

Lawrence H. SCHIFFMAN

#### THE LAW OF THE TEMPLE SCROLL AND ITS PROVENANCE

The discovery of the Temple Scroll and its subsequent publication by the late Professor Yigael Yadin<sup>1</sup> has provided us with a gold mine of information pertaining to the views of its author(s) on Jewish law, what the Rabbis later termed halakhah. This scroll of 66 columns, larger than the Great Isaiah Scroll (54 columns), covers numerous topics in Jewish law. Then first unrolled, and in the publications of Professor Yadin, it was assumed that this text testified to the traditions of the same group usually termed the Qumran sect, identified by most scholars with the Essenes (a matter about which we have elsewhere raised questions)<sup>2</sup>. Beginning soon after publication, a series of articles to which this writer also contributed, took issue with this point, arguing that the Temple Scroll did not accord with various teachings of the better known Dead Sea sect and that it had to be considered as emerging from a closely related, but different group<sup>3</sup>. It was also argued that the existence of a text in the sect's library did not indicate its provenance. In fact, we are only now realizing the extent to which the library at Qumran was eclectic. This past summer, at the meeting of the International Organization for the Study of the Old Testament in Jerusalem, Israel, Professor Hartmut Stegemann masterfully laid to rest the claim of Qumran sectarian authorship for the Temple Scroll.

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

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

Yet this final author/redactor was not just a collector of scattered traditions. On the contrary, despite a few lapses, such as his treatment of the laws of war from Deut. 20 in both the Law of the King (IS 58:3-21) and in the Deuteronomic paraphrase (IS 61:12-62:16), the redactor is both organized and consistent. He has carefully integrated his sources into his own composition. He presents materials which embody a consistent method of biblical exegesis, itself based on a particular "theology" of law, as well as a consistent view of holiness and sanctity. Further, the nature of his subtle polemic is such that it runs like a thread throughout the entire composition. This consistency of approach means that we can examine his final product to determine what circumstances would have led him to include various materials in his work, just as we may ask what conditions may have led the author of these sections to have composed them. It goes without saying that we may ask similar questions regarding those portions of the scroll which are the compositions of the author/redactor.

#### "THEOLOGY" OF LAW

One of the fundamental issues in Second Temple Judaism was that of how to incorporate extra-biblical traditions and teachings into the legal system, and how to justify them theologically. Despite the fact that in antiquity and late

antiquity there was little theoretical theological inquiry in Judaism (except in the Hellenistic Diaspora), issues of theology were of central importance and often lie behind other more clearly expressed disputes.

All Jewish groups in the Second Temple period endeavored to assimilate extra-biblical teachings into their way of life. Our detailed examination of the writings of the Dead Sea (Qumran) sect has led us to determine that they did so through the concept of the nigleh ("revealed") and nistar ("hidden"). That which was revealed was the simple meaning of Scripture and the commandments which were readily apparent from it. These were known to all Jews. Only the sect possessed the hidden knowledge, discovered by it through what it saw as inspired biblical exegesis, regularly conducted by members of the sect. Tradition is regarded as having no authority, since all Israel has gone astray and the true way has only been rediscovered by the sect's teacher. The laws which emerged from this interpretation were eventually composed in serakhim, lists of sectarian laws. These were then redacted into such collections as the Zadokite Fragments (Damascus Document) or the less organized Ordinances (4Q 159, 513, 514). These rules and the interpretations upon which they were based served to make clear the application of the Law of the Torah to the life of the sect, and to make possible life in accord with the "revealed" Torah in the present, pre-Messianic age<sup>5</sup>.

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

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

that the Sadducees apparently saw only the written law as authoritative, although they admitted the need to interpret it. Their interpretations attempted to adhere as closely as possible to the plain meaning (what the Rabbis later called *peshat*) of Scripture<sup>6</sup>. We will return below to the question of whether certain Sadducean views can be culled from the Qumran corpus.

