

EXCLUSION FROM THE SANCTUARY AND THE CITY OF THE SANCTUARY IN THE TEMPLE SCROLL

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Introduction

The discovery and publication of the *Temple Scroll* (Yadin, 1977, 1983; abbreviated below as 11QT) opened new vistas for the study of the history of Jewish law in the Second Commonwealth period. Immediately after the Hebrew edition of the scroll appeared, debate ensued about whether this scroll was to be seen as an integral part of the corpus authored by the Qumran sect, or simply as a part of its library (cf. Schiffman, 1983a, 1985c). This question was, in turn, related to the problem of whether this text reflects generally held beliefs of most Second Temple Jews, or whether its laws and sacrificial procedures represented only the views of its author(s), who were demanding a thoroughgoing revision of the sacrificial worship of the Jerusalem Temple, or, finally, whether it reflected the author's eschatological hopes.

This question is crucial in regard to the laws pertaining to various classes of individuals who were to be excluded from the Temple, its city (known in the *Temple Scroll* as *ʿir hammiqdāš*, "the city of the sanctuary" or "Temple city") and the other cities of Israel because of various forms of ritual impurity or other disqualifications. The editor of the scroll, Yigael Yadin, maintained that it represented a point of view substantially stricter than that of the somewhat later tannaitic sources, and that the scroll extended all prohibitions of such impurity to the entire city of Jerusalem at least. Yadin (1983, I, pp. 277–85) saw this as part of the general tendency of the author toward greater rigorousness in matters of law and biblical interpretation. Levine (1978, pp. 14f.; cf. Milgrom, 1978a, pp. 26f. and Yadin, 1980, pp. 157–62) immediately challenged Yadin, claiming that the *ʿir hammiqdāš* from which these various classes were to be excluded extended only to the *temenos* itself, the Temple Mount, and not to the entire city. Indeed, both views had been put forward years before by Ginzberg (1922, pp. 104f.; 1976, pp. 73f.) in his pioneering study of the *Zadokite Fragments*.

This paper will investigate the particular forms of impurity and disqualification, as well as the scriptural sources from which these rules are derived, and will compare these laws with those of the Rabbinic tradition. We shall elucidate, in turn, the scroll's regulations regarding those excluded from the inner court but allowed in the middle and outer courts, those excluded also from the middle court, and those excluded from the entire city of the sanctuary. Further, a solution will be suggested for the dilemma of the "city of the sanctuary" which it is hoped will satisfactorily answer the questions raised in the debate carried on by Yadin and Levine.

EXCLUSION FROM THE INNER COURT

11QT 35:1–8, a fragmentary passage, deals with exclusion from the inner court:

[	קודש]	ש הקודש]]
[	כול	איש אשר לוא]]
ק]	ודש	א כול	איש אשר לוא]
הוא	אין	ה מ	..... ה וכול]
הוא	כזהן	י[נ]מת	וכול
איש	יבוא	הוא	אשר
א	....	והוא	אין
ידיו	גם	המה	ימתו
לשאת	עון	אשמה	למות

[	the hol]y	of holie[s]
[	] any man	who is not	[
[	] any man	who is not	[
[	And any	[	] who is not
a	priest shall	[be put to]	death, and any man who
come	[is a prie]st	who shall	come
.....	and he is	not dressed	in [the holy] gar[ments]
ordained	with which	he was	ordained
to minister,	they too	shall be	put to death and they shall
not def[ile	the sanc]tuary	of their	God so as to bear
the penalty	for a capital	offence.	

This passage, as can be seen from both context and biblical parallels (cf. Yadin, 1983, II, pp. 147f.), prohibited entry into the area surrounding the *hekāl*, altar, laver, and stoa (*parwār*) to anyone not a priest, to priests who were unclean or blemished, or to those priests not dressed in the appropriate garments. Violators of this law would be put to death.

