fetus dies in her womb will be unclean “like a grave” (כקבר) - 11Q19 50.11) for as long as she carries the fetus. This ruling and its accompanying purification regulations are unattested in both the

¹² See Pp. 239-42.

Torah and the documents from Qumran making it impossible to compare this ruling with the remaining passages on childbirth and pregnancy.

As for 4Q265 7 11-17, 4Q266 6 ii 5-12, and 11Q19 48.14-17a, the primary issue in each of these texts is the purity status of the mother and her newborn child. Of particular importance is the question of whether or not the infant is rendered impure at the moment of birth. Where all three of these texts agree with Lev 12 by indicating that the new mother is rendered impure through the act of childbirth, 4Q265 and 4Q266 appear to be at odds with one another on the issue of the newborn child's purity. According to 4Q266 6 ii 10b-11, the mother is to "[give the ch]ild to a wet nurse in her puri[ty]" (תתן אשה לרחיה), implying that the child is ritually clean and is to be protected from the impurity of its mother. By contrast, the author/redactor of 4Q265, in an attempt to provide an aetiological explanation for the purification rituals associated with postpartum impurity in Lev 12, indicates that Adam and Eve were, after their creation, prevented from entering the Garden of Eden for forty and eighty days respectively (4Q265 7 11-17). Although not explicitly stated, Adam and Eve's inability to enter the prototypical sanctuary (i.e., the Garden of Eden) for a prescribed period of time suggests that the author/redactor of 4Q265 may have considered childbirth to be a defiling act that rendered the newborn child unclean.

Two additional points of departure between our texts concern the postpartum mother's relationship to consecrated objects and whether or not she was to be quarantined in her impurity. Regarding the former, the scrolls are unclear as to whether or not the impure mother was prevented from touching sacred objects (4Q266 6 ii 9-10) or from eating sacred food (4Q265 7 17b). Seeing that both of these texts have been heavily reconstructed, and that they do not necessarily contradict one another, it is difficult to make any significant observations about this apparent lack of agreement. Similar difficulties arise regarding the notion of quarantine. According to 11Q19 48.14-17a, places of quarantine were to be constructed outside of ordinary cities for those with a skin disease, a bodily discharge, menstruating women, and women who have recently given birth. Beyond 4Q266's call to give a newborn infant to a wet nurse "in her puri[ty]," which implies that the mother may have been required to separate herself from ritually clean individuals, the scrolls do not indicate whether the mother is to be quarantined. Like the material concerning the

relationship between consecrated items and a postpartum woman, the scrolls do not explicitly parallel one another on the issue of quarantining women who have recently given birth, which prevents us from determining if the authors of these documents would have agreed with the Temple Scroll on this issue.

As noted above, the Temple Scroll demands that places of quarantine be constructed beyond the walls of ordinary cities in order to prevent those with bodily discharges, menstruating women, and postpartum mothers from defiling ordinary cities and their inhabitants: 11Q19 48.14-17a. To this the Temple Scroll adds that places of quarantine are to be built outside of Jerusalem for men suffering from bodily discharges and for men who have had a nocturnal emission: 11Q19 46.16b-18. Beyond the notion that the absence of places of quarantine for women outside of Jerusalem suggests that women were not allowed to reside in the city of the Temple,¹³ an idea which emphasizes the utopian nature of the Temple Scroll, one is hard-pressed to find a passage in the scrolls advocating the construction of places of quarantine for those with a bodily discharge. The closest the scrolls come to such a notion is found in 4Q274 1 i.

According to 4Q274, the *zab* is to reside to the northwest of any dwelling place at a distance of twelve cubits (4Q274 1 i 0-2). Furthermore, the *zab* is not to come in contact with other unclean individuals as he is considered to be unclean to the unclean (Ll. 1-4). Immediately following this ruling the author/redactor of 4Q274 goes on to list a series of prohibitions for those with a bodily discharge: (1) menstruants are not to touch a *zab*, *zab*-contaminated objects, clean individuals, or a *zabah* (L. 4b-6b); (2) unclean individuals counting seven days are not to touch a *zab* or a menstruant (Ll. 7-8a); (3) seminal emitters transmit impurity through their touch (L. 8b); and (4) purifying individuals who touch a menstruant, *zab*, *zabah*, or a seminal emitter are defiled as if they have touched a corpse (Ll. 8b-9).

In comparing 4Q274 with the Temple Scroll on the issue of quarantining individuals with a bodily discharge, one notes several points of contact. First, the description of the *zab* as being required to reside twelve cubits to the northwest of any dwelling place (4Q274 1 i 0-2) is reminiscent of the call to erect places of quarantine for the *zab* outside of Jerusalem and other cities (11Q19 46.16b-18, 48.14-17a).

¹³ Yadin, *Temple Scroll*, 1:306-07.

Additionally the reference to “northwest” (וּמַעַרְב צִפּוֹן) in 4Q274 1 i 2 is similar to the Temple Scroll’s demand that latrines be built to the northwest of the city of the Temple (11Q19 46.13-16a). Second, 4Q274 repeatedly emphasizes the notion that unclean individuals can contaminate one another through direct contact thereby suggesting that they should be isolated from one another. Although there is no explicit call to construct places of quarantine for each type of impurity, as there is in the Temple Scroll, the emphasis in 4Q274 on keeping those with a bodily discharge away from the clean and unclean alike would appear to support the notion of quarantining. Third, if 4Q274 does agree with the Temple Scroll the inclusion of women would imply that the author/redactor of 4Q274 had ordinary cities in mind rather than Jerusalem (cf. 11Q19 46.16b-18, 48.14-17a). There is, however, one major argument against seeing these texts as paralleling one another. Although it is clear that the *zab* is to be isolated twelve cubits to the northwest of any dwelling place (4Q274 1 i 0-2) the menstruant is described as trying to avoid mingling with clean individuals “with all her effort” (וּבְכֹל מוֹדָה - 4Q274 1 i 5b) suggesting that she has not been quarantined. In addition to this, one notes that 4Q274 repeatedly outlines the purification procedures for those unclean individuals who have come in contact with other unclean individuals (4Q274 1 i 3-4a, 5b, 8b-9). This final point raises an interesting question: if unclean individuals were to be quarantined from the clean and the unclean alike, why would the author/redactor be concerned about whether or not these individuals were coming in contact with one another? Beyond the observation that 4Q274 and the Temple Scroll both call for the *zab* to be isolated from the population at large, there is no explicit agreement between these texts. While the trajectory of thought is the same (i.e., that those with a bodily discharge must not come in contact with other individuals, be they clean or unclean) the way in which the authors of these texts deal with the issue appears to be driven by different concerns. Specifically, the author/redactor of the Temple Scroll is approaching the question from a utopian mindset whereas 4Q274 appears to be describing a less idealistic state of affairs.

Yet another document from Qumran showing the diversity of thought on the impurity of the *zab* is 4Q277 1 ii 10b-13. In this passage the author/redactor implies that the touch of a *zab* who has washed his hands does not transmit ritual impurity (Ll. 10b-11; cf. Lev 15:11). To this the author/redactor adds that any objects that are

touched by a *zab* with unwashed hands are rendered impure to the same degree as a *zab*'s seat or bed (Ll. 12-13a). According to 4Q277, those coming in contact with *zab*-contaminated objects or carrying the clothing of a *zab* must bathe and wait until evening to be cleansed (L. 13b). Not only does the reference to the washing of hands presuppose that the *zab* is living in the presence of clean individuals, thereby suggesting that the author/redactor of 4Q277 may not have required the *zab* to be quarantined, but the purification procedures for those who have touched a *zab*-contaminated object are different than those in 4Q274. Specifically, where 4Q277 calls for individuals to bathe and wait until evening to be cleansed (L. 13b), 4Q274 requires individuals to bathe and wash their clothing (4Q274 1 i 5). The major difference between these passages, of course, is that 4Q277 appears to have clean individuals in mind whereas 4Q274 is concerned with unclean or purifying individuals who have come in contact with a *zab* or *zab*-contaminated objects. Although Lev 15:1-11 does not discuss the concept of unclean individuals who come in contact with a *zab*-contaminated object, it is interesting to note that neither 4Q274 nor 4Q277 agree with Lev 15's purification procedures for clean individuals who have touched the aforementioned objects (i.e., washing one's clothing, bathing, and waiting until evening).

