The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts

JOSEPH M. BAUMGARTEN
BALTIMORE HEBREW COLLEGE

In his recent publication of the Temple Scroll (11Q Temple), Yadin cites G. Alon's discernment in rabbinic sources of two conflicting tendencies with regard to the applicability of the laws of ritual purity: (1) the approach which limited ritual purity primarily to the sphere of the Temple and the priesthood, taken as characteristic of the Sadducees; (2) the pervasive concept of purity as applicable to the laity as well as the priesthood and embracing all facets of life, espoused by the Essenes. The Qumran literature, which a considerable body of scholarly opinion ascribes to the Essenes, offers ample illustrations of the centrality of ritual purity in the life of the sect, despite the religious conflicts which separated it from the Jerusalem temple. This fact is further underlined by 11Q Temple which broadens the restrictions applicable to the sanctuary to include the entire "city of the sanctuary" and ordains elaborate purity rules for all of Israel. Nevertheless, while the Essenes may be viewed as antithetical to the Sadducees with regard to the scope of ritual purity, this need not necessarily hold true for their interpretation of the laws governing it. Our knowledge of the Qumran law of tohorah, till now limited to the legislative section of the Damascus Document and hampered by the unavailability of the related texts from Cave 4, has been considerably augmented by 11Q Temple. We should particularly like to inquire whether it may now be possible to determine the position of the sect on those halakhic aspects of purity concerning which controversies between Pharisees and Sadducees are recorded in tannaitic sources.

A. Tebul Yom

One of the most elaborate rites of purification found in Scripture was that involving the ashes of the red heifer (Num. 19). Since these ashes were essential for the waters used to cleanse those defiled by contact with the dead, extreme care was taken to assure the purity of all who took part in their preparation. The Sadducees, according to Mishnah and Tosephta Parah, required for the priest performing these rites a waiting period until

2 J. T. Milik, Ten Years of Discovery in the Wilderness of Judaea (Naperville, 1959), 151-152; idem., "Milki-šedeq et Milki-reša",' JJS 23 (1972), 129.
sundown following any immersion to remove possible impurity. The Pharisees held that for the purposes of this sacrifice, performed outside the precincts of the Temple, a Ṭebul Yom, one who had bathed but had not waited until evening was considered pure. To counteract the Sadducean view, the Pharisees, presumably when they had control of the Temple, were wont to deliberately defile the High Priest, then have him bathe and prepare the ashes without waiting for sundown.³ The significance of this apparently perverse manipulation of one of the central rites of purification has been effectively presented by Finkelstein in his study on the Pharisees.⁴ Although levitical law repeatedly insists on sundown as a necessary sequel to immersion,⁵ the Pharisees maintained that this was requisite only for the consumption of sacrifices or Terumah.⁶ The general standard of purity maintained by Ḥăberim at their meals and by those who handled the abundant tithes in Jerusalem merely required immersion after any contamination. Without this leniency, defined by the rabbinic category of Ṭebul Yom, the widespread observance of purity and the maintenance of normal marital life would have been utterly irreconcilable. Moreover, aside from the desired democratization of ritual purity, the Pharisees could point to passages such as Lev. 14:8, 15:13, and 16:28, which refer to immersion without mentioning sundown.

What was the Essene-Qumran view on the status of the Ṭebul Yom? In his description of the daily regimen of the Essenes, Josephus refers to their purification about the fifth hour of the day, after which they were considered pure (καθαροί) and entered the refectory for their first communal meal⁷. Since they were not required to wait for sundown, one would suppose that those who bathed were in a ritual state equivalent to that of Ṭebul Yom, yet the Essenes considered them as pure. This inference may, however, be questioned. It is quite possible that the communal meals were patterned after the rites of the Temple, which were always preceded by purification. Ex. 30:17-21 specifies that the priests must wash their hands and feet before approaching the altar. Testament of Levi 9:11⁸ adds the injunction to bathe “before entering the holy place,” which accords with the mishnaic rule: “No one may enter the Temple courtyard for the service, even if he be clean, unless he takes a bath” (Yoma 3:3). When Ben Zoma was queried concerning the nature of this bath, he explained that all who

³ ṢParah 3:7, ṢParah 3:8; similarly the utensils containing the water were deliberately made impure and immersed (mParah 5:4).
⁵ Lev. 11:24,27,28,39,40; 15:5-7,18,20,27,32.
⁶ mKelim 1:5, ṢParah 3:6, Siphra Shemini 8 (Weiss 53c).
⁷ Jewish War 2.8,5,129.
cross over from the profane to the sacred require immersion. This principle could readily have been applied by the Essenes to the transition from their mundane labors to the refectory which was for them "like a sacred shrine." It need not imply that immersion alone, without waiting for sundown, would suffice to restore purity after a known defilement. Moreover, Josephus' statement must be evaluated in the light of the purity rules now available in 11QTemple.