Lines 2–3 must represent paraphrases of Lev 22:3 and 21:16f. The prohibition against one who is not a priest is based on Num 17:5 (cf. Num 1:51, 3:10, 38, 17:28, 18:7; Yadin, 1983, II, pp. 147–49). The prohibition against entering the inner court without the priestly garments is

paralleled by 11QT 33:1–7 which, although fragmentary, seems to have required that the priests change out of their sacred linen vestments when they left the inner court (cf. Ezek 44:14–19; Yadin 1983, I, p. 222). Milgrom (1978b, p. 521) suggests that the improperly dressed priest falls into the category of a *zār*, a non-priest.

Rabbinic *hālākāh* likewise expected only priests to be found in the inner court (the camp of the divine presence), although Israelites were permitted to enter its outermost area for specific cultic acts. To them, the boundary of this area was the gate of Nicanor, at the entrance to the court of the Israelites. Those priests with blemishes were restricted in the same way as were ordinary Israelites. Priests who served in the inner court had to wear the required vestments. One who performed the sacrificial service without the priestly garments (termed *mehussar begādīm*) was liable to death at the hands of heaven (T. *Sanhedrîn* 14:16, T. *Zebāhîm* 12:17, T. *Kerûtôt* 1:5), and his sacrifice was considered invalid (M. *Kerûtôt* 2:1).

EXCLUSION FROM THE MIDDLE COURT

Column 39 of the *Temple Scroll* deals with various regulations concerning the middle court. Those prohibited and permitted entrance are specified in the fragmentary lines 5–11.

The Fourth Generation

11QT 39:5–7 is an especially difficult prescription:

[space for several words] בן ישראל [עין]. . .
להשתחוות לפני כול ע[ד]ת בני ישראל.

. . . four[th] generation, a son of Israel [space for several words], to bow down before me, the entire congregation of Israel.

Yadin (1983, I, pp. 247f.) has interpreted this passage to refer to *gērîm*, those who have joined the Jewish people.¹ According to his view, they are to be excluded from the middle court until the third generation of their children. Indeed, as he notes, 11QT 40:6 does consign the *gērîm* to the outer court along with women. Yadin's citation of Gen 15:16 is not fully explained by him. If this is the source of our law, the author of the

1. The precise interpretation of the term *gēr*, literally, "stranger, sojourner" in both a biblical context and in the Dead Sea corpus, is quite problematical. The biblical *gēr* sometimes appeared as simply a non-Israelite living in the Land of Israel. At other times, he seemed to be a non-Israelite in the process of joining the people of Israel according to the informal system of "conversion" which existed in biblical times. This latter usage influenced the Dead Sea Scrolls, and especially the present context.

scroll would be interpreting that verse as follows: Only the fourth generation (counting the parents as the first) may enter here (into the Temple), since the “transgression” of non-Jewishness cannot be expiated before the fourth generation. Accordingly, Yadin compares Exod 20:5.

While Gen 15:16 may be the source of the expression *dôr rebhî^{cî}*, “the four[th] generation”, we must consider the influence of Deut 23:8–9 (Yadin, 1983, II, p. 170). This passage commands the Israelites not to withhold from the Edomite and the Egyptian the right of entry into the congregation (*qāhāl*, cf. *ʿadat* in 11QT 39:6) of the Lord. In the case of the Egyptians, it explains that “you were a *gēr* in his land.” The text goes on to require, however, that only after the third generation of children (equivalent to four generations counting the original *gērîm*) could members of these nations who had entered the Jewish people intermarry with full-fledged, born Israelites. This, then, is the actual source of the law of our passage. The *Temple Scroll* derived from this passage that those nations allowed to convert to Judaism (we do not know if there were formal procedures at this time) could only lose the status of the class of *gēr* with the fourth generation, i.e., after three generations of children had been born to them.

