RECONSTRUCTING QUMRANIC AND RABBINIC WORLDVIEWS: DYNAMIC HOLINESS VS. STATIC HOLINESS

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Introduction

Since the publication of the *Temple Scroll* and MMT it has been clear that the Qumran sectarians followed a stricter halakhic approach than the Pharisees and rabbis.[1] But in what ways were the Qumranites stricter and why? During the last decade several attempts have been made to define the differences between these two types of "halakhic mind." Knohl argued that the Pharisees encouraged the participation of the laity in the Temple cult whereas the Qumranites kept them away from the sacred realm; D. R. Schwartz pointed out certain cases in which the Qumranites followed a "realistic" approach to halakhah, as opposed to the rabbinic "nominalistic" approach.[2] Henshke has shown that the

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[1] Y. Yadin, *The Temple Scroll* (3 vols.; Jerusalem: Israel Exploration Society and the Shrine of the Book, 1977 [Hebrew]; 1983 [English]; the citations in this paper refer to the Hebrew edition); J. M. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980): 157–70; L. H. Schiffman, "The *Temple Scroll* and the System of Jewish Law of the Second Temple Period," in *Temple Scroll Studies: Papers Presented at the International Symposium on the Temple Scroll, Manchester, 1987* (ed. G. J. Brooke; JSPSup 7; Sheffield: JSOT Press, 1989), 239–55; E. Qimron and J. Strugnell, eds., *Qumran Cave 4.V: Miqsat Maʿaśe Ha-Torah* (DJD 10; Oxford: Clarendon, 1994), 10; Y. Sussmann, "The History of the Halakha and the Dead Sea Scrolls: Preliminary Talmudic Observations on *Miqsat Maʿaśe Ha-Torah* (4QMMT)," *Tarbiz* 59 (1989–1990): 11–76 (Hebrew; a briefer English version appears under the same title in Qimron and Strugnell, DJD 10.179–200). These studies are of the opinion that the rabbis continued to develop Pharisaic halakhah. For rabbinic evidence that supports this view see E. Rivkin, "Defining the Pharisees: The Tannaitic Sources," *HUCA* 40–41 (1969–1970): 205–49.

[2] I. Knohl, "Post-Biblical Sectarianism and the Priestly Schools of the Pentateuch: The Issue of Popular Participation in the Temple Cult on Festivals," in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March, 1991* (ed. J. Trebolle Barrera and L. Vegas Montaner; 2 vols.; STDJ 11; Leiden: Brill, 1992), 2:601–9; D. R. Schwartz, "Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law," in *The Dead Sea Scrolls: Forty Years of Research* (ed. D. Dimant and U. Rappaport; STDJ 10; Leiden: Brill, 1992), 229–40. By "realistic," Schwartz means that halakhah must "conform to nature" (p. 230); nominalistic indicates the use of halakhic categories based on human reasoning.

Qumranites rigorously emphasized the sanctity of the Temple, whereas the rabbis expanded the application of the concept of sanctity to the whole city of Jerusalem; and Harrington suggested that the Qumranites were stricter in their categories of holiness.[3]

Although I tend to agree with these theories, I believe that the first three are applicable to only certain halakhic controversies, and thus cannot define the more general point of departure between the two halakhic schools. Harrington's suggestion has indeed broader implications, but it is still too abstract: in what manner are the categories of holiness different, and why? In the present article I propose a new model, which defines Qumranic and rabbinic (or pharisaic) concepts of holiness in relation to the Temple, sacrifices and purity. This model may not be the first attempt to reconstruct the rabbinic *halakhic* worldview,[4] but it is probably the first attempt to formulate the opposing Qumranic worldview. I will examine the halakhic controversies between the Qumranites and the Pharisees or rabbis in an attempt to define a comprehensive distinction between their general halakhic approaches. Their disparate worldviews are rooted in a religious concept that many scholars of religion and anthropology have tried to elucidate: holiness.

Before turning to the halakhic material, I will make a methodological clarification. Halakhah, law, and regulation are all means of directing human behavior. A halakhic decision derives from a certain value or idea employed in applying the rules of Scripture to the exigencies of everyday life.[5] Thus, a halakhic controversy may be the product of conflicting values, ideas or theoretical conceptions. In our case, as I shall show, there is an extensive set of laws that bears a certain tendency or characteristic—the strict Qumranic halakhah—which

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[3] D. Henshke, "The Sanctity of Jerusalem: The Sages and the Sectarian *Halakhah*," *Tarbiz* 67 (1997): 5–28 (Hebrew); H. K. Harrington, "Holiness in the Laws of 4QMMT," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995. Published in Honour of Joseph M. Baumgarten* (ed. M. J. Bernstein, F. García Martínez, and J. Kampen; STDJ 23; Leiden: Brill, 1997), 109–28; cf. idem, "Biblical Law in Qumran," in *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment* (ed. P. W. Flint and J. C. Vanderkam; 2 vols.; Leiden: Brill, 1998–1999), 1:182.

[4] Perhaps the most influential studies that have dealt with this question, although only partly and with no reference at all to the Qumranic halakhah, are: E. E. Urbach, *The Sages: Their Concepts and Beliefs* (trans. I. Abrahams; 2 vols., Jerusalem: The Hebrew University Magnes Press, 1975); and, using a totally different methodology, J. Neusner, *Judaism: The Evidence of the Mishnah* (Chicago: The University of Chicago Press, 1981).

[5] See, e.g., M. Halbertal, *Interpretive Revolutions in the Making: Values as Interpretative Considerations in Midrashei Halakhah* (Jerusalem: The Hebrew University Magnes Press, 1999 [Hebrew]).

is opposed to another vast set of laws of a conflicting tendency—the lenient rabbinic halakhah. All these controversies regarding cultic laws pertain to halakhic details that are not explicitly discussed in Scripture; in certain cases, such as the calendar, the subject as a whole is not even mentioned. The controversies thus introduce conflicting interpretations and supplements to the laws of the Pentateuch. The internal consistency of these bodies of conflicting halakhah cannot be coincidental, and therefore may attest to a certain worldview that lies in the base of each set of rules. The question is whether it is possible to reveal (as well as to formulate adequately) these competing halakhic presuppositions, which may be very abstract and philosophical, and yet explain the systematic halakhic trends.

Since the halakhic material has been fully discussed in prior publications, I will not examine it thoroughly, but will focus on several examples. The halakhic cases will be classified into four categories: 1) purity/impurity; 2) sacred food vs. sacred people; 3) sacred space in the Temple vs. in Jerusalem; and 4) sacred time (i.e., the calendar). In each of these categories the same opposing tendencies will be traced. Hence, it will be possible to point to the systematic but nevertheless rather specific character of a large set of Qumranic or rabbinic laws. I will suggest that these tendencies derive from different conceptions of what holiness really is. Finally, in order to clarify the meaning of these new designations I shall also discuss several theories taken from cultural anthropology and the study of religion.

The Sensitivity of the Sacred and the Fear of Transgression

The thesis proposed in the present article is that the *Temple Scroll* and MMT view holiness as dynamic, sensitive and dangerous, and therefore maintain that access to the sacred should be restricted. By contrast, in Pharisaic and rabbinic halakhah, holiness is static, and the access to the sacred is far less limited, since it is neither dangerous nor threatening. By this I mean that for the rabbis, holiness is not an active entity or quality, but a status. In order to explain why I regard a strict approach to the laws of the sacred as related to the view of dynamic holiness and the more lenient halakhic approach as coming from a view of the holy as static, I would like to use the model of the so-called Priestly Code as an illustration of the concepts of desecration of the sacred, and sins against God.

According to the Priestly Code, the Tabernacle, the altar, and Aaron the high priest and his sons were sanctified by God (Exod 29:44), and God or his glory dwelled in the sanctuary (Exod 29:43; 40:34–35). There is a gradation of holiness that ranks the sacred and most sacred objects in the Tabernacle and in the sacrifices, as well as the hierarchies of cultic positions and ritual ceremonies.[6] The sacredness of the Tabernacle, its objects, and it sacrifices is coercive and contagious (Lev 6:11, 20). When this holiness is exposed to inappropriate contact or even to sight, it may become lethal, as God's divine force or glory "reacts" to such circumstances (Exod 28:35, 43; Lev 10:1–3; Num 4:15, 19–20).