With regard to defilement by a creeping animal the Scroll specifies: "He shall wash his garments and bathe in water; when the sun goes down, afterwards he will be clean" (51:4-5). This may perhaps be taken as only a more emphatic paraphrase of Lev. 11:39-40 ("he shall be unclean until evening"), but the rigorous consistency of the Scroll is demonstrated by the similar rule with regard to corpse defilement, which required sprinkling with the water containing the ashes of the red heifer on the third and seventh days: "And on the seventh day they shall be sprinkled a second time, bathe and wash their garments and their utensils; in the evening they will be purified from the corpse allowing them to touch any of their purities and a man who was not defiled" (49:19-21). Yadin justly infers that 11QTemple does not recognize the rabbinic halakha which allowed the Tebul Yom to come in contact with pure foods and pure men outside the Temple. Furthermore, the major benefit resulting from the rabbinic category of Tebul Yom accrued to married men who, after immersion, were immediately permitted access to the non-sacrificial purities abounding in Jerusalem. 11QTemple, however, not only requires waiting until sundown after any seminal effusion, but extends the exclusion from the city of the sanctuary after intercourse to three days: "If a man has carnal relations with his wife, he may not enter the entire city of the sanctuary, upon which I will cause my name to dwell, for three days" (45:11-12). Immersion was required on the first day and on the third day, but he was not permitted to return until sundown following the third (45:7-8).

The question may be asked, what purpose was served by the immersion

---

9 bYoma 30a, tYoma 1:14.
10 Megillat vol. 1, p.262.
11 B. Levine, "The Temple Scroll", BASOR 232 (Dec. 1978) 5-23, disputes Yadin's assumption that 'Ir hammiqdaš in the Scroll refers to the entire city of Jerusalem. He argues that the purity restrictions in cols. 45-46, excluding men after intercourse or a seminal effusion from the city of the sanctuary, applied only to the temple complex in the immediate vicinity of the sanctuary. This interpretation would be less difficult to maintain were it not for the fact that 11QTemple lumps these categories of impurity together with 'lepers' (qarua') and diseased individuals (45:17-18). The latter were certainly quarantined outside the cities in accordance with biblical rules (Lev. 13:46; cf. Ant. 3.11,2,261-264) and 11QTemple 48:14-15. We may therefore assume that other unclean persons were likewise excluded from the entire city. In fact 11QTemple 46:16-18 is quite explicit; "And thou shalt make thee three places to the east of the city, separate from each other, to which shall come the 'lepers', those with a flux, and men who have had a seminal effusion." These places were clearly to be outside Jerusalem.
on the first day? This problem has been the subject of an illuminating inquiry by J. Milgrom.\textsuperscript{12} The first-day ablution, he suggests, serves to remove a layer (or degree) of impurity and would suffice to re-establish non-sacred contacts with persons and objects outside the city of the sanctuary. This suggestion may very well be confirmed by the as yet unpublished text 4QOrd\textsuperscript{c}, described by M. Baillet.\textsuperscript{13} According to the provisional description this text deals with the problem of food for a man who requires seven days for his purification. Since he must eat, it is permissible for him to partake of pure foods, provided he has terminated his impureté première by undergoing initial ablution.

However, even if we may assume that the initial ablution qualifies one for non-sacred contacts outside the city of the sanctuary, this is not tantamount to acceptance of the Pharisaic position vis-a-vis the Ṭebul Yom. What the Pharisees sought to establish by their demonstrative defilement and immersion of the High Priest before the sacrifice of the red heifer was their claim that a Ṭebul Yom qualified as 'iš tahor (Num. 19:9), 'a clean man'.\textsuperscript{14} Yet we have seen that 11QTemple looks upon the Ṭebul Yom as still unclean until sundown and does not permit him to be in contact with clean men and pure foods, except what may be necessary for his individual consumption. The term 'iš tahor is used in 11QTemple 49:8-9 to designate a man scrupulous with regard to purity and superior to the norm prevalent in Israel. It would be incongruous if the same term in Num. 19:9 were taken exegetically to apply to one held to be still defiled and disqualified for purities.

Moreover, it could hardly have escaped the notice of the Qumran as well as the Sadducean exegetes that in the very chapter which describes the rites of the red heifer, there are three references to men who require purification as a result of their participation in these rites (Num. 19:7,8,10). In each case the law specifies that the washing must be followed by waiting until evening. Interestingly, Targum ps. Jonathan inserts in these three verses the phrase qadam ṭibuleh, 'before his immersion' preceding 'ad ramša, 'until evening'; that is to say, the man is unclean until evening before he has undergone immersion, but if the immersion takes place before evening he is reckoned as clean immediately. This is apparently an effort to harmonize the text with the rabbinic view on the purity of the Ṭebul Yom. By contrast, we may assume that for the Qumranites the term 'iš tahor in connection with the Parah rites meant one who had completed the entire process of purification including the culmination with sundown.