In contrast to the lack of concord exhibited between 4Q274, 4Q277, and Lev 15 on the issue of purification from touching a *zab*-contaminated object, 4Q272 and 4Q274 provide us with an example of the scrolls agreeing with one another in opposition to the witness of Lev 15. Where 4Q272 1 ii 3b-7a and 4Q274 1 i 8b-9 both indicate that the touch of a seminal emitter conveys impurity, Lev 15 is silent. Additionally, 4Q272 and 4Q274 appear to compare the touch of a man who has had a seminal emission to that of a *zab*. Once again, however, it must be noted that 4Q274 deals exclusively with unclean or purifying individuals coming in contact with an unclean person, whereas 4Q272 appears to be interested in clean individuals contacting those who are unclean.

As for the remaining documents from Qumran dealing with the impurity of semen and seminal emitters (4Q274 2 i 4-9; 11Q19 45.7b-10, 46.16b-18), the diverse foci of these documents make it difficult to compare this material. That being said, several observations are possible. First, like 4Q272 and 4Q274, 11Q19 45.7b-10 compares the impurity of a seminal emitter to that of another type of

bodily discharge: “menstrual-like uncleanness” (בגדרת טמאֵת־מִדָּה - L. 10). Second, although 4Q272, 4Q274, and 11Q19 45.7b-10 liken the defiling touch of a seminal emitter to that of a *zab* or menstruant, indicating that the defiling power of semen has been intensified beyond that of the Torah (cf. Lev 15:16-18), 4Q274 2 i 4-9 appears to allow those who “do not have the means” (לֹא־הַשִּׁיגָה יָדוֹ - L. 6) to refrain from washing their garments if they have been indirectly defiled though semen. This interpretation implies a sensitivity to socioeconomic concerns that contradicts the frequently espoused notion that the authors of the scrolls always interpreted the legal material in the Torah with an eye towards severity.

Before moving on to consider the purity material on sexual misdeeds, one final comparison is warranted. According to 11Q19 45.15-17a, any *zab* who has been healed from his bodily discharge must count seven days from the point at which his discharge has ceased (L. 15a). On the seventh day, the individual was required to wash his clothing and bathe in living water (Ll. 15b-16a). Upon the completion of his period of purification, the former *zab* was considered to be ritually clean and was allowed to reenter Jerusalem (Ll. 16b-17a) or the city that had been off-limits to him during his illness (11Q19 46.16b-18; cf. 11Q19 48.14-17a). Compare this with the cleansing of the *zab* in 4Q512, which, although requiring individuals to wait for seven days, wash their clothing, and bathe in water, indicates that recently cleansed individuals had to recite a blessing of purification before removing themselves from the water (4Q512 10 x 1-2, 11 x 2-5).

6.5 - Sexual Misdeeds

Despite arguments to the contrary, the scrolls do not explicitly require their readers to embrace the concept of celibacy. In point of fact, the frequent references to sexual activity in the scrolls suggest that the authors of these documents were far more interested in proper sexual conduct than they were in prohibiting sexual activity outright. Consider, for example, the prohibition against having sexual relations in the city of the Temple. According to the Damascus Document, individuals were to abstain from having sexual relations in Jerusalem so as to avoid defiling the city of the Temple with their impurity (CD 12.1-2a). Similarly, the Temple Scroll rules that any man who has had a seminal emission during sexual intercourse was

prohibited from entering the city of the Temple for three days (11Q19 45.11-12a). While it is true that these rulings effectively prohibited sexual relations in Jerusalem, this material also implies that sexual activity was completely acceptable as long as it occurred beyond the confines of Jerusalem. This is hardly the message that one would expect to find in documents that are thought to have been in the possession of a group that purportedly advocated celibacy for its members.

As for comparing these two rulings, one notes a slight deviation. Where the Temple Scroll calls those who have had sex to avoid entering Jerusalem for three days, the Damascus Document simply prohibits the act from being performed in the city. Whether the author/redactor of the Damascus Document would have required the same three day buffer period as that which is found in the Temple Scroll is unclear but its absence in the Damascus Document seems to indicate that the Temple Scroll had a far more stringent approach on this issue, which would certainly be in keeping with its utopian genre.

The Damascus Document is the only text from Qumran to discuss the issue of sexual relations with menstruant (4Q273 5 4b-5; 4Q266 6 ii 1b-2; CD 5.6b-7a) and pregnant women (4Q270 2 ii 15b-16a). Concerning the latter, the author/redactor of the Damascus Document describes the issue in the so-called catalogue of transgressions where he implies that sexual relations with a parturient might cause the woman's "blood to stir" (מִקּוֹץ דָּם - 4Q270 2 ii 16a) thereby resulting in an illicit union. Interestingly, this notion is not paralleled in the Torah or in any of the texts from Qumran, which are only concerned with the purity status of the mother after she has given birth (cf. 4Q265 7 11-17; 4Q266 6 ii 5-12; 11Q19 48.14-17a; Lev 12).

As for the prohibition against having sexual relations with a menstruant, the Damascus Document clearly follows the Torah's position on the matter. For instance, not only does the Torah demand that individuals separate themselves from all bodily discharges and avoid having sexual relationships with menstruant lest they defile the Tabernacle and run the risk of being cut off from their people (cf. Lev 15:31, 18:19, 20:18), but it also demands that women be removed from the camp during their menses in order to protect the Tabernacle from being contaminated (cf. Num 5:2). Given the call to avoid physical contact with a menstruant in 11Q19 48.14-17a and 4Q274 1 i 4b-6, one is inclined to believe that the authors of these texts

these texts would have agreed with the Damascus Document and banned the act of coitus with a menstruant.¹⁴

One issue where we find explicit agreement in the scrolls concerns the notion of incest. According to CD 5.7b-11a, 11Q19 66.16-17a, and 4Q251 17 2-3, a man is not to marry his niece, regardless of whether she is the daughter of his brother or the daughter of his sister (cf.; 4Q270 2 ii 15b-16a). As noted elsewhere, this ruling does not appear in the Torah and, as Schiffman has observed, “the Pharisees ... as we know from later Talmudic sources, permitted such marriages and even praised them.”¹⁵ Although one might be inclined to draw a connection between the Pharisees and those who were accused of engaging in illicit unions with their nieces (i.e., the בְּוֵי הַחֵרֶץ - CD 4.19), a far more interesting question arises when comparing the documents above with the *Vision of Amram* (i.e., 4Q543 1 5-6 1-7; par. 4Q545 1 i 1-7). Specifically, how is one to understand the fact that the author/redactor of the Amram document describes Miriam as being married to her father’s brother Uzziel?¹⁶ Given that three separate documents from Qumran explicitly agree with one another in prohibiting uncle/niece marriages, it is difficult to determine how the authors of the Scrolls may have interpreted the *Vision of Amram*.

A possible explanation as to how the author/redactor of the Damascus Document might have accepted Miriam’s marriage to her uncle lies in his understanding of the laws dealing with polygamy. According to CD 5.2-6, David was forgiven for engaging in polygamy, a practice that is forbidden in both the Damascus Document (CD 4.19b-5.2) and the Temple Scroll (11Q19 56.18b-19a, 57.15b-19a), in that he was unaware of the laws relating to this matter:

(CD 5.2-6)

² But David had not read in the sealed book of the law which ³ was in the ark, for it had not been opened in Israel since the day of the death

¹⁴ Cf. *Ps. Of Sol* 2:11-13, 8:8-13.

¹⁵ Schiffman, “The Zadokite Fragments and the Temple Scroll,” 140.