The sacred character of the Tabernacle vessels and offerings requires that they be handled with extreme caution and with numerous orders and warnings. Any failure to observe these restrictions leads to the grave sin of trespass, i.e., violation of the boundaries between holy and profane, against sacred ritual or sacred space, and ends in punishment. The danger lies not only in ritual or bodily defilement, or the sacrilege of mixing sanctity and impurity; violation of a prohibitive commandment in itself generates impurity and blemishes the altar from afar. Since misdemeanors are inevitable, several means of atonement and redemption are detailed in the Priestly Code.[7]

The main feature of the levitical cultic system is therefore the continual need to repent and atone for trespass against the sacred. The demand for rigorous adherence to taboos and ritual restrictions as well as to the rituals of expiation that aim to eliminate pollution and desecration is undoubtedly derived from the concept of holiness that lies at the basis of the Priestly Code. "Holy" is what God has distinctively chosen as his own. This concept of holiness is particularly sensitive to sacrilege and the transgression of God's domain and may be termed *dynamic*.[8]

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[6] J. Milgrom, *Cult and Conscience: The Asham and the Priestly Doctrine of Repentance* (SJLA 18; Leiden: Brill, 1976), 35–37; M. Haran, "The Complex of Ritual Acts Performed Inside the Tabernacle," in *Studies in the Bible* (ed. C. Rabin; ScrHier 8; Jerusalem: The Hebrew University Magnes Press, 1961), 272–302; P. P. Jenson, *Graded Holiness: A Key to the Priestly Conception of the World* (JSOTSup 106; Sheffield: JSOT Press, 1992).

[7] J. Milgrom, *Leviticus 1–16* (AB 3; New York: Doubleday, 1991), 42–51, 253–92, 339–78, 443–56.

[8] E. Regev, "Priestly Dynamic Holiness and Deuteronomistic Static Holiness," *VT* 51 (2001): 243–61; idem, "Moshe Weinfeld Reconsidered: Towards the Typology of Holiness in the Priestly Schools and Deuteronomy," *Shnaton: An Annual for Biblical and Ancient Near Eastern Studies* 14 (2004): 51–74 (Hebrew). Note that Milgrom (*Leviticus 1–16*, 48) states, "P's doctrine of holiness is static; H's is dynamic," without elaborating the exact meaning of these terms. At any rate, one should bear in mind that these are only

Consequently, a relatively strict approach to the sacred that limits access to the holy or emphasizes the need to expiate sins against God through ritual acts should be associated with a worldview more or less similar to that of the Priestly Code.[9] A relatively lenient attitude towards the sacred realm may thus be defined as aberrant from this worldview and apparently related to a different concept of holiness.

Purity and Impurity

Impurity is a virtual entity that threatens to desecrate the sacred or holy and cause the departure of the Divine Presence from the Temple.[10] Thus the laws of the Priestly Code (P) or the Priestly Legislation (P and H) contain a number of rules to restrict and remove impurity from the cultic realm.[11] In at least five areas the Qumranites declare impure what the rabbis view as pure:

1) Bones and skin of unclean ("non-kosher") animals. According to *Temple Scroll* 51:1–4 and MMT B 21–23 (building on the regulations in Leviticus 11), these are impure, while the rabbis declare them pure (*m. Ḥul.* 9:1).

2) Poured liquids. According to MMT B 55–58, liquids (*nitṣok*) that are poured (*mutṣakot*) from a pure vessel into an impure vessel beneath it contaminate the contents of the pure vessel; that is, impurity "climbs" up the stream of liquid to the upper vessel. The rabbis, however, held that the *nitṣok* is pure, except for cases in which thick liquids are involved, e.g. honey (*m. Makh.* 5:9; *m. Yad.* 4:7).

3) Red heifer. MMT B 13–17 orders that the red heifer be burnt by a priest who becomes completely pure only at *Meʿorav Shemesh* (that is, sundown). A priest who has the status of a *Ṭevul Yom*, that is, who has immersed himself but must wait for sundown to be completely

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relative characterizations. P's concept of holiness may seem static in comparison to H's, but still dynamic in comparison to D's.

[9] Such a deduction is based on the presupposition that the exact character of holiness should be determined according to the manner in which people behave towards it, that is acting meticulously and following certain restrictions. Compare W. R. Comstock, "A Behavioral Approach to the Sacred: Category Formation in Religious Studies," *JAAR* 49 (1981): 625–43.

[10] Milgrom, *Leviticus 1–16*, 615–17.

[11] F. H. Gorman, *The Ideology of Ritual: Space, Time and Status in the Priestly Theology* (JSOTSup 91; Sheffield: JSOT Press, 1990); Jenson, *Graded Holiness*.

ritually pure, may not perform this task. The rabbis, on the other hand, (*m. Par.* 3:7; *t. Par.* 3:9) insisted that the priest who burns the heifer *may* have the status of a *Ṭevul Yom*.

4) Corpse impurity. In rabbinic halakhah corpse contamination is cleansed by sprinkling the ashes of the red heifer on the seventh day of impurity, and immersing on that day. However, the *Temple Scroll* and other Qumran writings mandate immersion on the first day of impurity, and sprinkling the ashes on the third day, in addition to the sprinkling and final immersion on the seventh day. The Qumranic ritual, sometimes termed "gradual purification," is aimed at reducing impurity by stages. The rabbis did not utilize such a concept.[12]

5) Exclusion from the Temple. MMT B 39–49 prohibits the entrance of Ammonites, Moabites, *mamzerim*, and sexually disabled men into the Temple, whereas rabbinic halakhah does not mentions such taboos at all. The explicit motivation for this Qumranic rigorousness is the suspicion that the sanctity of the cult will be desecrated by the force of impurity (MMT B 48–49). MMT B 49–54 goes on to prohibit the entrance of blind and deaf persons into the Temple (for the blind see also *Temple Scroll* 45:12–14), since they cannot restrict themselves from accidental defilement. Again, the Pharisees probably did not impose similar restrictions.

The intriguing question in all of these cases is why, on the one hand, the *Temple Scroll* and MMT *intensified* scriptural taboos pertaining to holiness, and why, on the other hand, the rabbis seemed committed to *mitigating* the intensity of these same taboos even when such an easing of restrictions would appear to go against the stringency of Scripture. This question will be addressed further on.

Sacred Food

The category of sacred food concerns priestly dues and other food that must be eaten under sacred circumstances—either by sacred people or in a sacred space, and also at a sacred time. The grounds of these limitations are ordered in Scripture (Lev 7:18; 10:17; 19:6–8; Num 18: 11–13), but certain detailed were not specified.

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[12] See *Temple Scroll* 49:17–20; 50:14–15; and the bibliography cited in E. Regev, "Pure Individualism: The Idea of Non-Priestly Purity in Ancient Judaism," *JSJ* 31 (2000): 176–202, pp. 178–80.

In the cases of the animal tithe, the fruits of the fourth year, and the arm, cheek and stomach of the *shelamim* sacrifice, the *Temple Scroll* and MMT maintain that the holy food should be given to the priests and eaten by them. However, the rabbis insist that these portions should be eaten by the lay persons who offered the sacrifices.[13] Quite surprisingly, the *Temple Scroll* 35:10–15, 37:8–12 mandates a separation between the sacrifices offered by the priests (especially the *ḥattat* and *ʾasham*) and those offered by the laity. Clearly, the authors of the *Temple Scroll* view the priests as more sacred than the laity, in a way that requires separation. The *Temple Scroll* also holds that the eating of the fruits of the fourth year and of the paschal lamb should be restricted to the Temple's courts, whereas the rabbis permit eating them outside, throughout the entire city of Jerusalem.[14] As for sacred time, both the *Temple Scroll* and MMT limit the time spent eating the breads of the thanksgiving *shelamim* to sunset, while the rabbis permit them to be eaten until midnight.[15]

Clearly, underlying the Qumran restrictions are, on the one hand, a concept of the priests as a uniquely holy group, whose sacred status is tied exclusively to consuming the sacrifices; and on the other hand, a concept of the Temple precincts as uniquely holy space. The Qumranic concept of sacred time is similarly restricted. The rabbis, by contrast, hold a more "expansive" view of the locus of holiness, in all three realms: people, space and time.

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[13] Animal tithe: MMT B 63–64; *m. Zeb*. 5:8. Fruits of the fourth year: MMT B 62–63; *Temple Scroll* 60:3–4; 4Q266 2 ii 6 (in J. M. Baumgarten, *Qumran Cave 4.XIII: The Damascus Document [4Q266–273]* [DJD 18; Oxford: Clarendon, 1996], 144–45); *m. Maʿaser Sheni* 5:1–5; *Sifre Num*. 6 (*Siphre ad Numeros adjecto Siphre zutta* [ed. H. S. Horovitz; Leipzig: Gustav Frock, 1917; repr. Jerusalem: Wahrmann, 1966], 6); *y. Peah* 7:6 (20b–20c). Arm, cheek and stomach of the *shelamim* sacrifice: *Temple Scroll* 20:14–16, 22:8–11; 11QTᵇ 8 i (in 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], 32); *m. Ḥul*. 10:11; *Sifre Deut., Shoftim* 165 (*Siphre ad Deuteronomium* [ed. L. Finkelstein; Berlin: Gesellschaft zur Förderung der Wissenschaft des Judentums, 1939; repr. New York: Jewish Theological Seminary, 1969], 214); see Yadin, *Temple Scroll*, 1:120–21.