\textsuperscript{14} Cf. Siphe Numbers 124 (Horovitz 157).
There has been some speculation as to whether the Qumran sect perhaps sacrificed its own red heifer in order to obtain fit ashes for purification.\(^{15}\) This cannot be confirmed, although both \(IQS\) and \(11QTemple\) make reference to \(mè\ niddah\), the sprinkling water containing the ashes.\(^{16}\) The available sources do not specify how the ashes were to be prepared. Nevertheless, judging from the emphasis on sundown in \(11QTemple\), it seems highly unlikely that those prepared by a \(Tebul Yom\), in accordance with the Pharisaic view, would have been judged acceptable.

B. Bones of Animals

It is apparent from biblical sources that with regard to defilement emanating from a human corpse, bones no less than flesh were held to be unclean.\(^{17}\) This is not, however, explicitly indicated with regard to the defilement of animal remains. Rabbinic halakha indeed excluded bones, nails, horns, and hides from the uncleanness associated with carrion.\(^{18}\) Similarly, the bones, sinews, and nails of eight species of creeping animals were ruled not to be defiling. The principle apparently was that defilement was associated only with fleshy tissue subject to decomposition.

The Temple Scroll would indicate that this halakhic distinction was not

\(^{15}\) J. Bowman, "Did the Qumran Sect Burn the Red Heifer?", \(RQ\) 1 (1958) 73-84, pointed out that the Samaritans continued up to the 14th century C.E. to perform this ritual. The Qumran sectarians, unlike the Samaritans, apparently believed in the exclusivity of Jerusalem as the site of the sanctuary. However, the red heifer, though called \(haf'at\'), may not have been reckoned by them as a sacrifice since its locale was outside the camp; with only its blood having to be sprinkled "toward the front of the Tent of Meeting" (Num. 19:4). Bowman considered it possible that they prepared the ashes in accordance with their own standards of levitical purity. By contrast, V. Eppstein, "When and How the Sadducees were Excommunicated", \(JBL\) 85 (1966) 213-224, has theorized that the insistence of the Pharisees that the red heifer be prepared by a \(Tebul Yom\) was a deliberate stratagem to make the ashes useless in the eyes of the Sadducees and thereby to deny them the purification necessary for access to the Temple. The possibility that the Sadducees might have thereupon made their own ashes is not brought into consideration. Eppstein further assumed that any ashes remaining from earlier red heifers would have been defiled and made useless for the Sadducees by being intermingled with those prepared according to the Pharisaic instructions. However, \(mParah\) 3:1,5 relates that the ashes of the seven red heifers said to have been made since the days of Ezra were carefully kept separate in order to provide alternate means of purification.

\(^{16}\) Num. 19:13,20,21; \(IQS\) 3:4,9; 4:21-22; \(11QTemple\) 49:18.

\(^{17}\) Num. 19:16,18; 2Kgs. 23:16,20. It is noteworthy that in its paraphrase of Num. 19:16 \(11QTemple\) 50:4-5 stresses that only bones of a dead man are defiling, by contrast with the Palestinian Targum which explicitly adds "or the bone of a living man which separated from him." The latter reflects the view prevailing in rabbinic sources, as noted by Yadin (\(Megillat\) vol. 1, p.258). However, \(mEduyot\) 8:5 records an old permissive ruling of Jose b. Joezer: \(DYQRB BMYT'M\ ST'B\ 'he who touches a corpse is defiled'. The intent of this ruling is obscure and was already the subject of far-fetched interpretations in the Talmud and by the commentators. Could it be that the intent of Jose was to stress, in consonance with our Scroll, that only contact with a corpse, rather than bones amputated from the living, was defiling? For this and two other lenient rulings Yose was called 'the permitter'. The exemption of bones of the living from impurity is one of the rare cases where the Temple Scroll departs from rabbinic halakha in the direction of leniency.

\(^{18}\) \(m\)\(Full\) 9:1; \(b\)\(Hull\). 47b; \(Siphra\) Shemini 10 (Weiss 55b).
universally shared in the period of the Second Temple. Referring to the uncleanness of creeping animals IIQTemple states unequivocally:

And whoever carries of their bones and of their carcasses hide, flesh, or nail shall wash his garments and bathe in water; when the sun goes down, afterwards he will be clean. (51:4-5)\(^{19}\)

Yadin notes that the emphatic expansion of Lev. 11:39 is no doubt indicative of a polemical purpose.\(^{20}\) He further calls attention to, but does not elaborate on a possible link between this ruling and the controversy between the Pharisees and Sadducees in recorded myYadayim 4:6. Since there is some obscurity with regard to the Sadducean position in this dispute, we must set forth the text for clarification:

The Sadducees say, 'We protest against you, O Pharisees, for you say, The Sacred Scriptures render the hands unclean but the books of Hameras do not render the hands unclean'. Rabbi Johanan ben Zakkai said, 'Have we not against the Pharisees other causes of complaint save only this? Behold they say, 'The bones of an ass are clean, but the bones of Johanan the High Priest are unclean'. They said to him ('amru lo), 'As our love for them so is their uncleanness, so that no man may make spoons of the bones of his father and his mother'. He said to them ('amar lahem), 'Even so the Sacred Scriptures, in proportion to the love for them so is their uncleanness, while the books of Hameras which are not beloved do not render the hands unclean'.