¹⁶ There is great deal of confusion in the sources as to the identity of Miriam’s husband. Although he is not identified in the Torah, the rabbis contend that Miriam’s husband was Caleb and that they produced a son named Hur (*Sifra Beha’alotcha* 78). Compare this with 1 Chron 2:18-19 which records that Hur was actually the son of Caleb and a woman named Ephrath. Josephus muddies the water even further by recording that Hur was Miriam’s husband; not her son (*Antiquities* 3.53).

of Eleazar ⁴ and of Jehoshua, and Joshua and the elders who worshipped the Ashtaroth had hidden ⁵ the public (copy) until Zadok stood up. And David's deeds were praised, except for Uriah's blood, ⁶ and God allowed them to him

In a similar manner, Miriam, Uzziel, and Amram would not have been aware of the laws of incest between an uncle and a niece in that Moses would still have been in the house of Pharaoh at the time of his sister's union (4Q543 1 5-6 1-7; par. 4Q545 1 i 1-7).¹⁷ Even after receiving the laws from God, Moses is never described in the biblical material as prohibiting uncle/niece relationships. The exclusion of such unions would be the domain of subsequent interpreters, as is evidenced in this passage from the Damascus Document:

(CD 5.7b-11a)

^{7b} But Moses said: Do not approach your mother's sister, she is your mother's kin. And the rules of incest ¹⁰ were written for men, and women are like them. For if a daughter of a brother uncovers the nakedness of her ^{11a} father's brother, they are kin.

The evidence above suggests that the author/redactor of the Damascus Document may have accepted the witness of the *Vision of Amram* despite the fact that it records a marital union that the author/redactor would have considered to be incestuous. As for the remaining texts that prohibit marriages between nieces and uncles (11Q19 66.16-17a; 4Q251 17 2-3), it is impossible to determine how the authors of these documents might have interpreted Miriam's marriage to Uzziel. Although an explanation similar to the one provided above is certainly a possibility, it is also possible that the authors of these texts, including the Damascus Document, considered Miriam's union with Uzziel in the *Vision of Amram* to have been illicit.

A number of documents from Qumran are concerned with proper marital relationships. According to the Damascus Document, fathers are not to give their daughters to those who are unprepared for them as it would be a violation of the rules of כּלֵּאִים (4Q271 3 9b-10). This theme is repeatedly emphasized in the Damascus Document,

¹⁷ The latter was suggested by Bobby Duke, whose dissertation on the *Vision of Amram* at the University of California, Los Angeles is forthcoming.

such as when the author/redactor describes the illicit sexual unions between the Watchers and the daughters of men (CD 2.14-21) or when he refers to the princes of Judah, who are accused of defiling themselves in paths of fornication by not separating themselves from the people or their sins (CD 19.15-21; Cf. Ezra 9:1). Although it is not explicitly stated, these passages appear to prohibit marital relationships between Jews and Gentiles, a notion that is found in several of the documents from Qumran (i.e., 4Q251 17 7; 4Q394 8 iii 9b-19a; 4Q396 1-2 iv 4-11a; 4Q513 2 ii 2-5; 11Q19 57.15b-17a).

One place where we find a lack of agreement in the scrolls on the subject of Jew/Gentile relationships is in the Temple Scroll. According to 11Q19 63.10-15, enemy captives may be taken as wives so long as the Israelite soldiers who had claimed them waited for one month before having sexual relations with them. During this month the enemy captive was to shave her hair, cut her nails, remove her clothing, and weep for her mother and father, all of which would have symbolized her transition from Gentile outsider to acceptable marriage partner (cf. Deut 21:10-13b). Once this transition had been made, the woman would have remained in an unclean state that would have prevented her from touching pure things and eating the peace offering for seven years. What is interesting about this ruling, however, is that the author/redactor of the Temple Scroll prohibits the king from marrying a Gentile woman (11Q19 57.15b-17a), thereby agreeing with the texts from Qumran that outlaw Jew/Gentile relationships. How are we to explain this apparent lack of agreement?

Seeing that the Temple Scroll displays an idealistic world view that is heavily dependent on the Torah's war camp imagery and upon the utopian notion that Israel was so powerful that it no longer needed to form political alliances with other nations through intermarriage between royal families, one can only guess as to what the author/redactor's "real world" beliefs on the subject of Jew/Gentile relationships may have been. While the author/redactor of the Temple Scroll may have believed that Jew/Gentile relationships were illicit for all members of his society, the utopian genre of the Temple Scroll does not reflect a realistic state of affairs and cannot be used to determine the author/redactor's actual position on this issue.

CHAPTER SEVEN

CONCLUSIONS

Throughout this study an attempt has been made to read the texts from Qumran as independent compositions. By reading the texts in isolation, it was our intention to allow each of the documents to speak with its own voice; free from the witness of so-called parallel texts that might have influenced our understanding of the material therein. Not only has this approach reaffirmed old readings and generated new ones but it has also highlighted the different ways in which the authors/redactors of the scrolls have attempted to wrestle with the purity system of the Torah and those places within that system that were considered to be lacking and/or contradictory. Although one could argue that such an approach limits what can be said about the purity material in the scrolls, or that it ignores some of the more obvious connections between these documents, there would appear to be a greater amount of objectivity in allowing a text to determine its own relationship with another document rather than assuming that there is a relationship from the outset and running the risk of distorting the unique witness of the text or texts under consideration.

Our examination and comparison of the purity material from the Dead Sea Scrolls has revealed a wide range of concerns and opinions. Not only have we found examples of explicit agreement that go beyond the witness of the Torah, such as where 4Q251, 4Q265, and 4Q274 prohibit the sprinkling of the מִי נִדָּח on the Sabbath, but we have also discovered a number of places where the scrolls explicitly disagree with one another. Before we offer an interpretation of this material, however, it will be helpful to synthesize our findings into a more easily digestible format. With that in mind, the following chart will attempt to catalogue all of the places in the scrolls where we have found explicit agreement and explicit disagreement that goes beyond the witness of Scripture. This approach has been adopted for two reasons: (1) given that the Hebrew Scriptures were

the common property of all Jewish groups living in the Second Temple period, examples of agreement with Scripture are unhelpful in the attempt to locate independent relationships between two or more documents, authors, redactors, and/or groups; and (2) in contrast to implicit examples, which tend to be based on circumstantial evidence, explicit examples provide us with a far more precise benchmark for locating common interpretations and identifying disagreements between the scrolls.

Impurity	Explicit Agreement	Explicit Disagreement
<i>Diseases</i>	None	None
<i>Animals</i>	None	None
<i>Corpses</i>	<p>All household items are rendered impure by the presence of a corpse (CD 12.17b-18; 11Q19 49.5-21a)</p> <p>No sprinkling of the מִי נִדְּחַ on the Sabbath (4Q251 1-2 6; 4Q265 7 3; 4Q274 2 ii 2-3a)</p> <p>Children cannot act as sprinklers of the מִי נִדְּחַ (4Q269 8 ii 6; 4Q277 1 ii 7)</p> <p><i>Tebul yom</i> not considered pure until evening (4Q269 8 ii 3b-6; 4Q277 1 ii 2; 4Q394 3-7 i 16b-19a; 11Q19 49.20-21, 50.4b-9, 10-16a, 50.20-51.5a)</p> <p>First day ablutions before the מִי נִדְּחַ (4Q277 1 ii 7b-10a; 4Q414 2 ii, 3, 3 2, 13 5; 4Q512 1-6 xii 5-6; 11Q19 49.16b-21, 50.10-16a)</p> <p>Liquids in corpse-contaminated houses transmit impurity (CD 12.15b-17a; 11Q19 49.9-10)</p>	<p>Sprinkler of the מִי נִדְּחַ must be either a clean man or a clean priest (4Q269 8 ii 4b-6a; 4Q394 3-7 i 17-19a; 4Q277 1 ii 5b-7a)</p> <p>Household items that are corpse-contaminated are either washed in water or sprinkled with the מִי נִדְּחַ (4Q269 8 ii 3-6; 11Q19 49.16-20)</p>