[14] Fruits of the fourth year: *Temple Scroll* 60:3–4; *m. Maʿaser Sheni* 5:2–4; *t. Maʿaser Sheni* 5:14–15 (*Tosefta According to Codex Vienna* [ed. S. Lieberman; New York: The Jewish Theological Seminary of America, 1955], 271). Paschal lamb: *Temple Scroll* 17:8–9; *m. Zeb.* 5:8. See Yadin, *Temple Scroll*, 1:80–81; Qimron, *Temple Scroll*, 27; Henshke, "The Sanctity of Jerusalem," 21. For views similar to those of the *Temple Scroll*, cf. *Jub.* 7:36 (fruits of the fourth year); and 49:16–20 (paschal lamb).

[15] MMT B 9–13; *Temple Scroll* 20:12–13; *m. Zeb.* 5:6, 6:1. See E. Regev, "The Sectarian Controversies about the Cereal Offerings," *DSD* 5 (1998): 33–56; H. Birenboim, "The Law of the Well-Being Sacrifice in the *Miqṣat Maʿaśe Ha-Torah* Scroll," *Tarbiz* 67 (1998): 241–44 (Hebrew).

Sacred Space: The Temple and Jerusalem

The category of sacred space concerns the spatial distribution of holiness in the Temple, the boundaries of the holy, and the restrictions that should be applied to that space concerning both priestly and lay activities. The rabbis restricted the application of most of the impurity taboos to the Temple courts. In certain cases they applied these taboos to the entire Temple Mount, but not to the entire city of Jerusalem. Menstruating women, women after childbirth, and women with a discharge were not allowed to enter the Temple Mount, and men having a seminal discharge were restricted from the Temple courts.[16] MMT, however, declares: ירושלים היא מחנה הקודש...ירושלים היא ראש מחנות ישראל ("For Jerusalem is the camp of holiness...For Jerusalem is capital of the camps of Israel").[17]

Thus, MMT applies to all of Jerusalem the greatest degree of holiness, the degree of מחנה שכינה which the rabbis applied only to the Temple courts.[18] This idea was implemented by the authors in MMT's prohibition against non-sacral slaughter in Jerusalem (which includes use of the hides and bones of animals *not* slaughtered in Jerusalem), as well as the prohibition against raising dogs in the city (since they might eat the remains of the sacrifices).[19]

The same perception of Jerusalem's holiness was introduced in a different manner and with many additional restrictions and prohibitions in the *Temple Scroll*. The *Temple Scroll* describes a very detailed plan of the Temple courts, a plan influenced by the division of the camps during

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[16] *M. Kel.* 1:8. Similar practices are described by Josephus, *Against Apion* 2.103–104, and seem to reflect general practice in the late Second Temple period. The rabbis discerned three theoretical spheres of holiness: the Temple courts (parallel to the biblical camp of the divine presence in the desert), the rest of the Temple Mount (parallel to the Levites' camp), and the whole city of Jerusalem (parallel to the camp of Israel). See *t. Kel.* 1:12 (*Tosephta, Based on the Erfurt and Vienna Codices* [ed. M. S. Zuckermandel; 2d ed.; Jerusalem: Bamberger and Wahrmann, 1937], 570); *Sifre Naso* 1 (Horovitz, *Siphre*, 4); *b. Zeb.* 116b; *Numbers Rabbah* 7:9 (Jerusalem: Ortzel, 1961), 20d.

[17] MMT B 59–61. Cf. B 29–31. Throughout the article translations of MMT follow Qimron and Strugnell, DJD 10.

[18] See n. 15 above.

[19] Prohibitions against non-sacral slaughtering: MMT B 17–20, 27–35. See L. H. Schiffman, "The Prohibition of the Skins of Animals in the *Temple Scroll* and *Miqṣat Maʿaśe Ha-Torah*," *Proceedings of the Tenth World Congress of Jewish Studies. Division A: The Bible and its World* (Jerusalem: World Union of Jewish Studies, 1990), 191–98 (see also n. 46 below). Prohibition against raising dogs: MMT B 58–59. In the *Temple Scroll* there are many similar laws concerning the עיר המקדש (see below).

Israel's wandering in the desert as well as by Ezekiel's vision of the Temple.[20] The ideal Temple was divided into three concentric courts. The inner court included the Temple building (parallel to the Greek *naos*) and the altar on which the animal sacrifices were offered. It may be paralleled to the "priestly court" in rabbinic terminology or the "fourth court" in Josephus' writings.[21] Certain holy utensils were restricted to use in this court; this implies a contrast to the pharisaic/rabbinic view that required the purification of the menorah after certain festivals, due to the suspicion that it had been defiled by lay people who had touched it.[22] In the inner court, the sacrificial rites and priestly meals of sacrifices and cereal-offerings were to take place. The priests were not to eat these portions outside of the inner court, since the priestly share of the sacrifices and offerings had to be spatially separated from those of the laity, which were to be eaten in the middle court (*Temple Scroll* 37:4–12).

The middle court, whose measurements may be equated with the entire area of the Temple Mount in Josephus and tractate *Middot*, was designated for the eating of sacrificial food by lay males (its function parallels that of the court of Israel in *Middot*). Women, children and proselytes (until the fourth generation) were not to be allowed to enter this court (39:4–9). The wearing of priestly garments was forbidden in the middle court (40:1–4), since it was not as holy as the inner court.

The outer court's size was 1600 square cubits, much larger than the whole city of Jerusalem in the Hasmonean period (when the scroll was written). This was the court of the laity (quite like the court of women in *Middot*), but proselytes until the third generation were nevertheless forbidden to enter it (40:6–7). The outer court was designated for the religious activities of the laity, such as building booths (42:7–17) and eating *shelamim* sacrifices during the festival of Sukkot (21:2–4; 22:11–13). This area contained dozens of chambers for the chiefs of the

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[20] Yadin, *Temple Scroll*, 1:146–48. The fact that the authors also looked forward to a different eschatological Temple that God would bring down from the heavens (ibid., 141–44) indicates that the detailed plan of the Temple in the *Temple Scroll* was considered realistic and binding. The following description of the courts and their function as well as that of the "the city of the Temple" (עיר המקדש) is based on: Yadin, *Temple Scroll*, 1:154–247; and L. H. Schiffman, "Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*," *HAR* 9 (1985): 301–20.

[21] For the arrangement of the Temple courts see in general: *m. Mid.* 2:1–6, 5:1; Josephus, *Against Apion* 2.103–104. Cf. *J.W.* 5.190–206; *Ant.* 15.416–419.

[22] *Temple Scroll* 3:10–12; *m. Hag.* 3:8. The Pharisees and the Sadducees were debating this issue according to *t. Hag.* 3:35 (ed. Lieberman, *Tosefta*, 394). See also Knohl, "Post-Biblical Sectarianism," 143–44.

tribes, priests and Levites, and many porticos (*parvarim*). The booths of the lay people were supposed to be built on the roofs of the chambers. The collaboration of all the people of Israel in the Temple ritual was symbolized by the twelve gates to and from the outer courts, each of which was named after one of Jacob's twelve sons.

This spatial organization should be characterized as "graded holiness." Its main aim is to create a separation between the priestly and lay realms. Nevertheless, the lay people have a significant place on the Temple Mount, although this place is located at a distance from the altar, the holy vessels, and the atoning rituals.[23]

Another spatial sphere discussed in the *Temple Scroll* is the "City of the Temple" (*ʿir ha-miqdash*), which seems to overlap with the total area of all three courts, and roughly covers the whole city of Jerusalem (termed in MMT the "camp of holiness").[24] Entrance to this area is forbidden to people with skin diseases or a seminal discharge, even in consequence of intercourse with a woman; in this latter case the purification process lasts three days (45:7–15). All these defiled persons may stay in three special areas located three thousand cubits from the "City of the Temple" (45:15–46:2). Yadin believes that the reason there are no interdictions pertaining to women in the City is that women are not allowed to enter it at all.[25] There are also strict restrictions regarding human excretions; these are restricted to a special place three thousand cubits outside the City (46:13–16). Impure food and drink must not be brought in (47:3–7). Non-sacral slaughter is forbidden, as well as bringing into the City the hides and bones of which have been slaughtered outside of the Temple precincts (47:7–18; 52:14–53:4, see also above on MMT).

Needless to say, rabbinic literature does not recognize such a rigorous division of the Temple sphere between priests and non-priests. For

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[23] See also L. H. Schiffman, "Architecture and Law: The Temple and Its Courtyards in the *Temple Scroll*," in *From Ancient Israel to Modern Judaism: Essays in Honor of Marvin Fox* (ed. J. Neusner et al.; 4 vols.; BJS 159; Atlanta: Scholars Press, 1989), 1:280–84. Knohl, "Post-Biblical Sectarianism," 140–41, argued that the building of the tabernacles in the outer court actually indicates the separation of the laity from the cult.

[24] I follow Schiffman's view that *ʿir ha-miqdash* refers to the whole sacred *temenos*; see L. H. Schiffman, "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 et al.; Jewish and Christian Perspectives 1; Leiden: Brill, 1998), 95–109. Yadin, on the contrary, understood *ʿir ha-miqdash* to indicate the city *around* the outer court (*Temple Scroll*, 1.222–23). Although the conceptual frameworks of MMT's camps system and the *Temple Scroll*'s court system have much in common, there are probably some differences in regard to particular details. See, e.g., Henshke, "The Sanctity of Jerusalem," 17–27.