We need not enter here into the question of the background of this rationale for the defilement associated with canonical writings, nor the identity of Hameras.\(^{21}\) What is pertinent to our inquiry is the digressive complaint against the Pharisees introduced by R. Johanan in order to neutralize the Sadducean complaint: Why are the bones of an ass clean, while the bones of a human being are unclean? That this was indeed the Pharisaic view is corroborated by the tannaitic sources which exempt bones from the uncleanness associated with carrion. But what was the position of the Sadducees? Most commentators have assumed that R. Johanan's rejoinder would be effective only if the Sadducees were in agreement with the

---

19 The link between the purity status of the flesh and the hide is also reflected in the regulation which bans hides of animals slaughtered outside the city of the sanctuary from entrance into it, "for the purity of the skins is in accordance with the purity of the flesh" (47:15). This principle was also recognised in the decree of Antiochus III banning the skins of 'animals forbidden to the Jews' from Jerusalem (Ant. 12,146). We should further note that in Yadin's transcription of IIQTemple 47:14-15: WLY TTHRW 'YR MTWK 'RYKMHL 'YRY, the word 'YR should be 'WR, as evidenced by the facsimile and required by the context: "You shall not deem skin from your cities as pure for my city."

20 Megillat vol. 1, p.262.

Pharisaic view which held animal bones to be clean.22 They have further assumed that the rationale, according to which uncleanliness is in proportion to the esteem of the object, was offered by the Sadducees. This interpretation is, however, fraught with difficulties.

If the view which exempts animal bones from uncleanliness were shared by the Sadducees, why was R. Johanan's complaint addressed to the Pharisees? Rather we should then expect the form of counter-complaint found in the following controversies (Yad. 4:7-8): We protest against you, O Sadducees! Moreover, why should the Sadducees offer a rationale in response to a complaint directed at their opponents? Geiger already noted these difficulties and suggested that a later editor had wrongly attributed the Pharisaic rationale to the Sadducees.23 Actually the text as it stands need not be read as a continuous dialogue between R. Johanan and the Sadducees. It would appear that R. Johanan rhetorically assumed the role of devil's advocate in order to elicit from the Pharisees a rationale which he could use to counter the Sadducean complaint. The citation introduced by 'amru lo may therefore be attributed to the Pharisees, while 'amar lahem pertains to R. Johanan's response to the Sadducees. There is accordingly no warrant for the assumption that the statement 'the bones of an ass are clean' represents a ruling also accepted by the Sadducees. Indeed it is highly probable that the opposite was the case; for the Sadducees, bones, both human and animal, were as defiled as flesh. We have already noted that 11QTemple takes a similar position, and we may therefore take this as another instance of convergence between the Qumran and Sadducean interpretation of the laws of ritual purity.

C. Nissoq

In the same mishnaic context as that of the foregoing controversy there is recorded another dispute about purity between the Pharisees and the Sadducees:

The Sadducees say, 'We protest against you, O Pharisees, for you declare clean the nisiq.' The Pharisees say, 'We protest against you, O Sadducees, for you declare clean a channel of water that flows from a burial ground.'

(M. Yadavim 4:7)

The word nisiq has been variously rendered by modern scholars24 but, as we note in what follows, the Qumran use of a cognate indicates that there is no warrant in this case for departing from the traditional interpretation

22 See the classic commentaries ad locum and H. Albeck, Mishnah Seder Tohorot (Jerusalem, 1959) 485, 608.
23 He-batuq 6 (1861) 18-25.
24 The references to the various views may be found in Guttman, Rabbinic Judaism 153-154.
according to which \textit{niss\textsuperscript{q}oq} is an unbroken stream of liquid.

Mishnaic halakha specifies that when liquids are poured from a clean into an unclean vessel the former does not become contaminated, unless the liquid is one of unusually high viscosity:

Any \textit{niss\textsuperscript{q}oq} is clean, except a stream of thick honey or batter. The School of Shamai say: Also one of porridge made from grits or beans, since it shrinks backwards. (Makshirin 5:9)

According to the Sadducees the stream of any poured liquid acts as a connective causing the impurity of the receptacle to contaminate the upper vessel. The Pharisaic reply seeks to demonstrate that streams do not always serve as a medium for the transfer of defilement, witness the purity of water issuing from a cemetery.