<p><i>Bodily Discharges</i></p>	<p><i>Zab</i> quarantined (4Q274 1 i 0-2; 11Q19 46.16b-18, 48.14-17a)</p> <p>Seminal emitter transmits impurity through his touch (4Q274 1 i 8b-9; 4Q272 1 ii 3b-7a)</p>	<p>Distance to the latrines from camp or city is either 2,000 cubits or 3,000 cubits (1Q33 7.6b-7; 11Q19 46.13-16a)</p> <p>Newborn children are either pure or impure after birth (4Q265 7 11-17; 4Q266 6 ii 5-12)</p> <p>Purification of the <i>zab</i> (4Q512 10 x 1-2, 11 x 2-5; 11Q19 45.15-17a)</p> <p>Purification of those who have come in contact with objects contaminated by a <i>zab</i> (4Q274 1 i 5; 4Q277 1 ii 10b-13)</p>
<p><i>Sexual Misdeeds</i></p>	<p>No sex in the city of the Temple (CD 12.1-2a; 11Q19 45.11-12a)</p>	<p>Uncle/niece unions are either prohibited or allowed (4Q543 1 5-6 1-7; CD 5.7-11; 4Q251 17 2-3; 11Q19 66.16-17)</p> <p>Jew/Gentile unions are either prohibited or allowed (CD 19.15-21; 4Q251 17 7; 4Q394 8 iii 9b-19a; 4Q396 1-2 iv 4-11a; 4Q513 2 ii 2-5; 11Q19 57.15b-17a; 11Q19 63.10-15)</p>

As our chart suggests, no examples of explicit agreement or disagreement were found in the areas of diseases and clean/unclean animals. That being said, several documents were seen as having implicit relationships in these areas. Both 4Q270 2 ii 12 and 4Q512

28 4 seem to imply that skin diseases are symbolic of a sinful condition, but it is not entirely clear if 4Q512 is concerned with skin diseases or with some other form of impurity. As for the material on clean and unclean animals, many of the passages discussed in our comparison were found to contain fragmentary rulings that have been reconstructed based upon the witness of the Temple Scroll: (4Q265 7 5b-6a // 11Q19 52.16b-18a; 4Q394 3-7 ii 2-4 par. // 11Q19 47.7-15; 4Q394 3-7 ii 14b-15 // 11Q19 52.13-16; 4Q396 1-2 i 1-4 par. // 11Q19 52.5; and 4Q397 1-2 1-3 par. // 11Q19 51.1-6). It is difficult to see, however, how one document can explicitly agree with another when the former has been heavily reconstructed based upon the witness of the latter. The most that one can say about these passages is that they exhibit implicit agreement.

Other texts not featured in our chart include those documents that appear to support the concept that the מִן הַנְּדָה was used to cleanse individuals from a variety of impurities (4Q277, 4Q284, 4Q414, and 4Q512). While we agree that these texts seem to espouse such a notion, there is nothing conclusive or explicit about them. A similar statement can be made about 4Q274 1 i 5b and 4Q277 1 ii 10b-11, which do not appear to agree with the Temple Scroll's command to quarantine the menstruant and the *zab* (11Q19 46.16b-18, 48.14-17a). Specifically, where 4Q274 urges the menstruant to avoid mingling with clean individuals with "all her effort" (וּבְכוֹל מוֹדָה - 4Q274 1 i 5b), 4Q277 1 ii 10b-11 indicates that the *zab* who washes his hands does not transmit impurity. In both of these texts there is an implication that the unclean individual has not been removed from the general population, but this is not explicitly stated in either document.

As is indicated by the chart, the vast majority of explicit agreement in the documents from Qumran is found in the area of corpse contamination. However, if we were to temporarily remove the corpse material from our discussion we would be left with a grand total of three examples of explicit agreement and six examples of explicit disagreement that go beyond the witness of the Torah. Although two of the instances of disagreement contain examples of explicit agreement, such as when the scrolls prohibit uncle/niece unions (CD 5.7-11; 4Q251 17 2-3; 11Q19 66.17-18) and Jew/Gentile unions (CD 19.15-21; 4Q251 17 7; 4Q394 8 iii 9b-19a; 4Q396 1-2 iv 4-11a; 4Q513 2 ii 2-5; and 11Q19 57.15b-17a), these places of agreement are contradicted by scrolls themselves (4Q543 1 5-6 1-7

and 11Q19 63.10-15 respectively), which leaves us with only three clear-cut examples of explicit agreement. To complicate matters even further, one of the remaining examples of explicit agreement (i.e., no sex in the city of the Temple - CD 12.1-2a; 11Q19 45.11-12a) contains a slight deviation. Specifically, where the Damascus Document and the Temple Scroll both prohibit the act of sex in the city of the Temple, the Temple Scroll adds the stipulation that those who have had sexual relations cannot enter Jerusalem for three days after engaging in the act. Not mentioned in the Damascus Document, the addition of a three-day buffer period emphasizes the utopian nature of the Temple Scroll and implies a lack of agreement between these texts.

As for the material on corpse contamination, several observations are possible. First, the notion that the sprinkler of the מִי נִדָּה had to be a clean man who had waited until evening (4Q269 8 ii 4b-6a; 4Q394 3-7 i 17-19a) is challenged by the witness of 4Q277 1 ii 5b-7a. According to 4Q277, the sprinkler of the מִי נִדָּה was required to be a clean priest. The emphasis on the priesthood in 4Q277 was no doubt driven by the author/redactor's belief that the מִי נִדָּה was, in contrast to the Torah and the other scrolls from Qumran, both a ritual of purification and a ritual of atonement. This deviation must be held in tension, however, with the explicit agreement exhibited between 4Q269 and 4Q394. Second, while the Damascus Document and the Temple Scroll both agree that all of the items in a house are rendered impure by the presence of a corpse (CD 12.17b-18; 11Q19 49.5-21a), they disagree on how such items should be purified. Specifically, where the Damascus Document requires corpse-contaminated skins, clothing, and utensils to be sprinkled with the מִי נִדָּה (4Q269 8 ii 3b-6a), the Temple Scroll simply demands that all clothing, sacks, and skins are to be washed in water (11Q19 49.16-20). Third, although conceivably a polemic against those groups who considered the *tebul yom* to be clean enough to engage in certain activities, the repeated references in the scrolls to waiting until evening can theoretically be traced back to the Torah.¹ Given that the Scriptures frequently emphasize that corpse-contaminated and unclean individuals had to wait until evening to be clean,² the

¹ Himmelfarb, "The Polemic against the Tevul Yom," presented at the Tenth Annual International Orion Symposium: New Perspectives on Old Texts. Jan. 9, 2005, <http://orion.mscc.huji.ac.il/symposiums/abstract2005.shtml#Himmelfarb>.

² Cf. Lev 11:24-46; Num 19:7, 8, 10, 19, 21, 22.

suggestion the authors/redactors of the scrolls were echoing the Torah, rather than consciously situating themselves in opposition to another group, significantly limits the amount of weight that can be placed on this example. Finally, the importance of an explicit agreement in the scrolls on the subject of first-day ablutions for corpse contamination is tempered by the fact that this practice seems to have been fairly common during the Second Temple period. Although not required by the Torah, first-day ablutions for corpse contamination are described in Tobit (Tob. 2:1-9) and Philo (*De Specialibus Legibus* 3.206-207). Moreover, ritual baths have been discovered in or near at least two Second Temple cemeteries in Judea,³ implying that the mourners at a cemetery and those who had been contaminated by a grave would have had the opportunity to bathe themselves immediately after they had been rendered impure. This evidence suggests that the phenomenon of first-day ablutions for corpse contamination was embraced by a wider cross section of the populace than those who were responsible for the authorship of the Dead Sea Scrolls.

Contrary to Harrington, who argues “the similarity of the concept and laws of purity are more striking than the differences,”⁴ our study has shown that this is simply not the case. Although there are a number of places in the scrolls where we have found explicit agreement, the chart above indicates that there is a significant amount of explicit disagreement present in the scrolls as well. How are we to account for this diversity?

From the outset it must be stated that the evidence above fails to support the notion that the scrolls contain a cohesive purity system. This conclusion is supported by the work of Klawans, who has observed that although the ideas of ritual and moral impurity have been combined into a single conception of defilement in such texts as 1QS, 1QH, 1QM, 4Q274, 4Q277, 4Q414, and 4Q512, there is no equivalent association between these concepts in the Temple Scroll or 4QMMT.⁵ Given this considerable lack of agreement, Klawans has rightly suggested that, “the ‘systemic’ methods advocated by some scholars - whereby a single purity system is discerned in diverse Qumran texts - is to be called into question.”⁶

³ Harrington, *The Purity Texts*, 81.

⁴ Harrington, *The Purity Texts*, 12.

⁵ Klawans, *Ritual and Moral Impurity*, 48-52, 72-75, 90.