[25] Yadin, *Temple Scroll*, 1:224, 237.

example, the Pharisees did not legislate to prevent situations in which lay people might approach the altar and the holy vessels; neither did they implement purity restrictions or rigorous separation between the priests and the laity (see also below). Thus, I believe that the core of all these disagreements is to what extent access to the holy space should be limited, or to what extent the holiest space, artifacts and activities should be protected from possible profanation by the lay people.

Sacred Time: Calendar and Festivals

The so-called solar calendar of 364 days introduces one of the copies of MMT and is implied in the *Temple Scroll*'s festival laws. One of the characteristics of this calendar is the fact that festivals never occur on the Sabbath. Thus, the *musaf* sacrifices of the festivals would never be offered on the Sabbath, and therefore, in the view of the Qumranites, it would not be necessary to violate the Sabbath rest in the Temple (apart from the *tamid* sacrifices).[26] The rabbis, of course, used a lunar-solar calendar of 354 days, in which there was no control over the relationship between Sabbaths and festivals, and viewed such offerings on the Sabbath as totally legitimate. Thus, the calendar controversy actually reflects, among other things, different approaches to Sabbath labor interdictions.

The Qumranic calendar also consists of several festivals that were not mentioned by the rabbis: the annual days of *milluim* (inauguration) in which the priests were sanctified, and the feasts of the first fruits of

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[26] See Yadin, *Temple Scroll*, 1:78, 105 who also infers that in seven-day festivals the *Scroll* does not count the Sabbath among the days of the festival; see also Qimron and Strugnell, DJD 10.44–45, and note Strugnell's suspicion that the calendar was added to the original text of MMT (ibid., 203). M. Kister, "Studies in 4QMiqṣat Maʿaśe Ha-Torah and Related Texts: Law, Theology, Language and Calendar," *Tarbiz* 68 (1999): 360 (Hebrew), assumes that the calendar is original. On the Qumranic calendar, see S. Talmon, "The Calendar Reckoning of the Sect from the Judean Desert," in *Aspects of the Dead Sea Scrolls* (ed. C. Rabin and Y. Yadin; ScrHier 4; Jerusalem: The Hebrew University Magnes Press, 1958), 162–99; U. Glessmer, "Calendars in the Qumran Scrolls," in Flint and Vanderkam, *The Dead Sea Scrolls after Fifty Years*, 2:213–78. The separation between Sabbaths and festivals also explains the *Temple Scroll*'s reason for placing the harvesting of the ʿomer (biblically designated from "the morrow of the Sabbath") on the *Sunday* which follows the conclusion of the entire seven-day festival of unleavened bread; in this way, the ʿomer would never be reaped on the Sabbath. See Yadin, *Temple Scroll*, 1:95–96. Strict regulation of work on the Sabbath characterizes the Qumranic halakhah elsewhere, especially in CD 10:14–11:18.

wine and oil. The annual days of *milluim* were supposed to be celebrated during the seven or eight first days of Nisan (*Temple Scroll* 15:3–17:5). Quite similar to the original *milluim* in Exodus 29 and Leviticus 8–9, this was a long and complex ritual in which the priests were reconsecrated and reappointed, a rite of passage which transferred them from a profane state to a sacred one. Among other things, two bulls were sacrificed as *ḥattat* offerings, one to atone for the priests, and the other ("the bull of the public") for the rest of the people of Israel.[27] The rabbis, however, held that this ritual should not be practiced at all, since its only purpose had been to establish the Tabernacle in the wilderness.[28]

The festivals of the first fruits of wine and oil were sacrificial rituals, the purpose of which was to redeem the sanctity of the new crop of grapes and olives (apparently the usual biblically mandated once-a-year offering of first fruits, *bikkurim*, in the Temple did not satisfy the authors). The taboo of sanctity on the new crops was thus released and eating them, as God's own crop, was no longer considered sinful.[29] The *Temple Scroll* uses the root *kpr* in connection with these festivals (21:8; 22:14–16); thus, they had an additional atoning function. Obviously, the rabbis did not find a need for such additional atoning rituals. Since atonement is aimed at eliminating pollution or guilt and reconstituting sanctity, it follows that in comparison to the Qumranic tendency, the rabbis saw less of a need for such a reestablishment of holiness.

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[27] For the biblical ritual and its anthropological aspects see Jenson, *Graded Holiness*, 55–65, 119–21; Gorman, *The Ideology of Ritual*, 103–39. Such a ritual may protect the holiness of the sanctuary and constitute the Divine indwelling there (Gorman, *The Ideology of Ritual*, 26, 39–60). Yadin, *Temple Scroll*, 1:77, 2:54, reconstructed an eighth day of *milluim* (cf. Leviticus 9). More recently, Chaim Milikowsky disputed this reconstruction and concluded that there were only seven days of *milluim*, and that the Qumranic ritual differed from the biblical one since the former consecrated only the priests, not the Temple. See C. Milikowsky, "עיונים בפרשנות פרשת המילואים: קרבנות המילואים במגילת המקדש, הימים 'די לא למספד' בריש מגילת תענית, והמחלוקת על תאריך ימי המילואים בספרות חז"ל" in *Talmudic Studies 3: Dedicated to the Memory of Professor Ephraim E. Urbach* (ed. Y. Sussmann and D. Rosenthal; 2 vols.; Jerusalem: The Hebrew University Magnes Press, 2005), 2:519–42.

[28] *B. Sukkah* 43a. Cf. *y. Yoma* 1:5 (38a); *Sifra, Milluim* 1:37 (I. H. Weiss, *Sifra* [Vienna: J. Schlossberg, 1861–1862; repr. New York: Olm, 1946], 43a–b); *b. Yoma* 2a.

[29] Cf. *Jub.* 7:36. On these festivals in the *Temple Scroll* as well as in other texts, see Yadin, *Temple Scroll*, 1:92–96; J. M. Baumgarten, "4QHalakah\u1d43 5, the Law of Hadash, and the 'Pentecontad Calendar,'" *JJS* 27 (1976): 36–46; idem, "The Laws of 'Orlah' and First Fruits in the Light of *Jubilees*, the Qumran Writings, and *Targum Ps.-Jonathan*," *JJS* 39 (1987): 195–202. For the sacredness of first fruits and similar offerings, and the ritual of deconsecration, see H. Hubert and M. Mauss, *Sacrifice: Its Nature and Function* (trans. W. D. Halls; [Chicago and London]: University of Chicago Press, 1964), 57–58.

Defining Dynamic and Static Holiness: Cultic Ideology and Textual Evidence

Clearly, all the laws discussed above concern the concept of holiness. The strictness of the Qumranites and the leniency of the Pharisees or rabbis is very consistent, and probably also self-conscious.[30] One may assume that the rationale of the Qumranic views follows the general trend toward strictness in the Priestly Code. But how can the divergence of the rabbis from the Priestly ideology be explained? Were they indifferent to the dangers of pollution and desecration? Obviously, the rabbis did hold that the Temple and the sacrifices were subject to defilement and desecration. They were certainly not indifferent to the desecration of the holy since they discussed at length its legal aspects (*viz.* in tractates *Ẓebaḥim, Ḥulin*, and *Meʿilah*). The relative lack of attention to the danger of desecration of the holy in rabbinic halakhah should be explained as stemming from their view of the very nature of holiness.[31] It is apparent, then, that the rabbis had in mind a concept of holiness different from that of the Qumranites. In order to understand the two conflicting approaches to cult and holiness, a new set of terminologies is needed. I would like to suggest a theoretical definition for each of these two concepts of holiness by proposing a new typology—dynamic versus static holiness.

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[30] In the *pesher* on Psalm 37, the Man of Lies, whom most scholars identify as the leader of the Pharisees, along with his people, is accused of choosing the easy way: "Its [interpretation] concerns the Man of Lies who misdirected many with deceptive words, for they have chosen worthless things (כי בחרו בקלות) and did not lis[ten] to the Interpreter of Knowledge." See 4Q171 1–10 i 26–27; in J. M. Allegro, *Qumran Cave 4.I (4Q158–4Q186)* (DJD 5; Oxford: Clarendon, 1968), 43. Translation follows *The Dead Sea Scrolls Study Edition* (ed. F. García Martínez and E. J. C. Tigchelaar; Leiden: Brill, 1997–1998). G. Vermes, *The Dead Sea Scrolls in English* (4th ed., rev. and extended; London: Penguin, 1995), 348 translates קלות as 'frivolous' (perhaps drawing upon the biblical Hebrew sense of קל, 'fast', hence 'vanished'); and M. P. Horgan *Pesharim: Qumran Interpretations of Biblical Books* (CBQMS 8; Washington, D.C.: Catholic Biblical Association of America, 1979), 195 translates 'deceitful words'; but I prefer the mishnaic Hebrew connotation of 'lenient' or 'slight'. For the Man of Lies as a Pharisaic leader see E. Regev, "Yose ben Yoezer and the Qumran Sectarians on Purity Laws: Agreement and Controversy," in *The Damascus Document: A Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 4–8 February, 1998* (ed. J. M. Baumgarten, E. G. Chazon, and A. Pinnick; STDJ 34; Leiden: Brill, 2000), 104–5.