In his linguistic commentary on the Copper Scroll,\textsuperscript{25} Milik cites, without elucidating the context or the meaning, the following passage from a Cave 4 text, designated \textit{4QM\textsuperscript{\textit{m}}}:

אף על המיסקוק אמשיע אומים (עומדים) שאין בהמה שלמה כי לאח הת Methodist המקובל

The word \textit{MW\$Q} (from \textit{YSQ} ‘to pour’) in biblical usage designates molten materials.\textsuperscript{26} Here, however, \textit{HMWSQWT} is followed by \textit{WHMQBL MHMH}. \textit{QBL} is employed as a terminus technicus for receiving poured liquids in a container. The following may be offered as a tentative translation of the passage:

And also concerning liquid streams we say that there is no purity\textsuperscript{27} in them, for the moisture of liquid streams and that which acts as a receptacle for them is considered like one.

The expression \textit{\textit{NH\textit{HNW WMRYM}}, ‘we say’}, has a distinct polemical nuance. It seems quite possible that the ruling may pertain to the very situation envisaged in \textit{Yad}. 4:7, a clean liquid being poured into or upon an unclean receptacle. If so, the Qumran ruling would be an explicit affirmation of the Sadducean position.

\textsuperscript{25} \textit{Discoveries in the Judaean Desert} 3, Les petits grottes de Qumrân (Oxford, 1962) p.225. Attention to this passage and its possible connection with the controversy in \textit{Yadayim} was drawn by Yadin, \textit{Megillat} vol. 2, p.150.

\textsuperscript{26} 1 Kgs. 7:23, Job 38:38

\textsuperscript{27} In rabbinic and Qumran usage \textit{THR\textit{H}} may also refer to the act of purification or immersion (\textit{1IQ\textit{Temple}} 49:15; cf. \textit{mkelim} 2:1 \textit{et al.}). According to \textit{m\textit{Toh}.} 8:9 the \textit{niss\textsuperscript{q}oq} is not considered a connective for either defilement or purification (\textit{THR\textit{H}}). Thus, a stream would not qualify for immersion even when connected to a pool with the required measure of forty \textit{se\textsuperscript{a}ht}. This brings to mind the rule in CDC 10:10 ff. concerning immersion in waters not sufficient to cover a person. One might consider the possibility that the passage from \textit{4QM\textsuperscript{\textit{m}}} pertains to a restriction of immersion in \textit{MW\$QWT} as shallow streams. This, however, does not appear compatible with the stated reason, that is, the unity of the \textit{MW\$QWT} and the \textit{MQBL}. A definitive translation must, of course, await the full publication of the text.
D. Immersion of the Menorah

We have so far found indications that in three of the four disputes between Pharisees and Sadducees concerning ritual purity, the Qumran view was likely to have been in harmony with that of the Sadducees. It should also be noted that in all three of the foregoing cases the Sadducees held the position of greater stringency. This contrasts sharply with the fourth dispute in which the Sadducees are described as ridiculing a purification procedure mandated by the Pharisees:

It once happened that they immersed the candelabrum on a festival; whereupon the Sadducees said: ‘Come and observe the Pharisees who immerse the orb of the moon’. 24

The sources do not in this case explicate the halakhic issue involved in this dispute. The hypotheses offered by the commentators to explain why the Sadducees deemed the immersion of the Menorah to be superfluous are not much better than conjectures. Yet we may briefly review them to ascertain whether there are grounds for supposing that on this issue, too, the Qumran view would have coincided with that of the Sadducees.

1. Some modern scholars have made the not implausible suggestion that the clash concerning the Menorah was but a reflex of differences surrounding the exclusive status of the priesthood. 29 While it was necessary to purify those utensils which might have been touched by the throngs of pilgrims who frequented the Temple precincts during festivals, this, in the opinion of the Sadducees, did not apply to the Menorah, which was placed in the Hekal and was accessible only to the priests. The latter could surely be relied upon to avoid any possible contamination.

We note, however, that such a premise, placing the purity of officiating priests beyond any possible doubt was apparently not shared by the author of 11QTemple. The latter ordains that the chambers of the Temple court were to be systematically purified with each change of priestly courses (45:5-6). Moreover, strict precautions were taken to avoid contact between the entering and the departing courses: “And when [ ...] the first shall go out on the right; and let them not mingle with each other and their utensils” (45:3-5). Apparently there was concern lest the entering priests and their utensils, just purified, become defiled by contact with the departing priests. It would thus appear that the Qumran teachers would have had no reason to object, on the grounds of priestly immunity, to the mishnaic ruling which required all Temple utensils, except for the altars, to be immersed after festivals (Hag. 3:8).

24 1Hag. 3:35 (Lieberman, Tosefta ki-fshutah p.1336); the Erfurt, London, and Genizah mss. omit BYWM TWB, as does the parallel in yHag. 79d; the latter reads “orb of the sun”.