⁶ Klawans, *Ritual and Moral Impurity*, 90-91.

As an alternative to the systemic approach, Klawans has embraced a diachronic methodology that understands the scrolls as falling into three basic categories: protosectarian, composite, and sectarian. According to Klawans, protosectarian texts include those documents that are closer to the Hebrew Scriptures in that they do not display any integration between the concepts of ritual and moral impurity (i.e., the Temple Scroll and 4QMMT). Sectarian texts, on the other hand, exhibit a full integration between ritual and moral impurity and are understood to be a later development (i.e., 1QS, 1QH, 1QM, 4Q274, 4Q277, 4Q414, and 4Q512). Lastly, composite texts, such as the Damascus Document, are believed to occupy a transitional stage between the two ends of the chronological spectrum in that they display elements that are in line with both the protosectarian and sectarian material.

In applying Klawans' diachronic matrix to our chart above one notes a significant amount of agreement. Specifically, of the eight places where we have identified explicit disagreement between the texts from Qumran, six involve a lack of agreement between texts belonging to different chronological categories. Given the potential importance of this observation, let us briefly consider each of the explicit disagreements above from a diachronic perspective.

In relation to the dissonance over the sprinkling of the מִן הַנֶּדֶח , one notes that 4Q277 1 ii 5b-7a affirms that the sprinkling of the מִן הַנֶּדֶח was a priestly responsibility, whereas 4QMMT (4Q394 3-7 i 17-19a) and the Damascus Document (4Q269 8 ii 4b-6a) indicate that this activity was to be performed by a clean man who had waited until evening.⁷ Although the protosectarian document (i.e., 4QMMT) and the composite document (i.e., Damascus Document) are in agreement, the sectarian document (i.e., 4Q277) deviates from the earlier texts in that it also understands the מִן הַנֶּדֶח to be both a ritual of purification and a ritual of atonement. Is it possible that the integration between the notions of ritual and moral impurity in the sectarian text inspired its author/redactor to assign the role of sprinkler to the priesthood? While this is certainly a possibility, we ask the reader to bear in mind the highly speculative nature of this diachronic examination.

⁷ According to Num 19:18-19, a "clean man" (אִישׁ טָהוֹר) is responsible for sprinkling the מִן הַנֶּדֶח onto corpse-contaminated objects and people. However, Numbers does not explicitly require the sprinkler to wait until evening before sprinkling.

As for the lack of agreement between the Temple Scroll and the Damascus Document on the subject of purifying objects from corpse contamination, it is interesting to note that the protosectarian document (11Q19 49.16a-20) requires corpse-contaminated clothing, sacks, and skins to be washed in water, while the composite document (4Q269 8 ii 3b-6a) indicates that skins, clothing, and utensils that have been rendered unclean by a corpse are to be sprinkled with the מֵי נְדָה. This deviation may well be representative of an evolution of thought on the subject of the מֵי נְדָה whereby its range of cleansing abilities was expanded beyond that of the protosectarian document to include any items that had been rendered impure through a corpse.⁸

The next example to be discussed diachronically concerns the construction of latrines. Given that the Temple Scroll insists on a distance of three thousand cubits between the city and its latrines (11Q19 46.13-16a), whereas the War Scroll limits the distance between the latrines and the camp to two thousand cubits (1Q33 7.6b-7a), it is somewhat difficult to identify a diachronic relationship between these passages. Although we are inclined to attribute this lack of agreement to the differences between a semi-permanent structure outside of Jerusalem and a temporary latrine located beyond the confines of a mobile war camp, this observation is minimized by the fact that the Temple Scroll often applies the laws of the war camp to Jerusalem (11Q19 45.7b-12, 17, 63.10-15). A possible explanation for the differences between these texts involves the notion that the author/redactor of the War Scroll (i.e., a sectarian document) was attempting to correct a perceived difficulty between the Temple Scroll and 4Q265 (i.e., a protosectarian and composite document respectively). Specifically, where the Temple Scroll calls for the construction of latrines three thousand cubits to the northwest of Jerusalem (11Q19 46.13-16a), 4Q265 prohibits individuals from herding their animals more than two thousand cubits on the Sabbath (4Q265 7 4-5). Unfortunately, the Damascus Document undermines this hypothesis by prohibiting people from walking more than one thousand cubits on the Sabbath (CD 10.21)! Regardless of how we choose to explain this lack of agreement, the situation is clear: the latrine laws of the Temple Scroll are at odds with the rest of the texts from Qumran and they are predicated upon an unrealistic and exces-

⁸ Cf. Num 19:18-19.

sively stringent interpretation of Scripture that would have resulted in the residents of Jerusalem being prevented from relieving themselves on the Sabbath.

As for the cleansing of those who have been healed from a bodily discharge, the Temple Scroll rules that the former *zab* was required to wait for seven days, wash his clothing, and bathe in living water (11Q19 45.15-17a). Compare this with the sectarian document 4Q512, which requires the *zab* to wait for seven days, wash his clothing, bathe in water, and recite a blessing of purification before removing himself from the water (4Q512 10 x 1-2, 11 x 2-5). The absence of a blessing of purification in the protosectarian document (i.e., the Temple Scroll) once again highlights the lack of integration between the concepts of ritual and moral impurity in the earlier documents and would appear to support Klawans' contention that there is a diachronic relationship between the protosectarian and sectarian texts.

On the issue of uncle/niece unions, the disagreement between the Temple Scroll, the Damascus Document, 4Q251, and 4Q543 is difficult to understand diachronically. Where 11Q19 66.16-17a, CD 5.7b-11a, and 4Q251 17 2-3 all agree that uncle/niece unions are forbidden, 4Q543 1 5-6 1-7 describes Miriam as being married to her father's brother Uzziel. As noted above, a possible explanation for this lack of agreement involves the witness of CD 5.2-6 and the notion that the author/redactor of the Damascus Document exonerated David for engaging in polygamy in that he was unaware of the laws prohibiting such activity. Similarly, the authors of the Dead Sea Scrolls may have considered Miriam and Uzziel to have been unaware of the law prohibiting uncle/niece unions based upon the premise that Moses was still in the house of Pharaoh at the time of their marriage (4Q543 1 5-6 1-7). Moreover, after receiving the laws from God at Sinai, Moses is never described in the Torah as prohibiting uncle/niece unions. From a diachronic perspective, one would have to understand the material concerning Miriam and Uzziel to have originated in the period prior to the composition of the protosectarian material. Once again, however, the reader is reminded of the speculative nature of this diachronic proposal.

As for Jew/Gentile unions, we appear to have a protosectarian document (11Q19 63.10-15) disagreeing with later compositions (CD 19.15-21; 4Q251 17 7, and 4Q513 2 ii 2-5). Where the Temple Scroll allows enemy captives to be taken as brides, the Damascus

Document, 4Q251, and 4Q513 prohibit marriages between Jews and Gentiles. What is particularly interesting about this example, however, is it that in addition to disagreeing with the documents mentioned above, the Temple Scroll also appears to disagree with 4QMMT (4Q394 8 iii 9b-19a; 4Q396 1-2 iv 4-11a) and with itself (11Q19 57.15b-17a)! As for the internal disagreement within the Temple Scroll, the author/redactor simultaneously prohibits the king from marrying a Gentile (11Q19 57.15b-17a) while allowing soldiers to take enemy captives as their wives (11Q19 63.10-15; cf. Deut 21:10-13b). This lack of agreement within the Temple Scroll seems to suggest that the author/redactor considered Jew/Gentile relationships to be acceptable for any Jewish man except the king. While this may account for the internal discrepancies within the Temple Scroll, the apparent lack of agreement between the Temple Scroll and 4QMMT (i.e., two protosectarian documents) is a bit more complicated. For example, not only does 4Q394 8 iii 9b-19a follow Deut 23:2-4 by prohibiting relationships between Jewish women and specific groups of Gentiles (i.e. the Ammonites and Moabites), but 4QMMT also appears to prohibit Jewish men from taking Gentile brides (4Q396 1-2 iv 4-11a). Concerning the former, it must be noted that the Temple Scroll generally follows the witness of Deuteronomy and, although it is not stated explicitly, we are inclined to believe that the author/redactor of the Temple Scroll would have agreed with 4QMMT in prohibiting relationships between Jewish women and specific groups of Gentiles (cf. Deut 23:2-4). As for the suggestion that 4Q396 1-2 iv 4-11a prohibits marriages between Gentiles and Jewish men, our discussion in Chapter 4 has shown that there is a significant lack of agreement between scholars on this point.⁹ Where Qimron has argued that 4Q396 1-2 iv 4-11a prohibits marriages between priests and lay Israelites,¹⁰ Kugler has suggested that “we are left with an ambiguous passage, at least with respect to precisely whom priests may not marry.”¹¹ To complicate matters even further, Baumgarten argues that this passage prohibits marriages between Jews and Gentiles.¹² Although we have sided with

⁹ See pp. 200-03.