[31] This assertion should be qualified as: a) relative, namely, made in light of the Qumranic views; and b) mainly based on rabbinic halakhah. Here and there one finds "dynamic" theological statements concerning, e.g., sins or bloodshed that pollute the land, desecrate God's name or banish God's presence. See for example, *Sifra Qedoshim* 4:1 (Weiss, *Sifra*, 89a); *Sifre Masei* 160 (Horovitz, *Siphre*, 220); *Sifre Shoftim* 148 (Finkelstein, *Siphre*, 203). Thanks are due to Prof. A. Shemesh for these references.

I suggest that since Qumranic halakhah shares the Priestly Code's rigorousness in approaching the sacred, it also shares the Code's more general conception of holiness. I therefore conclude that the intensive pursuit of purity, sanctity and atonement in Qumran derives from the idea that sacred rituals and sacred space are extremely sensitive to the threat of pollution and desecration, and that any violation of cultic holiness brings guilt upon Israel and thus causes divine wrath and punishment.

This idea is implicit in the rhetoric of MMT and the *Temple Scroll*. For instance, according to MMT one should keep oneself from impurity (*ta'arovet*, literally 'mixing') since one must "be full of reverence (יראים) for the sanctuary" (MMT B 48–49). In the Hebrew bible י.ר.א. is applied to God (e.g., Gen 42:18), as well as to certain authoritative individuals (e.g., 1 Sam 18:29), but never to the sanctuary. The emphasis on such reverence in a halakhic context of purity interdictions attests to the motive for the halakhic strictness. Furthermore, in two cases, those of eating *shelamim* sacrifices and thanksgiving cakes after sundown, and of bringing in bones and hides of animals which were not slaughtered in Jerusalem, MMT orders that "the priests shall not cause the people to bear sin" (שלא יהיו משיאים את העם עוון; MMT B 12–13, 26–27). This warning stems from the biblical prohibitions against desecrating the *shelamim* offerings by eating them after the permitted time span (Lev 7:18), and against a non-priest eating holy food (Lev 22:16). The fact that MMT uses the rhetoric of the Priestly School indicates that the authors embraced the cultic *worldview* of the Priestly School (note that in the case of non-sacral animals this phrasing is applied to a context *not* found in Scripture). Perhaps the authors' implicit claim that failure to observe the laws of MMT will result in misfortunes and curses (C 12–26) is related to the Priestly perception that neglecting scrupulous observance of the cultic taboos will lead to grave punishment.

Quite like the Priestly Code, in the *Temple Scroll* the interdictions and warnings concerning desecration and impurity are prevalent,[32] as well as the aspiration to atone for guilt.[33] The fear of pollution and sin

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[32] On desecration, see *Temple Scroll* 35:7–8; 35:14–15; 46:11–12. On impurity, see *Temple Scroll* 7:7; 16:4–5; 45:13–14; 47:3–6, 10–11, 17–18.

[33] Atonement for "all their guilt" (pertaining to the people of Israel) is mentioned in connection with the he-goat of the *ḥattat* on the seventh day of the Festival of Unleavened Bread (18:3–4), though Scripture does not mention atonement in this connection. Similar cases are found in connection with the Festivals of the First Fruits

and the aspiration for repentance and atonement are characteristic of the Qumran sectarian general worldview. They are dominant in non-halakhic passages in the admonition of the *Damascus Covenant*, in the *Hodayot*, and in the ceremony of entry into the covenant.[34]

In light of the Qumranic laws as well as the non-legal treatments of desecration, impurity and sin, it seems to me that the basic pre-supposition of the Qumranic halakhah is that holiness is very vulnerable. Any violation may transform it or cause its desecration, and the additional taboos and rituals were designated to prevent such a situation or restore sanctity as necessary. This perception of holiness may be termed dynamic. If one does not do his best to protect it, holiness (the Divine Presence, that is, the earthly aspect of God's holiness) will vanish or at least be reduced, and human action will be divinely viewed as sinful and punishable.

In contrast, the Pharisees and rabbis minimized cultic taboos and atoning rituals. They lessened the causes of impurity (e.g., bones and hides of unclean, "non-kosher," animals were considered pure), permitted certain labors in the Temple on the Sabbath and festivals, and did not consider the defilement of the menorah by the laity to be an offence, since this could be purified by immersion. Moreover, in many cases the rabbis eliminated the social and theological hierarchy between the priesthood and laity (see above concerning eating the animal tithe and the fruits of the fourth year). The rabbis gave the sages authority that Scripture (and consequently also the Qumranites) relegated solely to the priest, such as the right to slaughter sacrificial animals and the halakhic determinations concerning skin disease.[35]

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of wine and oil: 21:8; 22:14–16; 11QT[b] 6:8 (Qimron, *Temple Scroll*, 30). One may also infer that God's promise, stated at the conclusion of the laws of festivals (29:2–9)—"and I shall dwell with them for ever and always; I shall sanctify my [Te]mple with my glory, for I shall make my glory reside over it" (29:7–9)—will be fulfilled only if these rituals are practiced meticulously (translation follows García Martínez and Tigchelaar, *Study Edition*, 2:1251). See L. H. Schiffman, "The Theology of the *Temple Scroll*," *JQR* 85 (1995): 116–17.

[34] See E. Regev, "Atonement and Sectarianism in Qumran: Defining a Sectarian Worldview in Moral and Halakhic Systems," in *Sectarianism in Early Judaism* (ed. D. Chalcraft; London, forthcoming).

[35] On slaughtering, see the ensuing discussion of *m. Zeb.* 3:1. In the case of skin disease, the Qumranites reserve the position of halakhic authority for the priest, even if he is not learned (in such a case the overseer would teach him). See S. D. Fraade, "Shifting from Priestly to non-Priestly Legal Authority: A Comparison of the *Damascus Document* and the Midrash *Sifra*," *DSD* 6 (1999): 109–25. For additional examples, see M. Bar-Ilan, "The Confrontation between Sages and Priests in the Late Second Temple

An illuminating example of the uniqueness of rabbinic cultic presuppositions is to be found in *m. Zeb.* 3:1:

> All unfit people who slaughtered—their act of slaughter is valid. For an act of slaughter is valid when done by non-priests, women, slaves, and unclean men, even in the case of slaughtering Most Holy Things, on the condition that the unclean people do not touch the flesh. Therefore they also invalidate by improper intention (במחשבה) in the act of slaughtering.[36]

Here the rabbis are permitting non-priests and even defiled persons to slaughter sacrifices as long as they do not physically defile the animals. The rabbis are disregarding the apprehensiveness about cultic hierarchy and ritual impurity within the sacred realm which is typical of the Priestly School, yet this halakhah does not contradict any explicit scriptural command. This is quite remarkable in light of the *Temple Scroll*'s insistence on separation and differentiation between the degrees of holiness within the Temple. According to the *Temple Scroll*, the persons permitted by the rabbis to slaughter were not even allowed to enter the inner court or the middle court. The rabbis, however, are more concerned with a cognitive category of intention that is not specified in the Pentateuch nor in the Qumran documents.[37]

The rabbinic halakhic positions seem to have derived from a conception of holiness distinctively different from those of the Priestly Code and the Qumranites. I conclude that according to rabbinic thinking, the sacred rituals, sacred domain and holy food are not as sensitive to pollution and desecration as they are in the Priestly Code. Holiness is not as vulnerable as the Qumranites tend to think. I suggest that for the rabbis, holiness is only a status, not an entity. It is only a convention or label that the Torah uses to describe certain cultic objects or activities that relate to the worship of God. Holiness is thus static and may be approached more overtly, even by non-priests. Desecration

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Period" (Ph.D. diss., Bar-Ilan University, 1982 [Hebrew]). Note that the rabbis did not abide by many of the distinctions in grading and separation which were observed in the priestly schools and which influenced MMT and especially the *Temple Scroll*. For these interdictions, see J. Milgrom, *Studies in Levitical Terminology* (University of California Publications, Near Eastern Studies 14; Berkeley: University of California Press, 1970), 5–59; Jenson, *Graded Holiness*.

[36] Translation follows J. Neusner, *The Mishnah: A New Translation* (New Haven and London: Yale University Press, 1988), 703, with slight changes.

[37] For a list of people unfit to offer sacrifices, see *m. Zeb.* 2:1. For a general discussion of the emphasis on intention in rabbinic halakhah, see Neusner, *Judaism: The Evidence of the Mishnah*, 270–83; H. Eilberg-Schwartz, *The Human Will in Judaism: The Mishnah's Philosophy of Intention* (BJS 103; Atlanta: Scholars Press, 1986).

is only an unwelcome change in this status and not a cosmic or natural event. Its implications are limited to at worst, impiety or undisciplined behavior.