The other materials of the Qumran corpus are divided as to whether the *gērîm* constituted a separate class. The *Zadokite Fragments* (CDC 14:4–6) definitely sees them as a class, being mustered separately after the Israelites (*benê yisrāʾēl*).² The *Manual of Discipline* (IQS 2:19–21) envisages a threefold division into priests, Levites, and “the entire people” (*kol hāʿām*, cf. 6:8–10: *šeʾār kol hāʿām*, “the rest of the entire people”). This disagreement within the sectarian corpus may result from the differing settings which the texts portray. The *Manual of Discipline* legislates for the sectarian center at Qumran, whereas the *Zadokite Fragments* are directed at those in the sectarian settlements within the cities of the Land of Israel (cf. Schiffman, 1983b, pp. 7f.). It may be, therefore, that proselytes did not enter the sectarian center, but were only part of the outlying branches of the sect.

Yadin (1983, I, p. 247f.) quotes a parallel from 4Q Florilegium (Allegro, 1968, p. 53) col. I, ll. 3–4, according to which in the End of Days Ammonites, Moabites, *mamzerîm*, non-Jews (*ben-nēkār*) and *gērîm* will not be permitted to enter the Temple at all. Baumgarten’s study of this text (1972; 1977, pp. 75–87) convincingly demonstrates that the *ben nēkār* is the equivalent of the tannaitic *nāṭîn* (non-Jewish Temple servi-

2. Cf. *Pešer Nahûm* 3–4, col. II, line 9 (Allegro, DJD V, p. 38; cf. Strugnell, 1970, p. 207), *gēr nîlweh*, although it is not certain if this refers to a convert or to a resident alien, termed *gēr tôšāb* by the *tannâʾîm*. On proselytes at Qumran, cf. Schwartz, 1986.

tor) who, along with the proselyte, would be excluded from the sanctuary in the End of Days. Baumgarten sees this prohibition as derived from Deut 23:3–4 where the proscription of entry into the *qāhāl*, taken by the Rabbis as referring to marriage, was interpreted by the 4Q Florilegium as dealing with entry into the Temple.

It can be presumed that in the view of our scroll non-Jews would be excluded from the entire *temenos* (Baumgarten, 1982, p. 216). M. *Kelim* 1:8 (cf. M. *Middôt* 2:3) prohibits non-Jews from entering beyond the barrier surrounding the court of the women. Josephus attests to an inscription warning against the entry of a foreigner beyond this point under penalty of death (*Ant.* XV, xi, 5 [417]; cf. *Ant.* XII, iii, 4 [145]; *War* V, v, 2 [1941]), and an inscription to this effect was actually found (for bibliography see Baumgarten, 1982, p. 218).³

Tannaitic literature also attests to a view that the proselytes remain a separate class. The majority ruled that the *gēr* was permitted to marry certain classes whom the priest, Levite or born Israelite could not (T. *Qiddūšîn* 5:1, cf. Schiffman, 1986b). Nonetheless, the legitimate *gēr* was not excluded from the Temple according to any rabbinic sources. He could enter the court of the Israelites with his fellow Jews (Blidstein, 1974, pp. 433f.).⁴

Women and Children

11QT 39:7–9 requires that women and boys under twenty be excluded from the middle court:

לוא תבוא בה אשה וילד עד יום אשר ישלים חוק [space for several words] נפש
לה, מחצית השקל חוק עולם, לזכרון במושבותיהמה.

A woman shall not enter there, nor a boy until the day when he fulfills his obligation [space for several words] for himself to the Lord, a half-shekel, an eternal statute,⁵ as a memorial in their settlements.

3. The *Temple Scroll* does not discuss the entry of Ammonites, Moabites, *mamzerim*, and *netinim* into the Temple precincts. Nonetheless, if the author of the *Temple Scroll* shared the view of 4Q Florilegium regarding the interpretation of Deut 23:3–4, these classes would probably have been prohibited by him from entering into even the outermost court of his imagined Temple (cf. Isa 52:1; Joel 4:17; Yadin, 1983, I, p. 281; Blidstein, 1974, pp. 431–3).

4. Baumgarten (1982, pp. 219–25) discusses the possibility that the objections to the presence of Agrippa I in the Temple might be because of a view that proselytes were not to enter the Temple. Baumgarten has not noticed that Agrippa I was not Jewish according to the prevailing definitions of Jewish status in his time. Cf. Schiffman, 1985b, pp. 13f.