Against this background we can now understand the approach of the author of the Temple Scroll. He seeks to assimilate extra-biblical traditions by the contention that his new, rewritten Torah properly expresses the will of God as revealed in the original document. He asserts that the correct meaning of the divine revelation at Sinai, apparently left vague in the canonical Torah, is to be found in the Temple Scroll. This means that like the sectarians of Qumran he has no dual Torah concept. Unlike this group, he does not accept the notion of a continuous, inspired revelation through biblical exegesis. He maintains only a one-time revelation, at Sinai. In this respect he agrees with the later tannaim, except that for them the one-time revelation is of two Torahs, yet for him it is of a single Torah, the true contents of which are expressed in the scroll he authored and redacted.

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

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

It is difficult to say what the author regarded as the role of the canonical Torah once he had composed his Temple Scroll. It is unlikely that he regarded it as abrogated or superceded, since it contains much information on matters of law not covered in his text. Further, the Temple Scroll does not even touch on the historical narratives of the Pentateuch<sup>8</sup>. On the other hand, the

author/redactor clearly regards the Torah he has written as having greater authority, and presents it as the Torah which the king must write upon attaining the throne (*IS* 56:20-57:1, partly restored).

#### DATING AND HISTORICAL BACKGROUND

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

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

The very requirement that a king be appointed (*IS* 56:12-14) is probably a polemic against the Hasmonean control of both priesthood and kingship. Indeed, the text emphasizes in discussing the laws of offensive warfare (*IS* 58:15-21) that the king and high priest are two different people. Among the limitations of the king's power (*IS* 56:15-19) is that he may not "send the people back to Egypt for war". The addition of the qualification, "for war", may be taken as an expression of opposition to the attacks by John Hyrcanus on his neighbors for the purpose of increasing the wealth of the kingdom. The royal guard required by our scroll (*IS* 57:5-11) has as its purpose prevention of the king's being kidnaped and killed. This regulation can only be understood against the background of the capture and murder of Jonathan the Hasmonean by Trypho. The requirement that the guard be made up of Israelites is certainly to be taken as a polemic against the mercenaries employed from the time of John Hyrcanus on.

The evenly divided king's council, made up of priests, Levites and Israelites (IS 57:11-15) seeks again to react to the power the Hasmoneans wielded together with the gerousia they appointed. Indeed, in the time of John Hyrcanus the nation suffered unrest because of disagreements between the Pharisaic and Sadducean members of this gerousia. Our author sought not a political coalition, but, rather, an evenly divided council in which priestly and Levitical representatives, concerned with the Law of God, would dominate the proceedings. The complex laws of offensive and defensive warfare (IS 58:3-21), designed to limit the power of the king, were likewise an indication of disagreement with the powers and the policies of the Hasmonean rulers<sup>10</sup>.

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

Yet we must account for two levels of composition: (1) that of the Law of the king, and (2) its redaction into the complete scroll. The completed scroll had to be composed either at the end of the rule of John Hyrcanus, or early in the reign of Alexander Janneus. We would accordingly date the composition of the scroll as it now survives to c. 110-90 B.C.E., a date closely agreeing with that proposed by a number of distinguished colleagues<sup>12</sup>.

#### THE SCROLL AND CONTEMPORARY JEWISH LAW

We now know when the author completed his work, and that the basic direction of his work was to propose a radical change in the nature of religious and public life as it was then conducted under Hasmonean rule. Further, we know that the views of the author/redactor regarding the basic "theology" of Jewish law do not accord with those of any group the views of which can be documented in this period. It remains for us to try to determine if the content of the author's

rulings can in any way be related to that of known groups or sects of Jews in this period. We shall consider, in turn, the Qumran sect, the Book of Jubilees and whatever circles produced it, the Sadducees, and the Pharisaic-Rabbinic tradition. For each group, a representative group of laws for which both the Temple Scroll and the corpus to be compared have sufficient material, will be analyzed.