In the rabbis' view, the whole cultic system of priests-Temple-sacrifices is a construction that follows God's orders, but lacks an *inner meaning*. It is not a symbolic system, in the manner of the theology of sacrifices and purity of the Priestly school. It is a system of *mitzvoth*. Its aim is to fulfill God's commands and attain reward. The rabbis indeed believed that certain sacrifices atoned for certain sins but viewed them as technical procedures, and not as sublime activities that demand endless taboos or ritual measures, as the Qumranites thought.[38]

In order to illustrate this argument, I would like to point to two famous amoraic sayings. Rabbinic midrash attributes to R. Yoḥanan ben Zakkai the following teaching concerning the rationale for the red heifer ritual:

> By your lives, I swear: The corpse does not have the power by itself, nor does the mixture of ash and water have the power by itself to cleanse. The Truth is that the purifying power of the Red Heifer is a decree of the Holy One. The Holy One said: "I have set it down as a statute, I have issued it as a decree. You are not permitted to transgress My decree." As it is written: *This is the statute of the Torah*. (Num 19:1)[39]

R. Yoḥanan ben Zakkai does not even try to find an explanation for the so-called paradox of the red heifer, namely, the fact that the ashes which purify the corpse-contaminated person also defile the one who sprinkles them. R. Yoḥanan ben Zakkai, who discussed the red heifer

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[38] See, e.g., *m. Ker*. 1:3–7. Note that rabbis saw the atonement rituals of the days of *milluim* and the Day of Atonement as an elimination of the guilt of the people, ignoring the aspect (emphasized in Scripture and in the *Temple Scroll*) of the ritual cleansing or consecration of the sanctuary. Cf. I. Knohl and S. Naeh, "*Milluim ve-Kippurim*," *Tarbiz* 62 (1993): 17–44 (Hebrew). The idea of intensive atonement rituals stemming from the fear of guilt is described in *m. Ker*. 6:3 as non-rational compulsion, and is also implied in Rom 7:7–25.

[39] "לא המת מטמא ולא המים מטהרין אלא אמר הקב"ה חוקה חקקתי גזירה גזרתי אי אתה רשאי לעבור על גזרתי דכתיב זאת חקת התורה," *Pesikta de-Rab Kahana* (trans. W. G. Braude and I. J. Kapstein; Philadelphia: Jewish Publication Society, 1975), *Piska* 4 (*Parah*), 82–83. See also the parallels in *Tanḥuma*, *Ḥukkat* 26; *Pesiqta Rabbati* 14 (*Midrash Pesiqta Rabbati* [ed. M. Ish Shalom; Tel Aviv: Esther Press, 1963], 65a). Compare *b. Yoma* 67b. Interestingly, the core of R. Yoḥanan ben Zakkai's saying is already embedded in *Sifra ʾAḥarei Mot* 13:10 (Weiss, *Sifra*, 86a). Urbach, *The Sages*, 98–100, sees in this saying "complete sublimation and demythologization of the heifer ritual," but also explains it in light of the rabbinic tendency not to search for inner logic and allegoric interpretations (cf. the parallels cited at ibid., 377–82).

ritual perhaps more than any other rabbi, the sage who was believed to have confronted (and defeated) the Sadducees and their priestly views, and who may also have confronted rabbinic priests at Yavneh, thought that there was nothing to understand here, and that there was no explanation for this paradox.[40] The import of this provocative saying is that the greatest biblical cleansing ritual has no inner logic at all. One may presume that other rabbis followed a similar approach in relation to other cultic practices.

A saying of R. Levi (third century CE) is even *anti*-sacrificial:

> Because Israel were passionate followers after idolatry in Egypt and used to bring their sacrifices to the satyrs . . . and they used to offer their sacrifices in the forbidden high places, on account of which punishments used to come upon them, the Holy One, blessed be He, said: "Let them offer their sacrifices to me at all times in the Tent of Meeting, and thus they will be separated from idolatry and be saved from punishment."[41]

Here R. Levi views the Temple cult as merely circumstantial and believes that an ideal Judaism would have existed without any sacrifices.[42] Although this saying is documented in the relatively late *Leviticus Rabbah*, it is significant that the same argument appears in the writings of Justin Martyr and the Pseudo-Clementines (ca 150–200 CE).[43] Christian circles probably used a traditional Jewish or rabbinic idea in order to refute the Jewish belief in the rebuilding of the Temple.[44] Thus, it should be concluded that the core of the saying attributed to R. Levi is an early tradition that circulated among Jews, probably in rabbinic circles, well before the days of R. Levi.

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[40] For other traditions in which R. Yoḥanan discusses the red heifer ritual, see *t. ʾOhalot* 16:8 (Zuckermandel, *Tosephta*, 614); *t. Parah* 4:7 (ibid., 633); *Sifre Ḥukkat* 123 (Horovitz, *Siphre*, 151). On R. Yoḥanan and the Sadducees, see *t. Parah* 3:8 (Zuckermandel, *Tosephta*, 632); E. Regev, *The Sadducees and Their Halakhah: Religion and Society in the Second Temple Period* (Jerusalem: Yad Izhak Ben-Zvi, 2005), 348–77 (Hebrew); idem, "The Traditions about the Pharisees' and Sadducees' Authority in the Temple During the Early Roman Period," in *Jerusalem and the Land of Israel* 1 (2003): 5–46 (Hebrew). For his tense relationship with priestly rabbis in Yavneh, see A. Büchler, *Die Priester und der Cultus im letzten Jahrzehnt des jerusalemischen Tempels* (Vienna: Alfred Hölder, 1895), 16–25.

[41] *Leviticus Rabbah* 22:8, in *Midrash Rabbah, Leviticus* (trans. J. J. Slotki; London: Soncino, 1939), 286–87. "לפי שהיו ישראל להוטים אחר עבודה זרה במצרים והיו מביאין קורבנותיהם לשעירים . . . והיו ישראל מקריבים קרבנותיהן באיסור במה . . . אמר הקב"ה: יהיו מקריבין לפני בכל עת את קרבנותיהן באהל מועד והן נפרשים מעבודה זרה".

[42] This idea was later developed by Maimonides, *Guide of the Perplexed* 3:32 (see also 3:46). Cf. W. Z. Harvey, "Les sacrifices, la prière, et l'étude chez Maïmonide," *REJ* 154 (1995): 97–103.

[43] *Recognitions* 1.35:1–36:1; Justin Martyr, *Dialogue with Trypho* 29:6.

[44] D. Rokéah, *Justin Martyr and the Jews* (Leiden: Brill, 2002), 52–55 and references.

On the basis of these sayings and other attestations, Urbach has asserted that ". . . when the Sages interpreted . . . Scripture with respect to 'the sanctity of all precepts,' these expositions have no mystical-magical connotation, as in the Cabbala, nor do they allude to holiness emanating from the substance of the ritual observance that is linked to the object of the precept." Urbach also thought that the rabbis transferred sanctity to the realm of individual religious experience, i.e., to an individual's personal commitment to observe the commandments. At first sight, it would seem that the individual's access to holiness was now more direct. However, "The commandment is thus voided not only of any magical-mystical quality, but also of its very ritual-cultic basis."[45] Urbach's characterization of the later rabbinic view of holiness illustrates what I mean by a static view of holiness, a concept of sanctity that is only a status, not a tangible entity.

The sayings attributed to R. Yoḥanan ben Zakkai and R. Levi reflect a perception of the Temple cult as following from a set of heavenly commands without earthly rationale or inner meaning,[46] a view that (according to Urbach) may have been common among the rabbis. Since this perception can definitely explain the lenient halakhic positions of Pharisees and rabbis concerning the danger of desecration and pollution, I conclude that it was already implied in their lenient approaches to ritual practices and the priestly cult. Indeed, earlier rabbinic sources do not explicitly mention this particular rabbinic cultic theology only because tannaitic sources do not tend to treat such meta-halakhic issues in a direct way. Therefore, the theological ideas that Urbach ascribed to the later rabbis can be traced back to the Pharisees in the Hasmonean period as well as to the earliest layers of the Mishnah.

I believe that conceptions of holiness as dynamic or static not only characterize the two halakhic systems, but may also explain why the Qumranites and the rabbis differed concerning all these cultic issues in the first place. Each school shaped and developed its interpretation

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[45] Urbach, *The Sages*, 368–69. The rabbinic tendency is extremely exceptional if one follows Geertz's definition of religion as "a system of symbols which acts to establish powerful, pervasive, and long-lasting moods . . . by formulating conceptions of a general order of existence and clothing these conceptions with . . . an aura of factuality . . ." See C. Geertz, "Religion as a Cultural System," in his *The Interpretation of Cultures* (New York: Basic Books, 1973), 87–125.

[46] For an illustration of this tendency in Hinduism, see F. Staal, "The Meaninglessness of Ritual," *Numen* (1979): 2–22. Staal thinks that in some cultures rituals prevail only due to the power of the consistency of tradition.

of Scripture according to different theological, philosophical, and anthropological presuppositions. I am fully aware of the fact that both schools supported their laws with halakhic exegesis.[47] But I maintain that most of these exegetical moves were motivated and directed by an overarching concept of holiness. Otherwise, how should we explain the internal consistency of these conflicting halakhic tendencies in relation to holiness?