2. According to another theory, the Sadducees held metallic utensils to be insusceptible to defilement, since they did not accept the decree imposing such defilement which was attributed to Simon ben Shetah.\textsuperscript{30} This may be characterized as \textit{obscurum per obscurius}. What need was there for Simon's decree, when the impurity of metallic vessels is already indicated in Num. 31:22-23?\textsuperscript{31} Certainly the available Qumran texts seem to take it for granted that metalware was subject to defilement,\textsuperscript{32} and there is no apparent reason why this would not apply to the Menorah.\textsuperscript{33}

3. The candelabrum, others suggest, was not held by the Sadducees to be a vessel subject to contamination, since its function was to provide light, not to hold edibles.\textsuperscript{34} In CDC 12:17, however, nails and pegs in a wall are listed as subject to uncleanness along with working implements. This would indicate that the definition of what constitutes a vessel was, if anything, more inclusive at Qumran.

4. Finally, there are scholars who infer from the Menorah incident that the Sadducees were simply apathetic to the observance of ritual purity.\textsuperscript{35} Needless to say, such a judgment can hardly be made about the men of Qumran, whose writings bespeak a pervasive concern with purity. Moreover, how is one to account for the anomalous fact that in three of the above-mentioned controversies the Sadducees are said to have insisted on more rigorous standards of \textit{johorah}?

E. \textit{Sadduqìm} and Benè \textit{Șadoq}

One conceivable explanation, which deserves to be mentioned, may lie in the possibility that the name \textit{Sadduqìm} was employed in rabbinic sources for more than a single category of sectarian deviation. It is well known that due to censorship this name was often substituted for \textit{mīnim}. Thus, the


\textsuperscript{31} Cf. L. Ginzberg, \textit{On Jewish Law and Lore} (Philadelphia, 1955) 83, who speculated without evidence that Simon's decree may have been directed against imported metalware such as bronze and gilded objects.

\textsuperscript{32} CDC 12:17-18; cf. \textit{11QT}emple 49:15, where iron and copper utensils are listed among objects susceptible to defilement by a corpse.

\textsuperscript{33} In his commentary on \textit{Ḥag.}, 3:35, R. David Pardo (d. 1792) suggested that the Menorah had in this case only been defiled by liquids (cf. \textit{yḤag.} 79d) which, according to the Sadducean view, were incapable of contaminating vessels. This interpretation has recently been echoed by H. D. Mantel in \textit{Society and Religion in the Second Temple Period}, ed. Avi-Yonah and Baras, (Philadelphia, 1977), 109. Again, we doubt whether such a lenient view would be applicable to the Qumran exeges who held liquids to be an especially potent medium for contamination. \textit{11Q}emple 49:11-12 goes so far as to require the removal of oil, wine, and water stains from the walls of a house in which there had been a corpse (cf. CDC 12:16 and our \textit{Studies in Qumran Law} (Leiden, 1977) 88-97.

\textsuperscript{34} Guttmann, \textit{Rabbinic Judaism} p.154. \textit{Sifra} Shemini 6 (Weiss 52d) lists candelabra among implements insusceptible to defilement, but this pertains to wooden rather than metal utensils.

\textsuperscript{35} F. Rosenthal, \textit{Vier apocryphische Bücher} (Leipzig, 1885); D. Flusser in \textit{Society and Religion} (note 33) 7 describes the Sadducees as "the only group known to us from Second Temple times not based on cleanliness."
following sectarian complaint, directed at the Pharisees, is likewise recorded in *mYadayim*:

A Galilean Ḡadduqī said: ‘I protest against you, O Pharisees, for you write (the name of) the ruler in a writ of divorce together with (the name of) Moses (4:8).’

This brings to mind the testimony of Josephus that the Essenes held the name of the lawgiver most in awe after God. 36 However, the correct reading preserved in manuscripts is *mīn gēlīti*, and Lieberman has therefore identified these sectarians with the *Galilaiōi*, listed by the Church fathers as distinct from the Essenes. 37 It is also probable that the ṣebelē šaḥarīn referred to at the end of *Tosephata Yadayim* are to be identified with the *Hemerobaptistai*, although the Essenes apparently used the epithet Benē šaḥar and were markedly sensitive to the symbolism of dawn. 38 The ṣebelē šaḥarīn also directed their complaint at the Pharisees: ‘We protest against you, O Pharisees, for you utter the divine name in the morning without immersion.’ 39 Josephus does not mention any Essene immersion before their sunrise prayers.

It is thus apparent that the ‘complaint’ form was used in tannaitic literature to depict a variety of sectarian deviations and was not limited to controversies involving the Sadducees. The reading Ḡadduqīm in *Parah* 3:7 and *Yadayim* 4:6-7 is well established, yet this does not preclude the possibility that this name might have been applied to the Benē Ṣadoq of Qumran. In Qumran writings the name Benē Ṣadoq is used for the lay adherents as well as the priests of the sect, with Benē Ṣedeq as an alternate designation. There is a possibility that the Teacher of Righteousness was himself called Ṣadoq. 40 Could it be that the Ḡadduqīm who are portrayed in the Mishnah as complaining about Pharisaic laxities in the sphere of purity were not the aristocratic Sadducees but heterodox rigorists of the ‘Zadokite’ type?