¹⁰ Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 171-75.

¹¹ Kugler, “Halakhic Interpretive Strategies at Qumran,” 136.

¹² Qimron and Strugnell, *Qumran Cave 4. V. Miqsat Ma'ase Ha-Torah*, 171n.178.

Baumgarten above,¹³ Qimron's suggestion that 4QMMT prohibits unions between priests and lay Israelites, as opposed to those between Jews and Gentiles, would theoretically solve the diachronic problem of having two protosectarian documents disagreeing with one another. The problem with this hypothesis, however, is that it is driven by a diachronic mindset that is unable to account for the possibility that two documents written at roughly the same time might occasionally disagree with one another.

The two remaining examples of explicit disagreement to be examined diachronically involve a lack of concord between texts that appear to share common material or those texts belonging to similar periods of time. In 4Q265, a text that contains overlapping material with the Damascus Document, 1QS, and *Jubilees*, we encounter a passage that appears to argue that the act of childbirth renders an infant unclean for a prescribed period of time depending upon its gender (i.e. 40 days for a male child and 80 days for a female; cf. 4Q265 7 11-17; *Jubilees* 3). By contrast, 4Q266 6 ii 10b-11 indicates that a child is to be given to a wet-nurse "in her pur[ity]" (בטוה[רה]), thereby suggesting that the infant is clean and should be protected from the postpartum impurity of its mother. While it is surprising to find disagreement between texts that contain overlapping material, Hempel has noted that 4Q265 frequently exhibits an "independent treatment" of the overlapping passages and she argues that 4Q265 may well predate the final form of such texts as 1QS and the Damascus Document.¹⁴ If Hempel is correct, 4Q265's stance on the impurity of a child could potentially represent a redactional stage prior to the appearance of the Damascus Document's final form. Although highly speculative, an argument such as this would not only provide us with an explanation for the lack of agreement between the Damascus Document and 4Q265, but it would also appear to conform to the diachronic matrix proposed by Klawans. Once again, however, we are reminded of the constraints of the diachronic approach and the possibility that we have here a genuine disagreement between two texts from roughly the same chronological period.

The final example of explicit disagreement to be discussed involves the purification of those individuals who have come in contact with a *zab* or *zab*-contaminated objects. According to 4Q274 1 i 5,

¹³ See p. 203.

¹⁴ Hempel, *The Damascus Texts*, 103.

those who have come in contact with the aforementioned people or items are to bathe and wash their clothing. In contrast to this, 4Q277 1 ii 10b-13 requires those who have touched a *zab*-contaminated object to bathe and wait until evening. Interestingly, neither of these passages agree with Lev 15:3-11, which commands those who have come in contact with a *zab* or a *zab*-contaminated object to wash their clothing, bathe, and wait until evening. Given that 4Q274 and 4Q277 both combine the notions of ritual and moral impurity into a single conception of defilement, thereby corresponding with Klawans' definition of a sectarian text, how is one to explain this lack of agreement? The answer, it would appear, lies in the fact that 4Q274 is concerned with unclean or purifying individuals who have come in contact with a *zab* or *zab*-contaminated object, whereas 4Q277 has clean individuals in mind. Although difficult to prove, this difference in focus may well suggest that there is no real disagreement between these texts.

Based on the results of this exercise, one could conceivably argue that the examples of explicit disagreement exhibited between the scrolls can best be explained in light of the diachronic interpretation offered by Klawans. As we have noted above, however, several highly speculative suggestions have been offered in order to make the evidence fit into a diachronic matrix. In Klawans' defense, his understanding of the Temple Scroll as stemming from a group that was "similar but not identical to the sectarians of Qumran"¹⁵ would certainly account for many of the examples of disagreement discussed above without having to resort to speculation. However, the occasional disagreements between the remaining texts, which are seen by Klawans as having been composed by the sectarians at Qumran, remain an unresolved problem. In short, while the evidence presented above would appear to argue against a systemic approach, it does not necessarily rule out a diachronic reading of the purity material in the Dead Sea Scrolls.

Another way to explain the examples of explicit disagreement mentioned above is to consider the place of the Temple Scroll in the corpus of texts from Qumran. Not only does this document fail to contain any of the telltale signs of Qumran sectarianism, such as the covenant renewal ceremony, sectarian terms, messianic figures, dualism, angels, or the combination of ritual and moral impurity, but it

¹⁵ Klawans, *Impurity and Sin*, 48.

also outlines a non-existent state of affairs that can only be described as utopian. These observations indicate that the fully formed sectarian community at Qumran was not responsible for the composition of the Temple Scroll. While the presence of this document in the corpus of texts from Qumran indicates that the Qumran community was sympathetic to the Temple Scroll's worldview, it does not necessarily follow that the Qumran community practiced all of the purity rulings in this document. After all, many of the purity rulings in the Temple Scroll were designed to protect a massive temple complex that was never built. Regardless of whether or not those within the Qumran community eventually came to understand themselves as being a temporary replacement for the Temple, the author/redactor of Temple Scroll nowhere mentions that a community of believers can act as a substitute for the Temple or its rites and rituals. Moreover, it is God himself who calls for the construction of the Temple in the Temple Scroll, which raises the question as to how one might go about justifying the radical notion that a group of individuals can act as a replacement for a divinely mandated building. Even if the Qumran community were to have applied the rules and regulations of the Temple Scroll to themselves, which is certainly a possibility, it is clear that such an interpretation would have been at odds with both the author/redactor of the Temple Scroll and, more importantly, with God.

Despite its utopian genre and the instances of explicit disagreement cited above, the Temple Scroll does exhibit a number of purity rulings that explicitly agree with the remaining texts from Qumran. For this reason we cannot simply dismiss the Temple Scroll as being representative of an idealized state of affairs or as a work of fiction. By the same token, it would seem to be misguided to understand the Temple Scroll as being representative of the purity system that was practiced at Qumran or as a template for recreating that system. Given that the author/redactor of the Temple Scroll relied upon the witness of the Torah for the creation of his document, it should come as no surprise that some of the rulings in this document agree with the texts from Qumran. After all, the Hebrew Scriptures were the common property of all Jews living in the Second Temple period and it stands to reason that the interpreters of the biblical texts would, from time to time, come up with the same or similar interpretations. For that matter, it is equally possible that the interpretations of the Temple Scroll influenced subsequent authors to interpret the biblical

material in a similar manner or to follow the author/redactor's position on certain issues, such as when the Damascus Document prohibits sexual relations in the city of Jerusalem (CD 12.1-2a // 11Q19 45.11-12a). However, when we find explicit examples of agreement between the Temple Scroll and the remaining texts from Qumran, they must be held in tension with the fact that the Temple Scroll is espousing a utopian worldview that is at odds with the world in which it was written. Although the individuals who were responsible for copying and transmitting the Temple Scroll from generation to generation may have understood the text in a variety of ways, there is an important distinction to be made between the utopian intentions of the Temple Scroll's author/redactor and the ways in which those ideas may have been appropriated and/or used by the recipients of the text.