Neither of these concepts of holiness was by any means an innovation of either the Qumran sectarians or the Pharisees. In earlier articles, I have described the dynamic concept of holiness represented by the laws of the so-called Priestly School of the Pentateuch and the static concept of holiness found in Deuteronomy.[48] However, I am not implying that there is a direct connection between the biblical and the post-biblical perceptions, since these trends may have been unconscious. Notwithstanding this, it is interesting to note that in certain cases, apparently conflicting scriptural commands led the Qumranites and *Jubilees* to follow the Priestly School, whereas the rabbis followed Deuteronomy.[49] Here both groups had to adjudicate between two halakhic possibilities; they naturally chose the option that suited their general perceptions concerning the necessity of protecting holiness. In many cases the interpretive framework in which they operated was not objective intellectual reasoning, but the textual justification of a fundamental ideological preconception: the conception of what holiness, or attaining holiness, actually means, and what kind of culture the Torah aims to create.

To this point, I have not addressed the issue of the Sadducees and their halakhic worldview. In a previous study I have characterized the Sadducean concept of holiness as dynamic.[50] However, it is important to

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[47] For Qumranic scriptural exegesis relating to the cultic laws, see J. Milgrom, "The Scriptural Foundations and Deviations in the Laws of Purity of the *Temple Scroll*," in *Archaeology and History in the Dead Sea Scrolls* (ed. L. H. Schiffman; JSPSup 8; JSOT/ASOR Monograph Series 2; Sheffield: JSOT Press, 1990), 83–99; idem, "The Qumran Cult: Its Exegetical Principles," in *Temple Scroll Studies: Papers Presented at the International Symposium on the Temple Scroll, Manchester, December 1987* (ed. G. J. Brooke; JSPSup 7; Sheffield, JSOT Press, 1989), 165–80. For rabbinic exegesis see, e.g., Halbertal, *Interpretive Revolutions.*

[48] See the articles cited in n. 8 above.

[49] Cf. C. Werman, "Consumption of the Blood and its Covering in the Priestly and Rabbinic Traditions," *Tarbiz* 63 (1994): 173–84 (Hebrew); L. H. Schiffman, "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; STDJ 16; Leiden: Brill, 1995), 69–84.

[50] See Regev, *The Sadducees and their Halakhah*, esp. 226–246.

draw attention to the differences between the Sadducean and Qumranic worldviews. The Qumranites held much more extreme views in two major categories: the calendar, and the distribution and function of the Temple courts. I argue that the Sadducees, quite like the Pharisees, used a lunar calendar.[51] Furthermore, the fact that Sadducean high priests headed the functioning, non-utopian Temple suggests that in contrast to the writers of the *Temple Scroll*, they did not insist that the Temple's spatial organization should be changed and did not wish to radically enhance the separation of the priests from the laity, as did the *Temple Scroll*. However, in contrast to the Sadducees, the Qumranites (and particularly the *Temple Scroll*) designated several ritual activities to the laity, such as their constant presence in the outer court, and the role of the leaders of the tribes in the sacrificial cult (according to the *War Scroll*, column 2).[52] The *Temple Scroll* also applied special purity regulations to the laity outside Jerusalem, which do not appear to have been a concern for the Sadducees.[53]

I therefore suggest that there were two major conceptual differences between the Sadducees and Qumranites. First, the Qumranites utilized a solar calendar, so as to prevent the desecration of the Sabbath by the festival rituals. Second, they insisted on a stricter spatial separation between the priests and the laity within the Temple precincts. In contrast to the Qumranites, the Sadducees were not concerned with the manner by which the laity would restrict itself from defilement outside of priestly territory. In short, if the Sadducees' concept of holiness was dynamic, then the Qumranites concept of holiness was ultra-dynamic.

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[51] For the Sadducean calendar (there is no clue indicating that they practiced the festivals of the new fruits of wine and oil), see Regev, *The Sadducees and their Halakhah*, 90–97. Also note A. I. Baumgarten, "Who Were the Sadducees? The Sadducees of Jerusalem and Qumran," in *The Jews in the Hellenistic-Roman World: Studies in Memory of Menahem Stern* (ed. A. Oppenheimer, I. Gafni, and D. R. Schwartz; Jerusalem: Zalman Shazar Center, 1996), 396–405 (Hebrew).

[52] On the Sadducean intention to restrict the laity from taking part in the Temple cult, see Regev, *The Sadducees and their Halakhah*, 132–47, 152–60, 230–31. On the presence of the leaders of the laity in the Temple cult see the *War Scroll*, 2:3–6; Y. Yadin, *The Scroll of the War of the Sons of Light against the Sons of Darkness* (trans. B. and C. Rabin; Oxford: Oxford University Press, 1962), 202–8, 263–65.

[53] According to the *Temple Scroll* (48:14–17), menstruating women, women after childbirth, persons with a skin disease, and men with seminal discharge must not enter *any* city. By contrast, rabbinic prohibitions were more limited in scope: people with skin-diseases were barred only from the so-called "fortified cities"; menstruating women and people with seminal or other discharge only from the Temple Mount (*m. Kel.* 1:7–8). For the comprehensive holiness restrictions in the *Temple Scroll*, see also A. Shemesh, "The Holiness according to the *Temple Scroll*," *RevQ* 19 (2000): 369–82.

The Typology of Holiness in Light of Religious and Anthropological Research

I have characterized the distinction between dynamic and static holiness in a general fashion and avoided a more exact definition since I could not find better terms in other fields of research. Nevertheless, since the conceptualization of holiness is at the core of almost every culture, it is possible to point to somewhat parallel distinctions in the fields of philosophy of religion, the study of religion, and anthropology. Drawing analogies to these parallels may illustrate the differences between dynamic and static holiness and consequently may clarify the differences between the Qumranites and the rabbis.

The typology of dynamic and static holiness parallels Y. Silman's double philosophical categorization of the relationship between God and human beings as ontological and deontological.[54] According to the ontological pattern, the divine/human relationship is closely related to nature. Human behavior affects the environment, and consequently also holiness. This model is dynamic and hence can be related to the concept of dynamic holiness, since reality changes on the basis of human actions. According to the deontological pattern, the divine/human relationship is established only through human discipline and obedience to heavenly commands, regardless of any effect on nature and environment. This relationship consists solely of obedience and reward. Humans cannot affect the holy, nor God's presence in the world, but only their own destinies before God; thus, holiness in this model may be characterized as static.

Owing to the lack of a similar categorization of holiness in the study of religion in general, I would like to illustrate my typology of dynamic/static holiness by using an analogy from the concepts of purity and impurity in a variety of cultures. For this purpose, I will introduce a typology of dynamic and static concepts of purity/impurity in ancient Judaism and other cultures. This typology of purity conceptions is relevant since the notion of purity is one of the markers of the behavioral or practical approach to the holy. Dynamic impurity is a substantive entity. It is dangerous and violates the holy. Therefore, complicated rites by which to eliminate impurity are essential in order to protect the sacred. Dynamic conceptions of impurity are common in African and

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[54] Y. Silman, "The Significance of the Relation between Intention and Behavior in the Halakhah," in *Studies in Jewish Law* (ed. A. Anker and S. Deutsch; Ramat Gan: Bar-Ilan University Press, 1998), 263–77 (Hebrew).

Polynesian cultures, and in the concept of moral impurity at Qumran.[55] Impurity is dynamic also in the laws of ritual impurity in the *Temple Scroll* and MMT. In all these cases impurity is taboo; it is associated with anxiety and leads to exclusion.

Static impurity, in contrast, signifies that which is prohibited or improper, but does not really endanger the holy. The disposal of static impurity may be necessary before a certain religious activity or experience commences, e.g., a rite of passage from a profane status to a sacred one. This conception of impurity can be recognized in ancient Greek rituals to be completed before entering a temple; in rites of passage to adulthood for girls among the caste system of Sri-Lanka, and in the practice of washing or bathing before prayer in Second Temple Judaism or in Islamic rite.[56] In addition, neglecting to guard against the sources of static impurity may violate the social order, as occurs in conjunction with the Indian caste system.[57] In all these cases, the boundaries between the state of impurity and the state of purity mark social or religious distinctions that are not concerned with sacrilege.

I suggest that the rabbis held a somewhat similar static concept of impurity, i.e., that it cannot damage holiness, but is improper and even repulsive or disgraceful when brought into relation to the holy. Although

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[55] V. Turner, *The Forest of Symbols: Aspects of Ndembu Ritual* (Ithaca: Cornell University Press, 1967), 74–81; A. S. Meigs, "A Papuan Perspective on Pollution," *Man* n.s. 13 (1978): 304–18; J. Klawans, "Idolatry, Incest, and Impurity: Moral Defilement in Ancient Judaism," *JSJ* 29 (1998): 391–415; E. Regev, "Abominated Temple and A Holy Community: The Formation of the Notions of Purity and Impurity in Qumran," *DSD* 10 (2003): 243–78. Cf. also M. Douglas, *Purity and Danger* (London; Penguin, 1966); Gorman, *Ideology of Ritual*, 78 n. 2.