G. R. Driver, whose efforts to link the Benē Ṣadoq of Qumran with Judah and Ṣadoq, the founders of the Fourth Philosophy, have found but little acceptance among students of the Scrolls, has maintained that some of the Church fathers knew of ‘Sadduceans’ not identical with the

36 *Jewish War* 2.8,6,145
39 *IYad.* at end; Lieberman, ‘Light on the Cave Scrolls’, 401.
Sadducees. The third century writer, Pseudo-Clement, refers in his Recognitions to a group called Sadducaei which is said to have arisen in the time of John the Baptist and “as more righteous than others, began to separate themselves from the assembly of the people and to deny the resurrection of the dead.” While the denial of the resurrection was characteristic of the Sadducees, one could hardly suppose that they arose as late as the time of John the Baptist. However, it is, in our view, likely that these chronologically confused reports stem from the rabbinic tradition linking the Sadducees with Ṣadoq and Boethus, the disciples of Antigonus, as indicated by the teaching attributed to the Sadducaei by Ps. Clement: Non esse dignum ut quasi sub mercede proposita colatur deus. This may be compared with the dictum of Antigonus in mAbot 1:3: “Be not like servants who serve the master for the sake of receiving a reward.”

Driver further maintained that Jerome in his commentary on Matthew referred to Sadducaei who believed in the spirit, in angels, and in the resurrection and are hence to be distinguished from the Sadducees. The passage in question reads as follows;

Duae haereses erant in Judaeis: una Pharisaorum, altera Sadducaeorum. Pharisaei traditionum et observationum, quas illi δευτερότερας vocant, justitiam praeferebant; unde et divisi vocabantur a populo. Sadducaeae autem, qui interpretantur justi, et ipsi vindicabant sibi quod non erant: prioribus et corporis at animae resurrectionem credentibus, confitentibusque, et angelos, et spiritum; sequentes (juxta Acta apostolorum) omnia denegabant. (Commentari in Evangelium Mattaei II, 22, 179; Migne, Patrolog. Lat. XXVI, 170)

Driver apparently took the affirmation of angels and resurrection to apply to the Sadducaei, but prioribus must be translated ‘the former’, and in the context clearly refers to the first-mentioned Pharisees, while sequentes, ‘the latter’ i.e. the Sadducees, denied these beliefs. Thus, the claim that the Church fathers knew of Sadducaeans distinct from the Sadducees and possibly to be identified with the Zadokites of the Scrolls turns out to be unsubstantiated.

F. Conclusion

Returning to the Sadduqîm in tannaitic texts, we have found their complaints about Pharisaic laxities in the sphere of purity to be consistent

42 Recognitions 1.53-54: Erat ergo primum schisma eorum, qui dicebantur Sadducaeae, initio Johannis iam pene temporiis sumpto. Hique ut caeteris iustiores segregare se coepere a populi coetu, et mortuorum resurrectionem negare idque argumento infidelitatis asserere, dicentes non esse dignum ut quasi sub mercede proposita colatur deus.
43 Auchen & Moesinger, Evangeli concordantis exposito facia a sancto Emphraemo 287-88, cited by Driver, Judaean Scrolls, 260.
with the laws found in the *Temple Scroll* and other Qumran writings. The Sadducean repudiation of the Pharisaic immersion of the Menorah remains obscure and is not supported by the tendency to rigor reflected in these writings. However, it would, in our opinion, be simplistic to resolve this discrepancy by assuming that the ‘complaining’ Ṣadduqīm were not Sadducees and that the latter were not concerned with purity. According to a tannaitic story, R. Johanan b. Zakai once disqualified a Sadducean High Priest who had insisted on waiting until sundown after his purification preparatory to burning the red heifer. Even the High Priest Ishmael b. Phiaibī II, who is mentioned favourably in talmudic sources, is said to have prepared one red heifer in accordance with Sadducean requirements. This would indicate that, at least as far as the Temple was concerned, the Sadducees favoured a strict construction of biblical purity laws.

Despite the affinity in names, heretofore, the only specific convergence between the Qumran *Benê Ṣadoq* and the Sadducees in the area of halakha has been their common insistence that the Omer offering be brought on a Sunday ("on the morrow of the Sabbath"). On the basis of this initial inquiry, it may now be possible to add their rejection of Ṭebul Yom, their defilement of animal bones, and their views on Nīṣqōq, as three additional points of agreement in opposition to Pharisaic teaching.

44 *ipar* 3:6,8.

45 *mena* 10:3 where this is said to have been the view of the Boethusians; however, according to *bmena* 66a, the Boethusians took the Sabbath in question to be the one which falls in the Passover week, while the Qumranites set the Omer offering on the morrow of the Sabbath following the Passover week.