5. The words “an eternal statute” call into question Yadin’s view (1983, I, p. 248) that this scroll envisaged a one-time payment of the half-shekel as does 4Q Ordinances lines

11QT 40:6 indicates that women were to be allowed only into the outer court. Presumably, boys below twenty were to be permitted there as well. Yadin (1983, I, pp. 247f.; cf. Schiffman, 1985a, p. 394) has noted the similar requirement of the *War Scroll* (IQM 8:3–4) that women and young boys be excluded from the military camp. The age of majority, in this scroll and in the sectarian legal corpus, as well as in various rabbinic traditions, is indeed twenty years old (Schiffman, 1983, pp. 55–60, 63–65). Only after reaching this age and making the requisite contribution of the half-shekel, was a boy considered an adult and could he enter the middle court.

Tannaitic sources indicate that women were to be excluded from the court of the Israelites and were to remain in the court of the women, which was actually also accessible to men (T. *Sukkāh* 4:1). There is no indication in Talmudic sources that male children were excluded from the court of the Israelites. Further, children were expected to fulfill the commandment of pilgrimage with the help of their parents from the time they were physically able to ascend the Temple Mount from Jerusalem (M. *Hagīgāh* 1:1).

EXCLUSION FROM THE TEMPLE CITY

After describing at length the plan of the Temple with its three courts (to which we will return below), the *Temple Scroll* lists a series of conditions which cause a person to be excluded from the *miqdāš* or the *‘īr hammiqdāš*. These prohibitions stem from the fact that the Lord is said to dwell in the sanctuary (11QT 45:13–14).

The Emission of Semen

11QT 45:7–12, the first law in this series, prescribes the exclusion of one who has had either a nocturnal emission or sexual relations with his wife:

וא[יש] כי יהיה לו מקרה לילה לוא יבוא אל כול המקדש עד אשר [יש]לים שלושת ימים. וכבס בגדיו ורחץ ביום הראשון, וביום השלישי יכבס בגדיו ורחץ. ובאה השמש, אחר יבוא אל המקדש. ולוא יבואו בנדת טמאתמה אל מקדשי וטמאו. ואיש כיא ישכב עם אשתו שכבת זרע לוא יבוא אל כל עיר המקדש אשר אשכין שמי בה שלושת ימים.

And if a ma[n] has a nocturnal emission he may not enter the entire sanctuary until he [com]pletes three days. And he shall launder his clothes and wash on the first day, and on the third day he shall launder his clothes

6–7 (DJD V, p. 7). Cf. the discussion of this text in Schiffman, 1983, p. 58. Yadin translates the first occurrence of *hōq* in 11QT 39:8 as “the law.”

and wash. Then after the sun has set, he may enter the sanctuary. They may not enter my sanctuary in their time of impurity so as to render it impure. And when a man has sexual relations with his wife he may not enter the entire city of the sanctuary wherein I cause my name to dwell for three days.

According to this law, one who has had an emission of semen, whether during sexual relations or otherwise, is forbidden to enter the sacred precincts. He is to follow a three day purification period before he may return. Now the text raises a problem by its use of differing terminology. He who had a nocturnal emission is to be excluded from *kol hammiqdāš*, "the entire sanctuary," whereas one who had relations with his wife is excluded from *kol ʿir hammiqdāš*, "the entire city of the sanctuary." Nonetheless, the text prescribes the very same purification procedures for both.

Yadin has compared the prescription in 11QT 46:16–18, which requires that three places should be set aside east of the city for those afflicted with the skin disease *šāraʿat*, those with gonorrhoea, and those who have had nocturnal emissions (note that *laylāh* is restored). He therefore concludes that, despite the statement in our text that the one who had a nocturnal emission is excluded only from the Temple (*miqdāš*), he is clearly excluded from the city. Yadin's somewhat difficult reconciliation of these passages is as follows: Entry into the city was permitted after compliance with Deut 23:12, requiring a one day purification period after the emission of semen. Entry into the Temple required a three day period as described in our text (Yadin, II, p. 192; cf. Milgrom, 1978, pp. 517f.; 1978a, p. 27). Since our text requires the same purification ritual for both nocturnal emission and sexual relations, it is extremely difficult to accept Yadin's complex explanation.