[56] R. Parker, *Miasma: Pollution and Purification in Early Greek Religion* (Oxford: Clarendon, 1983), 19–21. Greek religion also contains patterns of dynamic impurity, viz. the exclusion from temples of women in the first months of pregnancy, as well as corpse-defiled persons. See ibid., 48–50, 60–61. Interestingly, Parker (113–15) finds it hard to decide whether impurity is a powerful determinant of action, or only a religious idea which lacks coercive force. On Sri Lanka, see N. Yalman, "On the Purity of Women in the Castes of Ceylon and Malabar," *Journal of the Royal Anthropological Institute* 93 (1963): 25–58. For Second Temple Judaism, see Regev, "Pure Individualism." For Islamic ritual, see A. K. Reinhart, "Impurity/No Danger," *History of Religions* 30 (1990): 1–24. For another example from the *Hekhalot* literature and the *Sar-Torah* texts, see M. D. Swartz, "'Like Ministering Angels': Ritual Purity in Early Jewish Mysticism and Magic," *AJSR* 19 (1994): 135–67.

[57] See L Dumont, *Homo Hierarchicus: The Caste System and Its Implications* (trans. M. Sainsbury, L. Dumont, B. Gulati; rev. English ed.; Chicago: University of Chicago Press, 1980), 48: "among the Hindus the notion of impurity is distinct, different from the notion of danger which corresponds elsewhere to the sacred in general and not only to the impure." According to Dumont (p. 49), in this case defilement is a matter of social status.

the rabbis held that the defilement of the sacred is a transgression of the heavenly commands, they did not believe that pollution bears a tangible danger for the holy. Impurity is only something that Scripture orders should be avoided. In fact, the comparison of rabbinic purity laws with the impurity regulations of the priestly schools would indicate that the rabbis diminished the theoretical power of pollution. They ignored the prohibition against remaining in a state of impurity,[58] as well as the notion of "*sancta* contagion" (i.e., when the contact of profane people with sacred objects affect the former, sometimes even lethally).[59] Further-more, whereas the Qumranites and *Jubilees* viewed Gentiles as morally and repulsively defiled, the rabbis decreed that Gentiles were merely *considered as* defiled in order to prevent intermarriage; they did not emphasize the manner in which contact with them desecrates the holiness of the people of Israel.[60]

Perhaps the most interesting and illuminating analogy to the typology suggested in the present article is a cultural theory that is based on the work of anthropologists and ecologists. Thompson, Ellis and Wildavsky introduced a classification system for a social construction of nature that is based on the cultural model of Mary Douglas' grid-and-group theory, published in her book *Natural Symbols*.[61] I think that three out of their

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[58] See Lev 5:2–3, with Milgrom, *Leviticus 1–16*, 298–99, 308–18 (he also discusses the rabbinic interpretation); Num 19:13, 20, with B. Levine, *Numbers 1–20* (AB 4A; New York: Doubleday, 1993), 457–58. For the rabbinic and medieval interpretation, see Y. Broyer "איסור טומאה בתורה," *Megadim* 2 (1987): 45–53.

[59] J. Milgrom, "Sancta Contagion and Altar/City Asylum," in *Congress Volume: Tenth Congress of the International Organization for the Study of the Old Testament, Vienna, 1980* (VTSup 32; Leiden: Brill, 1981), 278–310; S. Friedman, "The Holy Scriptures Defile the Hands: The Transformation of a Biblical Concept in Rabbinic Theology," in *Minḥah le-Naḥum: Biblical and Other Studies Presented to Nahum M. Sarna in Honour of his 70th Birthday* (ed. M. Brettler and M. Fishbane; JSOTSup 154; Sheffield: JSOT Press, 1993), 117–32.

[60] J. Klawans, "Notions of Gentile Impurity in Ancient Judaism," *AJSR* 20 (1995): 285–312; C. Hayes, "Intermarriage and Impurity in Ancient Jewish Sources," *HTR* 92 (1999): 3–36; idem, "The Impurity of Gentiles in Biblical Law and Late Antique Judaism," unpublished Seminar Paper for the Biblical Law Group, SBL Annual Meeting, Philadelphia, 1995.

[61] M. Thompson, R. Ellis and A. Wildavsky, *Cultural Theory* (Boulder, Colo.: Westview, 1990), esp. 25–29. For Douglas' grid-and-group theory, see M. Douglas, *Natural Symbols: Explorations in Cosmology* (2d ed. with new introduction; London and New York: Routledge, 1996).

A model which slightly resembles mine was introduced by H. Bergson, *The Two Sources of Morality and Religion* (trans. R. A. Audran and C. Brereton; London: Macmillan, 1935). Bergson distinguished between static (closed, which parallels my notion of dynamic holiness) and dynamic (open, which parallels my static holiness) religion and favored the latter. However, Bergson aimed to broadly define the place of the *human* in the

five general ideological and sociological worldviews—"nature benign," "nature tolerant," and "nature ephemeral"—may be compared with my categories of static, dynamic, and ultra-dynamic holiness.

According to Thompson, Ellis and Wildavsky, the "nature benign" worldview sees nature (or God) as forgiving, which gives a free hand to human activity. Nature, it seems, is static and does not directly respond to human deeds and behavior. Hence, this perception supposes that nature is passive and does not radically change in reaction to human behavior, and hence is not threatening and dangerous. Thompson, Ellis and Wildavsky illustrate this schema by a U-shaped basin with a ball rolling inside. No matter how the ball moves, it will always remain on course and return to the bottom of the basin.

The "nature tolerant," view, however, understands that nature can tolerate certain acts, but is vulnerable to other, more radical, acts, which lead to destructive effects. Nature's forgiveness and endurance are limited, and crossing the boundary of tolerance leads to awful consequences. The relation between human behavior and nature is thus dynamic, and humans are obligated to behave in a certain way lest their actions cause harm. The authors illustrate this perception by an M-shape with a ball rolling on its top. The ball's course should be more limited than that of the U pattern, since the ball must not fall out of the M's borders.

The "nature ephemeral" stance views the world as terrifying or fragile and God as unforgiving. The least jolt may trigger a complete collapse. Therefore, effective sanctions are required to prevent such a collapse from occurring; institutions (or rituals) must be established to care for and maintain the ecosystem (or cultic system). This perception may be illustrated by an Omega in which the ball must stay in its top.

In terms of their social characteristics, the "nature benign" model encourages individualistic social patterns; "nature tolerant" promotes hierarchic patterns, and "nature ephemeral" gives rise to sectarian patterns. These patterns correspond respectively to the social tendencies of the Pharisees, Sadducees and Qumran sectarians. Thus, in religious movements there is a connection between the ideologies of the sacred and social typologies. Perhaps, then, the social characteristics of the so-called Jewish sects actually derived from their religious ideas.[62]

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religious system and was not focused on the character of *holiness* per se. Compare also J. Z. Smith's locative/utopian model in his *Map is Not Territory: Studies in the History of Religion* (SJLA 23; Leiden: Brill, 1978), 67–206 and especially xi–xv, 101.

[62] For the Pharisees (and rabbis) as individualistic, see E. Regev, "The Individualistic

Conclusion

The controversies between the *Temple Scroll*/MMT and rabbinic halakhah regarding cultic laws may be explained in light of conflicting perceptions of the character of holiness. The Qumranic strictness in avoiding or eliminating pollution and desecration arises from the perception that holiness is dynamic (or, by comparison with the Sadducees, ultra-dynamic); that is, holiness is sensitive to desecration, vulnerable, and in some manner changeable. The Pharisees, and later the rabbis, held much more lenient views regarding the laws of purity and sacrificial rites, were less worried by the danger of defilement and desecration, and did not require such extensive efforts to protect the holy, because they perceived holiness to be static. That is, holiness is not sensitive to human activity and thus "desecration" does not really change it. "Holy" is not an entity but simply a halakhic status. Thus, the Pharisees/rabbis saw the cultic laws as divine orders similar to other heavenly commands, with no exceptional consequences.

These worldviews were inferred from the character and reasoning of the laws of the Qumranites and rabbis in a somewhat hypothetical manner, with certain more explicit literary support and demonstration from expressions in MMT and the *Temple Scroll*, as well as later rabbinic sayings. More than anything, I think that the present reconstruction explains the reasoning behind the lenient rabbinic approach to the priestly system. The illustrations I have used from anthropology and the study of religion indicate that such worldviews exist in many other cultures and may explain the ideological origins of conflicting modes of behavior.

I have introduced here a new typology of holiness, in order to enable us to compare Qumran and the rabbis. The use of this typology helps to clarify the fundamental differences between these two halakhic or socio-religious worldviews and has explained, at least partly, why this ideological divergence occurred.

Meaning of Jewish Ossuaries: A Socio-Anthropological Perspective on Burial Practice," *PEQ* 133 (2001): 45, and bibliography there. For the Sadducees' tendencies toward hierarchical thinking see idem, *The Sadducees and their Halakhah*, 385–403.