#### Oaths and Vows: The Temple Scroll and the Qumran Sect

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

A brief summary of the results of our study follows: Certain fundamental differences characterize the two texts. The Zadokite Fragments derives only the rules pertaining to oaths, ignoring the fact that the text of Num. 30:3-16 addresses vows as well. It is as if the author purposely expunged vows from the text. He may have believed that it was forbidden to vow, as does apparently the author of the Temple Scroll. By contrast, the author of the Temple Scroll repeatedly goes out of his way to point out that both categories are covered by his legislation. The Temple Scroll treats all the categories raised in the Bible, the oaths and vows of a minor woman, annulment by the father, annulment by the husband, a wife's vows of self affliction, and vows of widows and divorcees. The Zadokite Fragments only remarks that the father and husband have the same status for annulment. The Temple Scroll, however, distinguishes the minor woman from the wife. Further, the Zadokite Fragments are concerned with the problem of oaths taken to fulfil or to violate the laws of the Torah, a matter raised in tannaitic literature<sup>13</sup> but not in the Temple Scroll.

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

### The Festival Calendar: The Temple Scroll and Jubilees

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

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

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

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

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

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

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

### Some Purity Laws: The Temple Scroll and the Sadducees

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

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

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

J.T. Milik has published a sentence from a purity law he termed 4Q Misp<sup>a22</sup>. This passage assumes that in pouring a liquid from a pure vessel into an impure vessel, the impurity can flow back through the stream of liquid so as to render the vessel from which it is being poured impure. This is termed nišsoq (literally "that which is [or was] poured out) in tannaitic terminology. Indeed, the very same view is attributed to Sadducees in tannaitic sources and is disputed by the Pharisees<sup>23</sup>.

This text has now been termed 4Q Miqsat Ma'aseh Ha-Torah (MMT) and is being edited by J. Strugnell and E. Qimron. The text is a polemical letter which purports to have been sent to the leader of the sect's opponents by the leadership of the sect. About twenty halakhic disagreements are discussed in the "letter".

Among them is the except regarding the nissog which Milik had published as well as a passage which, like the Temple Scroll and the Sadducees, requires the setting of the sun for purification, thus denying the Pharisaic concept of tevul yom<sup>24</sup>. A number of other passages in this text agree with rulings reported by tannaitic tradition in the name of the Sadducees. In fact, of the six Pharisee-Sadducee disputes in M. Yadaim, four appear here. In each one, the author of MMI takes the view of the Sadducees, and prefaces the view ascribed in tannaitic sources to the Pharisees with 'atten 'omerim, "you say", or the like. At the same time, there is agreement or near agreement in a number of other regulations with the Temple Scroll. Yet here also, a number of minor points of disagreement or incongruity can be observed<sup>25</sup>. Full discussion of this matter will have to await publication of the text. What can be said here is that in the Temple Scroll and in the so-called letter, 4Q MMI, various views previously attested to as Sadducean are found. Indeed, these texts raise anew the need to reevaluate our views on the Sadducees and to determine if we can recover further evidence of their beliefs with the help of the manuscripts of the Qumran corpus.

A brief digression about the calendar is in order. The well known Qumran sectarian calendar, known also from Enoch and Jubilees<sup>26</sup>, has often been identified with the Sadducees. Actually, tannaitic sources attribute this calendar to the Boethusians<sup>27</sup> who were in some way related to the Sadducees, although our sources are not clear regarding this sect. Apparently the Boethusians, like the Qumran sect, began counting the fifty day 'omer period on the Sunday after the last day of the festival of Passover, so that Shavuot fell in their calendar on a Sunday, in accord with the literalist interpretation of Lev. 23:11, mi-moharat ha-shabbat. The text of the Temple Scroll, when understood properly, is here in accord with the later Rabbinic calendar, also attested in certain prayer texts from cave 4, and does not agree with the Boethusian calendar nor that of the Qumran sect<sup>28</sup>.