An alternate view would hold that our scroll saw the Torah as discussing only the first stage in purification, and that our author required a three day purification ritual, and did not make any distinction between the sanctuary and the city of the sanctuary. If so, it may be that Levine is correct in seeing these two terms as synonyms for the Temple precincts, the *temenos*.

Deut 23:11–12 mandates the purity of the military camp (*maḥāneh*) and requires that anyone who has had a nocturnal emission be excluded from the camp. At evening he is to bathe and at sunset he may return to the camp. Indeed, this biblical law is found in the *War Scroll* (1QM 7:5–6), where the presence of the angels among the warriors of the eschatological war is given as the explanation for the strict purity which must be maintained. This explanation is, in turn, a reflection of Deut

23:15, "Since the Lord your God moves about in your camp . . ." (New JPS; cf. Schiffman, 1985a, pp. 374f.).

In regard to sexual relations between husband and wife, Lev 15:18 had prescribed the very same one day period and purification ritual required by Deuteronomy for one who had a nocturnal emission. The three day extension of this period by the author of the *Temple Scroll* results from his interpretation of Exod 19:10–15, which required a three day abstention from sexual relations before Israel could receive the revelation at Sinai. Any emission of semen was taken by the author of our scroll to require this three day period (cf. Yadin, 1983, I, pp. 288f.; cf. Milgrom, 1978b, p. 513).⁶

Yadin has noted that the extent to which the various classes are to be excluded is dependent on the interpretation of the scriptural references to the camp (*maḥāneh*). After all, Deut 23:11 requires that the one who is impure be excluded from the camp. According to the Rabbis, the encampment of Israel in the wilderness was divided into three sections. The camp of the divine presence (*maḥāneh šeqīnāh*) was the Tabernacle itself and the immediately surrounding court. The camp of the Levites (*maḥāneh lewiyyāh*) was the area around the Tabernacle in which the Levites dwelt. The camp of Israel (*maḥāneh yisrāʾēl*) was the area in which the twelve tribes lived. When transferred to the Land of Israel, the Temple building itself with the surrounding courts of the priests and Israel was the equivalent of the camp of the divine presence. The remainder of the area within the *temenos*, including the court of the women and the rest of the Temple Mount, was equal to the Levitical camp, and the city of Jerusalem was equivalent to the camp of Israel (T. *Kēlīm Bābā Qammā* 1:12, *Sifrē Bemidbār Nāsō* 1 [p. 4 (not 3 as in Yadin)], *Bemidbār Rabbāh* 7:8 [where the biblical derivation is explained in detail], B. *Zebāḥīm* 116b, cf. Maimonides, H. *Bēt Habbeḥīrāh* 7:14).

The Rabbis understood the exclusion from the Temple precincts of one who has had an emission of semen, regardless of the circumstances, within this framework. *Sifrē Debārīm* 255 (p. 281) quotes a statement attributed to the *tannā* Rabbi Simeon (ben Yoḥai, mid-second century C.E.) that the two occurrences of the word *maḥāneh* ("camp") in Deut

6. While Yadin has made much of the notion that sexual relations were forbidden in the *ʿīr hammiqdāš*, a notion only discussed in CDC 12:1–2 but obviously implied by the *Temple Scroll*, he has incorrectly assumed that this referred to the entire city of Jerusalem. We will see that this prohibition extended only to the area of the *temenos*, equivalent to the camp of Israel in the desert. The residence area of Jerusalem was outside of this enlarged Temple, and within it normal sexual relations were permitted. For the Rabbis, marital relations were certainly prohibited on the Temple Mount.