*Addendum to Note 4*

Finkelstein (*The Pharisees* 690-91) takes note of the discrepancy between *m* *haggah* 2:6-7, where *haj*a' is rated as the highest level of purity, superior to that of sacred offerings and *terumah*, and *mParah* 3:7 which requires the ashes to be prepared by a Ṭebul Yom, though the latter could eat neither offerings nor *terumah*. The Tosafists (*Zebabim* 17b, rubric *seraphah*) observed cogently that the Pharisees defiled the High Priest, about to burn the Parah, by having the elders place their hands upon him (*mParah* 3:8). Since this was not one of the biblical sources of defilement, the subsequent immersion would have sufficed to qualify the High Priest for all sacred functions. Finkelstein posits an evolution in the Pharisaic conception of Ṭebul Yom. The earlier halakha permitted priests in this state to eat *terumah* and to touch, though not to eat, sacrifices. Later the school of R. Akiba arrived at a more stringent view which no longer viewed the Ṭebul Yom as qualified for ritual functions other than the red heifer. The resulting discrepancies are still reflected in rabbinic sources and occasioned diverse theories among medieval authorities. Whether or not one follows Finkelstein in all facets of his analysis, we believe that he has convincingly depicted the Pharisaic version of the Parah ritual as a demonstrative affirmation of the efficacy of immersion as a means for maintaining purity outside the sphere of the Temple.

In his *History of the Mishnaic Law of Purities*, Part XXII (Leiden, 1977), J. Neusner rejects the historicity of the entire Pharisaic-Sadducean dispute about the red heifer. He asserts that the mishnaic story about this rite being carried out by a priest who was Ṭebul Yom stems from a period no earlier than that of Usha. [In *mParah* 5:4, however, the parallel principle of
defiling and immersing the utensils used in the rite in order to render them *Tebul Yom* is already espoused by R. Joshua, a Yavnean. The Ushans, he suggests, made up a ‘historical’ account which served to illustrate their legal theory (p.244). For the development of this theory Neusner discerns four stages: (1) The Scriptural priestly legislation, according to which the rules of purity do not apply at all to the rites of the cow, since the latter takes place outside the camp in an unclean place. “It follows that people who are going to participate in the rite, slaughtering the cow, collecting its ashes, and the like are not clean” (History of the Mishnaic Law of Purities, Part X, Parah (Leiden, 1976) p.223) [See, however, Num. 19:9: “And a man who is clean shall gather up the ashes of the heifer, and lay them up without the camp in a clean place.’] (2) The pre-Yavnean stratum (before 70 C.E.) which introduced the supposition that the rite is performed in conditions of cleanliness along with the notion that a static immersion pool can serve as a means of purification (Part XXII, 131-133). [We should note that the size of the immersion pool already figures in Qumran legislation such as CDC 10:10-14.] (3) The Yavnean (70-140 C.E.) view that the red heifer rite requires the highest degree of purity, thus excluding *Tebul Yom*. [We have noted above that the Mishnah attributes the insistence on *Tebul Yom*, to R. Joshua, a Yavnean. The Tosephta traditions take us back even further with stories which tell of the Para being prepared by *Tebul Yom* in the time of Ishmael b. Phibi II and R. Johanan b. Zakka.] (4) The view at Usha (140-170 C.E.) which represents an ‘amazing shift in thinking’ from Yavneh (Part XXII, 248). Instead of requiring stringent measures to maintain maximum purity, the rite is now seen as analogous, not to sacrifices brought in the Temple, but to those done outside the Temple, such as the Passover, and consequently not requiring a state of cleanliness (*ibid.*, 249-50). [Yet, the paschal lamb was unanimously viewed by the Rabbis as a Temple sacrifice in accordance with Deut. 16:5 (*mPesaḥim* 5:5, Jewish War 6.9.3,426 et alibi); it also required a state of purity (*Num*. 9:9, 2 Chron. 30:15-19, Ezra 6:19-22) except when the majority of the community or the priests were unclean (*mPesah* 7:4-6, 9:1-4). While some leniencies were allowed, the *Tebul Yom*, specifically, was not held eligible to eat of the Passover (*bPesaḥ* 90a-b.) This reversal of perspective, a rapprochement to the original position of the biblical legislation, led not only to the acceptance of the *Tebul Yom*, but to the creation of the mythical account (*mParah* 3:7-8) of a deliberate defilement and immersion of the High Priest in opposition to an alleged Sadducean requirement to wait until sundown. [It is curious that the position thus attributed to the Sadducees is essentially identical with that said to have been held at Yavneh — indeed, a remarkable shift in thinking!]

While the complex problem of *Tebul Yom* and the degree of purity distinguished in rabbinic sources is susceptible to varying approaches, we do not consider it justifiable to relegate the Pharisaic-Sadducean controversy concerning the red heifer to the realm of myth. On the contrary, the evidence from IQTemple strongly indicates that the requirement of sundown as an indispensable sequel to immersion was an issue of polemical importance to at least one ‘Zadokite’ group in the Second Temple period.