### The Three Camps: The Temple Scroll and the Rabbinic Tradition

In the last section attention was called to a number of matters concerning which the Temple Scroll disagreed with fundamental Pharisaic rulings. By the destruction of the Temple in 70 C.E., the Pharisees had passed their legacy on to the tannaim, the teachers of the Mishnah. It is therefore instructive to compare the halakhah of tannaitic sources with the laws of the Temple Scroll. Here, a comparison of the views of the scroll regarding the sanctity of the three courtyards of the Temple with the notion of the three camps in tannaitic teaching will be undertaken<sup>29</sup>. The Temple Scroll lists various

classes of people excluded from the Temple and its precincts (IS 35:1-8, 39:5-9, 45:7-18). A similar classification is undertaken by the tannaim. The lists are all based on biblical prescriptions requiring exclusion of those classes or their expulsion from the "camp". In interpreting the difficult use of the term "camp" (mahaneh) in Scripture, both sources developed a three-fold notion. The Temple Scroll spoke of the inner, middle, and outer camps of the Temple<sup>30</sup>, whereas the tannaim spoke of the camp of the Divine Presence, the camp of the Levites, and the camp of Israel<sup>31</sup>.

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

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

On the other hand, there is substantial agreement in that those excluded from the scroll's inner court, are excluded by the tannaim from the camp of the Divine Presence. Those excluded from the Levitical camp of the tannaim, the Temple Mount, are likewise excluded from the city of the sanctuary of the Temple Scroll. The middle court seems to have served the author of the Temple Scroll as a demarcating line for those whom he wished to exclude from the sancta of the inner court, but who were allowed into the camp of the Divine Presence according to the tannaim.

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

#### CONCLUSIONS

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

The Temple Scroll is indeed the largest and most comprehensive of the legal texts from the Hasmonean period. We know its date, and we know that it does not actually agree in large measure with any corpus. There is a need to re-evaluate its connections with the Sadducee traditions available to us, yet this will have to await further publication. We are also awaiting much material of halakhic character from cave 4. Yet it is already clear that we cannot expect to locate the provenance of the Temple Scroll in any of the already known sects. The author of this scroll and those whose traditions he embodied in his work were visionaries, hoping for a better day. If they constituted a recognizable sect or group, we have no additional evidence for it. Therefore, their scroll cannot be used to determine the origins or provenance of the Qumran sectarian materials. The Temple Scroll is simply not closely enough related, and, in its final form, is to be dated to a period after the founding of the sect and the establishment of its center at Qumran.

The Temple Scroll was the vision of the author/redactor for the ideal Israel. It was to be a nation built on Temple, sacrifice, priesthood and kingship,

a nation whose Torah he rewrote, charting its way of life in the remaining years prior to the redemption. The end of days would dawn only if his Torah were observed. Then would be fulfilled the words of our author (TS 59:11-13):

והושעתים מיד אויביהמה ופדיתים ספך שונאיהמה, והנליתים לארץ  
אבותיהמה, ופדיתים והרבותים, וששתי עליהמה, והייתי להמה לאלוהים,  
והמה יהיו לי לעם.

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

#### Notes

<sup>1</sup> Megillat Ha-Miqdash, 3 vols. (Jerusalem: Israel Exploration Society, 1977 (Hebrew)); The Temple Scroll, 3 vols. (Jerusalem: Israel Exploration Society, 1983 (English)).

<sup>2</sup> L.H. Schiffman, The Halakhah at Qumran (Leiden: E.J. Brill, 1975), p. 135.