Yet another way to understand the deviations in the purity rulings from Qumran is as a naturally occurring phenomenon. It goes without saying that the gaps and ambiguities in the Torah can be interpreted in a variety of ways and, regardless of how cohesive or well defined a group's identity is, differences in interpretation are bound to happen. As proof of this one need look no further than the rabbinic material, which contains numerous examples of explicit disagreement that go beyond the witness of the Torah. No doubt some of the deviations in the scrolls can be attributed to this phenomenon, however, the claim that all of the disagreements in the scrolls can be accounted for in this way would appear to be a case of privileging agreement over disagreement. Given that the Qumran corpus contains texts that were written by different people at different periods of time (i.e., the biblical books, *Jubilees*, *Enoch*, the *Testament of Levi*, 4QMMT, 1QS, etc.), it stands to reason that some of the discrepancies in the scrolls are also reflective of legitimate disagreements between different groups, authors, and/or editors. Although both of these theories may be able to shed some light on the lack of concord in the scrolls, one notes that it is virtually impossible to prove whether the disagreements in the scrolls were intentional or a naturally occurring phenomenon. Moreover, the texts from Qumran are, on the whole, compatible with one another and there is no concrete evidence to suggest that a competing group or person with a divergent ideology was responsible for the composition of any of the documents in the corpus. These observations severely limit the amount of weight that can be placed on these hypotheses and indi-

cate that they should be used sparingly.

Before offering a summary of our findings, a few words on the systemic approach are in order. Although somewhat appealing, it must be said that the systemic approach is an inadequate tool to use when trying to understand the ideas and concepts that are present in a collection of chronologically diverse documents. Even if we had not uncovered numerous examples of explicit disagreement, which cannot easily be explained by the systemic approach, the consensus opinion regarding the Qumran community and its evolution from a group that (1) supported the idea of the Temple, (2) disagreed with the way in which the cult was being run, (3) left the Temple establishment, and (4) came to see itself as a replacement for the Temple, argues against the notion of there being a cohesive purity system in the Dead Sea Scrolls. The very act of changing the locus of purity from the physical Temple in Jerusalem to the flesh and blood members of the Qumran community represents a monumental shift in focus. This shift, which would have taken several generations to complete, goes unnoticed by the systemic approach. Moreover, the image of ritual purity that is provided by the systemic approach is, at best, only reflective of the final stage of development. This final stage represents but a brief moment in time in the history of the Qumran community and it is erroneous to treat this image as being representative of the Qumran community's position on ritual purity throughout its 200 plus year history. Based on these shortcomings and on the inability of the systemic approach to deal with the examples of disagreement discussed above, it would seem appropriate to abandon the systemic approach in favor of a methodology that is better suited to the material in question: the diachronic approach.

As our study has shown, the diachronic approach is to be preferred for several reasons: (1) it provides us with a way to understand the differences between those documents that combine ritual and moral impurity into a single conception of defilement and those that do not; (2) it offers an explanation as why composite texts like the Damascus Document contain both sectarian and non-sectarian elements; (3) it can account for instances of dissonance far better than the systemic approach, which is significantly undermined by examples of explicit disagreement; and (4) it sheds light on why it is that some of the texts from Qumran are closer to the biblical understanding of the *מִן הַיָּדָה* while others seem to have elaborated on the rite in order to use it for additional forms of impurity. Although the frag-

mentary nature of the scrolls and the tentative dates for various documents significantly hamper what we can do with the diachronic approach, the benefits of this approach far outweigh the drawbacks.

The portrait that emerges from our study is one of constant development. As the Qumran community evolved it appears to have become more and more stringent in its approach to ritual purity. This development is most clear in the gradual combination of ritual and moral impurity into a single conception of defilement. In earlier texts, such as the Temple Scroll and 4QMMT, the combination of ritual and moral impurity is absent. When we get to the Damascus Document, however, one notes a shift in thought on the subject. This shift, which is only evident in the catalogue of transgressions, would appear to have been inserted into the Damascus Document by the Serekh redactor at a later date in an attempt to bring the remainder of the Damascus Document's purity rulings in line with those of fully formed Qumran community. A similar evolution is also present in those texts that have re-envisioned the Red Heifer rite as a dynamic ritual detergent that was capable of cleansing individuals from a wide variety of ritual and moral impurities. This development was no doubt spurred on by the community's ever-increasing tendency to conflate the concepts of ritual and moral impurity together; a tendency that would have necessitated a more potent rite of purification.

The rationale for the evolution of thought outlined above is more difficult to identify than the evolution itself, however, if the consensus view on the Qumran community is correct and the *yahad* eventually came to see themselves as being a human replacement for the Temple, then it seems plausible to suggest that the community would have been compelled to hold themselves to a much higher standard of ritual and moral purity than those individuals who had remained loyal to the Temple cult. This portrait of the Qumran community is quite different from those texts that continue to place the locus of purity squarely on the Temple in Jerusalem (i.e., the Temple Scroll, 4QMMT, and the Damascus Document), but this too can be explained diachronically in that each of these texts would appear to have been originally composed during the formative period of the Qumran community. Whether or not the community applied the rules of the Temple Scroll to themselves remains an unresolved issue, but doing so would have meant reinterpreting the document's utopian worldview for a divinely mandated building into a real world situation in which a structure of stone has been replaced by one of

flesh and blood. Such an interpretation would have required the Qumran community to ignore many of the Temple Scroll's divine commands, which, although not impossible, would appear to argue against such move.

Before we bring our discussion to a close, let us make several concluding observations about the exegetical methods employed by the authors/redactors of the Dead Sea Scrolls. As we have noted throughout the course of this study, the authors/redactors utilized a number of exegetical techniques in an effort to address various concerns that they may have had with the Hebrew Scriptures. In the Damascus Document, for example, we observed the author/redactor engaging in the act of conflation whereby two or more rulings, such as the material relating to fish (Lev 11.9-12) and the biblical prohibition against ingesting blood (Lev 17:10-14), were combined to make a more explicit law that would account for certain biblical rulings not specifically mentioned in conjunction with one another in the Scriptures (cf. CD 12.13b-14a). In addition to conflation, we also noted several places in the scrolls where the authors/redactors had engaged in the art of gap filling. This practice was exhibited by the author/redactor of 4QMMT when, in addressing the question of how an individual was to attain a level of cleanliness necessary in order to take part in the Red Heifer rite (i.e., a topic not addressed by in the Hebrew Scriptures), he gap-fills the biblical material by suggesting that the one who slaughters the cow, the one who burns the cow, the one who gathers the ashes, and the one who sprinkles the water of purification must wait until sunset before performing their respective functions (4Q394 3-7 i 18b-19a). Additional exegetical techniques involved the implementation of implicit and explicit biblical citations, such as when the author/redactor of 4Q274 implicitly quotes a portion Lev 13:45 in an effort to provide biblical support for the notion that those who have been rendered impure by a bodily discharge were considered to be "Unclean (to the) unclean!" (4Q274 1 i 4a) and when the author/redactor of 4Q272 1 i 6a explicitly quotes Lev 13:5 with the help of the reconstructed introductory formula כִּי־אֵשֶׁר־אָמַר in order to let his audience know that he was basing his reinterpretation of the laws on skin diseases on the Torah. These and other examples, such as paraphrasing and textual expansion, have been used in a number of documents for a variety of reasons but no overarching patterns were discerned. Although we agree that many of the exegetical techniques employed by the authors/redactors of the

Dead Sea Scrolls have resulted in what would appear to be a strict or stringent interpretation of the Hebrew Scriptures, we have argued from the outset that this was an insufficient means of describing the purity material in the Dead Sea Scrolls. Given the significant amount of explicit disagreement that we have discussed above, what we now need is an in-depth study on the exegetical techniques employed by the authors/redactors of the *halakhic* material at Qumran so as to further define the relationships between these texts.