<sup>3</sup> See L.H. Schiffman, The Temple Scroll in Literary and Philological Perspective [in:] Approaches to Ancient Judaism II, ed. W.S. Green, (Chico, Calif.: Brown Judaic Studies, 1980), pp. 143-158, and especially B.A. Levine, The Temple Scroll: Aspects of its Historical Provenance and Literary Character, BASOR 232 (1978), pp. 5-23. Note the reactions to Levine in J. Milgrom, "Sab-bath" and "Temple City" in the Temple Scroll, BASOR 232 (1978), pp. 25-27 and Y. Yadin, Is the Temple Scroll a Sectarian Document? [in:] Humanizing America's Iconic Book, ed. G.M. Tucker, G.A. Knight, (Chico, Calif.: Scholars Press, 1980), pp. 153-169. For bibliographic surveys on the Temple Scroll, see L.H. Schiffman, Review of Y. Yadin, The Temple Scroll, BA 48 (1985), pp. 122-126 and F. Garcia Martinez, El Rollo del Templo (11 Q Temple): Bibliografia sistematica, RQ 12 (1986), pp. 425-440.

<sup>4</sup> Literary Sources in the Temple Scroll, HTR 75 (1982), pp. 275-288.

<sup>5</sup> Schiffman, Halakhah at Qumran, pp. 22-76.

<sup>6</sup> Cf. J.M. Baumgarten, The Unwritten Law in the Pre-Rabbinic Period, JSJ 3 (1972), pp. 7-29; J. Neusner, Rabbinic Traditions about the Pharisees before A.D. 70: The Problem of Oral Transmission, JJS 22 (1971), pp. 1-18.

<sup>7</sup> We cannot accept the view of B.Z. Wacholder, The Dawn of Qumran (Cincinnati: Hebrew Union College Press, 1983, pp. 21-32) who sees the Temple Scroll as an eschatological Torah. The difficulties in translating 'ad as during in IS 29:9 seem to us insurmountable.

<sup>8</sup> Wacholder (Dawn, pp. 41-61) claims that the author of Jubilees saw his own work as filling this gap. This is impossible in light of the dating of the Temple Scroll which, in our view, was certainly composed after Jubilees. Further, it ignores the divergences between the presentations of Jewish legal topics in Jubilees and the Temple Scroll such as will be noted below.

<sup>9</sup> Contrast the material alluded to in C. Rabin, Qumran Studies (Oxford: University Press, 1957), pp. 53-70.

<sup>10</sup> For a detailed discussion see L.H. Schiffman, The King, his Guard, and the Royal Council in the Temple Scroll, to appear in PAAJR 54.

<sup>11</sup> Ant. XIII, viii, 4 (249); Ant. XIII, x, 5 (288).

<sup>12</sup> Cf. M. Hengel, J.H. Charlesworth, D. Mendels, The Polemical Character of "On Kingship" in the Temple Scroll: An Attempt at Dating 11Q Temple, JJS 37 (1986), pp. 28-38.

<sup>13</sup> M. Nedarim 2:2; T. Nedarim 1:5; B. Nedarim 28b; cf. P. Nedarim 11:1 (42c).

<sup>14</sup> Sifre Devarim 265; B. Nedarim 22a and 77b.

<sup>15</sup> What follows is a summary of my detailed study, The Sacrificial System of the Temple Scroll and the Book of Jubilees [in:] Society of Biblical Literature 1985 Seminar Papers, ed. K. H. Richards, (Atlanta: Scholars Press, 1985), pp. 217-233.

<sup>16</sup> Schiffman, Halakhah at Qumran, pp. 128-131; Wacholder, Dawn, pp. 49-50 and 152; and Yadin, Temple Scroll I, pp. 130f.

<sup>17</sup> The tannaim required that it be eaten by midnight, but cf. M. Berakhot 1:1.

<sup>18</sup> The section that follows derives from the research of J. M. Baumgarten, The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts, JJS 31 (1980), pp. 157-170.

<sup>19</sup> M. Parah 3:7, T. Parah 3:8.

<sup>20</sup> M. Yadaim 4:6.

<sup>21</sup> T. Hagigah 3:35.

<sup>22</sup> M. Baillet, J.T. Milik, R. de Vaux, Les "petites grottes" de Qumran [in:] Discoveries in the Judaean Desert, Vol. III (Oxford: Clarendon Press, 1962), p. 225, in his commentary to the Copper Scroll.

<sup>23</sup> M. Yadaim 4:7.

<sup>24</sup> E. Qimron, J. Strugnell, An Unpublished Halakhic Letter from Qumran [in:] Biblical Archaeology Today, ed. J. Amitai, (Jerusalem: Israel Exploration Society, 1985), pp. 400-407.

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

<sup>26</sup> See S. Talmon, The Calendar Reckoning of the Sect from the Judaean Desert [in:] Aspects of the Dead Sea Scrolls, ed. C. Rabin, Y. Yadin, (Scripta Hierosolymitana 4) (Jerusalem: Magnes Press, 1958), pp. 162-199.

<sup>27</sup> M. Menahot 10:3; a baraita in B. Menahot 65a-b; Megillat Ta'anit, beginning.

<sup>28</sup> Contrast Yadin, Temple Scroll I, pp. 116-119. The view adopted here is argued by my colleague B.A. Levine in an article to appear in the proceedings of the conference on the Dead Sea Scrolls held at New York University. Levine proves his point by allusion to the omission of the phrase mi-moharat ha-shabat in the Temple Scroll's repeated reformulation of the biblical material.

<sup>29</sup> For detailed discussion, see L.H. Schiffman, Exclusion from the Sanctuary and the City of the Sanctuary in the Temple Scroll, HAR 9 (1985), pp. 301-320.

<sup>30</sup> See Yadin, Temple Scroll I, pp. 200-210, 241-276.

<sup>31</sup> T. Kelim Bava' Qamma 1:12; Sifre Be-Midbar Naso 1; Be-Midbar Rabbah 7:8; B. Zevahim 116b; cf. Maimonides, H. Bet Ha-Beirah 7:14.

Albert-Marie DENIS

# LES GENRES LITTÉRAIRES DES PSEUDÉPIGRAPHES D'ANCIEN TESTAMENT ESSAI DE CLASSIFICATION

Les pseudépigraphes d'Ancien Testament constituent la littérature religieuse juive pré-rabbinique et non biblique, cela veut dire entre la rencontre du judaïsme avec l'hellénisme<sup>1</sup>, surtout depuis qu'elle est devenue conflictuelle sous Antiochus IV (175-163), et la fin des derniers espoirs nationaux juifs, après la deuxième guerre juive, sous l'empereur Hadrien, en 132-135.

1. Dans le monde littéraire de la Bible, cette littérature manifeste d'abord la remarquable diversité du judaïsme<sup>2</sup>, avant le rétrécissement opéré sous l'influence des rabbins, et aussi, il faut le rappeler, sous la pression des circonstances historiques. La destruction du temple de Jérusalem par les soldats de Titus signifiait la fin du seul culte valable au vrai Dieu, celle du sacerdoce, de la présence de Dieu dans le saint des saints, et des pèlerinages à la Ville sainte, elle-même interdite aux juifs après 135. Refusant désormais l'eschatologie et l'apocalyptique, le messianisme, le prophétisme, voire la réflexion sapientielle, et privé du culte, le rabbinisme s'est concentré sur la loi et ses commentaires à l'infini, alors que le christianisme adaptait et conservait tous ces éléments. La littérature pseudépiographique<sup>3</sup> en nous en fournissant le détail, permet d'établir les contrastes de façon plus nette.

2. Un deuxième apport de cette littérature est qu'elle oblige à revoir avec acuité, le problème du canon juif de la Bible et à préciser les critères de sa sélection. Le Livre des Chroniques est biblique, mais non le Livre des Jubilés. Le Livre de Daniel se trouve dans la Bible, mais non l'Apocalypse d'Hénoch. Le choix qui a présidé à la détermination de la Bible hébraïque, paraît avoir été