APPENDIX A

CORRESPONDENCES BETWEEN THE HEBREW SCRIPTURES
AND THE PURITY RULINGS OF THE DAMASCUS DOCUMENT

Hebrew Scriptures	CD, 4QD, and 6QD
Gen 1:27	CD 4.21¹
Gen 7:9	CD 5.1
Lev 11:9-12	CD 12.13b-14a
Lev 11:10-12	CD 12.11b-13a
Lev 11:20-25	CD 12.14b-15a
Lev 11:32	4Q269 8 ii 3b-4; 4Q271 2 10b-11
Lev 12:2-8	4Q266 6 ii 5-13
Lev 13:2-28	4Q266 6 i 1-4; 4Q269 7 1-13; 4Q272 1 i 1-11
Lev 13:3	CD 13.4b-7a
Lev 13:5	4Q269 7 6b-7a; 4Q272 1 i 6b
Lev 13:29-37	4Q266 6 i 5-13
Lev 13:33	4Q266 6 i 8b-9a
Lev 15:1-16	4Q266 6 i 14-16; 4Q272 1 ii 3b-7a
Lev 15:18	CD 12.1b-2a; 4Q271 5 i 17b-18a
Lev 15:19-30	4Q272 1 ii 7b-17
Lev 15:24	4Q266 6 ii 1b-2a
Lev 15:25-31	CD 5.6b-7a; 4Q266 6 ii 2b-4
Lev 15:31	CD 5.6b-7a
Lev 15:32-33	4Q272 1 ii 3b-7a
Lev 17:10-14	CD 12.13b-14a
Lev 17:15	CD 12.13b-15a
Lev 18:13	CD 5.8b-9a
Lev 18:19	CD 5.6b-7a; 4Q266 6 ii 1b-2a; 4Q273 5 4b-5
Lev 18:22	4Q270 2 ii 16b-17a; 6Q15 5 2-3
Lev 19:19	4Q269 9 2-3; 4Q270 5 15b-17a; 4Q271 3 9b-10a
Lev 20:13	4Q270 2 ii 16b-17a; 6Q15 5 2-3
Lev 20:18	CD 5.6b-7a; 4Q266 6 ii 1b-2a
Num 19:14-15	CD 12.15-18
Num 19:18	CD 12.15-18
Num 31:20	4Q269 8 ii 3b-4; 4Q271 2 10b-11
Deut 14:21	CD 12.13b-15a
Deut 17:17	CD 5.2
Deut 22:9-11	4Q269 9 2-3; 4Q270 5 15b-17a; 4Q271 3 9b-10a
Deut 27:18	4Q269 9 1-2; 4Q270 5 14-15a; 4Q271 3 7b-9a
Isa 24:17	CD 4.14
Ezek 13:10	CD 4.19
Hos 5:10	CD 8.3
Ezra 9-10	CD 8.3-8
Neh 9-10	CD 8.3-8

¹ Citations in bold indicate direct quotations from the Hebrew Scriptures.

APPENDIX B

CORRESPONDENCES BETWEEN THE HEBREW SCRIPTURES
AND THE PURITY RULINGS OF TEMPLE SCROLL

Hebrew Scriptures	11Q19, 11Q20, and 4Q543
Lev 11:13-19	11Q19 48.1a
Lev 11:21-22	11Q19 48.3b-5
Lev 11:24-31	11Q19 51.1-5
Lev 11:29-31	11Q19 50.20-51.03; 11Q20 14.17-19
Lev 11:33	11Q19 50.17b-18
Lev 11:33-38	11Q19 49.5-10
Lev 11:35	11Q19 50.17b-18
Lev 13:46	11Q19 45.17b-18, 46.16b-18; 11Q20 12.10-11, 13.1-2
Lev 14:1-7	11Q19 46.1-4; 11Q20 12.14-17
Lev 14:1-20	11Q19 48.17b-49.4
Lev 14:41	11Q19 49.11-16a
Lev 15:13	11Q19 45.15-17a; 11Q20 12.8-9a
Lev 15:16	11Q19 45.7b-10; 11Q20 12.2-4a
Lev 15:18	11Q19 45.11-12a; 11Q20 12.4b-5
Lev 17:13	11Q19 52.11-12a
Lev 18:6-16	11Q19 66 11b-17
Lev 20:17-21	11Q19 66 11b-17
Lev 22:8	11Q19 48.6-7
Lev 22:28	11Q19 52.6-7a
Num 5:2-3	11Q19 45.17b-18, 46.16b-18; 11Q20 12.10-11, 13.1-2
Num 12:10-15	11Q19 45.17b-18, 46.16b-18; 11Q20 12.10-11, 13.1-2
Num 19:13	11Q19 50.4b-9
Num 19:14-15	11Q19 49.5-10
Num 19:16	11Q19 50.4b-7a
Num 19:19	11Q19 49.18-21a, 51.3
Num 31:20-25	11Q19 49.11-16a
Num 35:7-8	11Q19 48.13b-14a
Deut 12:15-16	11Q19 52.13b-16, 53.07-8
Deut 12:20-25	11Q19 52.13b-16, 53.07-8
Deut 14:11-19	11Q19 48.1a-2
Deut 14:21	11Q19 48.6-7
Deut 14:23	11Q19 52.7b-12a, 13b-16
Deut 15:19-23	11Q19 52.7b-12a , 13b-16
Deut 17:1	11Q19 52.3b-5a
Deut 17:17	11Q19 56.18b-19a
Deut 21:10-13	11Q19 63.10-14a
Deut 22:6	11Q19 52.6b-7a
Deut 22:10	11Q19 52.13a
Deut 22:13-19	11Q19 65.7-66.04
Deut 22:22-23:1	11Q19 66.05-12a; 4Q524 15-20 1-2a
Deut 23:12-14	11Q19 46.13-16a; 11Q20 12.24-13.1a

APPENDIX C

CORRESPONDENCES BETWEEN THE HEBREW SCRIPTURES
AND THE PURITY RULINGS OF 4QMMT

Hebrew Scriptures	4Q394, 4Q396, and 4Q397
Lev 13:46	4Q394 8 iv 14b-16; 4Q396 1-2 iii 4b-7
Lev 14:8	4Q396 1-2 iii 6b-7a
Lev 17:3-4	4Q394 3-7 ii 14b-19
Lev 19:19	4Q396 1-2 iv 4-11a; 4Q397 6-13 12-15
Lev 22:4	4Q394 8 iv 14b-16; 4Q396 1-2 iii 4b-11; 4Q397 6-13 6-10a
Lev 22:28	4Q396 1-2 i 2
Num 19:1-22	4Q394 3-7 i 16b-19a
Num 19:16	4Q396 1-2 iv 1b-3; 4Q397 6-13 10b-12a
Deut 7:1-3	4Q396 1-2 iv 4-11a; 4Q397 6-13 12-15
Deut 22:9-11	4Q396 1-2 iv 4-11a; 4Q397 6-13 12-15
Deut 23:2-4	4Q394 8 iii 9b-19a; 4Q396 1-2 i 5-6, 1-2 ii 1; 4Q397 5 1-6
Ezra 9:11-12	4Q396 1-2 iv 4-11a; 4Q397 6-13 12-15
Neh 10:31, 13:25	4Q396 1-2 iv 4-11a; 4Q397 6-13 12-15

APPENDIX D

CORRESPONDENCES BETWEEN THE HEBREW SCRIPTURES
AND THE PURITY RULINGS OF THE OTHER CAVE 4 MANUSCRIPTS

Hebrew Scriptures	4Q159, 4Q251, 4Q265, 4Q274, 4Q276, 4Q277, 4Q284, 4Q414, 4Q512, and 4Q513
Exod 22:30	4Q251 12 3-4
Lev 12:1-8	4Q265 7 11-17
Lev 13:45	4Q274 1 i 3
Lev 15:1-12	4Q274 1 i 0-9, 2 i 4-9; 4Q277 1 ii 10b-13
Lev 15:16-18	4Q274 2 i 4-9
Lev 17:15	4Q251 12 3-4
Lev 18:6-18	4Q251 17 1-7
Lev 20:11-12	4Q251 17 1-7
Lev 21:7-9	4Q251 16 1-3a; 4Q513 2 ii 2-5
Lev 22:4-7	4Q274 2 i 4-9
Lev 22:8	4Q251 12 3-4
Lev 27:11-13	4Q251 14 1-2a
Num 18:15-20	4Q251 10 4-6a
Num 19:1-22	4Q276 1 1-9; 4Q277 1 ii 0-10
Num 19:19	4Q284 2 i 3-4; 4Q414 2 ii 3, 4 5; 4Q512 42-44 ii 2
Deut 5:12	4Q274 2 i 2-3a
Deut 14:21	4Q251 12 3-4
Deut 21:1-9	4Q251 18 3-4
Deut 22:13-21	4Q159 2-4 8-10a
Deut 22:30	4Q251 17 1-7
Zec 3:3-4	4Q265 6 2-4a

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