23:11 are intended to teach that one who had experienced a nocturnal emission was to be excluded from the camps of the divine presence and the Levites, in other words from the entire Temple precincts—the Temple Mount.⁷

A similar approach is the basis of *M. Tāmīd* 1:1, which provides that a priest who has had an emission must leave the Temple via subterranean passages and then immerse himself to be purified. He would return to the *bēt hammôqēd*, the area in which the priests kept warm while on duty, until the gates opened in the morning. He would then leave the Temple Mount, as he remained impure (*tebûl yôm*) until evening. In this way he left both the camp of the divine presence and that of the Levites. The priest who had an emission was forbidden to enter the Temple Mount.⁸

The Blind

11QT 45:12–14 prohibits the blind from entering the *‘îr hammiqdāš*:

כול איש עור לוא יבואו לה כול ימיהמה ולוא יטמאו את העיר אשר אני שוכן
בתוכה. כי אני ה' שוכן בתוך בני ישראל לעולם ועד.

This passage is based on Lev 21:18. Yadin suggested that the actual import of the passage is that all the deformities listed in Leviticus 21 disqualify the subject from entry into the city of the sanctuary, and that blindness was only given as an example (I, 1983, pp. 289–91).

It is difficult to maintain that the material dealing with the other deformities has been omitted by a scribal error from our manuscript of the *Temple Scroll*, since a second fragment (Rockefeller 49.976) apparently preserves the same text (Yadin, 1983, II, p. 189). It is possible to propose an alternate restoration for the fragment such that it would include one or two additional deformities, but Yadin's restoration in light of the 11Q manuscript is most probable. Yet it is difficult to see how the word *‘iwwēr*, “blind man”, could have been used as a general

7. B. *Pesâhîm* 68a includes an amoraic citation of this *baraitâ* and a dispute whether it or an alternative interpretation (also found in the *Sifrê*) is to be accepted. The *‘Āmōrâ ‘îm* rule in favor of the view we have cited.

8. Tannaitic sources discuss the restrictions on the *ba‘al qerî*, the one who experienced an emission (especially, *M. Berākôt* 3:4–6, *T. Berākôt* 2:12–13). According to a decree attributed to Ezra, the *ba‘al qerî* was forbidden to engage in prayer and the study of the Torah. This ruling was not unanimously accepted, and it was eventually ruled inoperative. Nevertheless, it continued to be observed by some. This complex of traditions requires further study in light of our text. It is possible that the Rabbinic restrictions are a remnant of Temple related prohibitions. Cf. Alon (1967, I, pp. 149–152), although it should be noted that his reading of the sources pays no attention to their dating and provenance.

term by the author of the *Temple Scroll*. It is more likely that the omission of the other deformities found in Leviticus 21 from the *Temple Scroll* is to be explained as an oversight of the author. Yadin has noted that the plural verb *yabô³û* follows the singular *‘iwwēr*, “as if the ban had been taken from a comprehensive list that ended with a verb in the plural” (I, 1983, p. 291). Kaufman, however, has noted that the use of *kol* with a singular noun followed by a plural verb is characteristic of this author’s style (1982, p. 35).

It must be emphasized that this Leviticus passage concerned only the disqualification of priests from Temple service. In the *Temple Scroll*, the ban is extended to all Israel and to the entire city of the sanctuary. The same restrictions probably applied to those with other physical impairments and disqualifications as well (Yadin, I, p. 290). From biblical passages it seems that the *‘iwwēr* is blind in both eyes and thus cannot see at all (Lev 19:14; Deut 27:18, 28:29; Isa 42:18, 59:10; Job 29:15; cf. Preuss, 1978, pp. 270–276). One cannot determine precisely how blindness was defined, but some passages indicate that inability to find one’s way was the decisive factor, not reading as in our society.

Nonetheless, the *tannā³īm* interpreted Lev 21:19 as referring even to one blind only in one eye. Indeed, they widened the meaning of the term *‘iwwēr* to include even those suffering from other eye ailments and deformities (*Sifrā³ Ēmōr pārāšāh* 3:5 [p. 95b], *baraitā* in B. *Beḳōrôt* 44a) besides those mentioned in Lev 21:20. We cannot be certain how this verse was understood by the author of the *Temple Scroll* and, therefore, what the specific definition of the blind man was. It is most probable, though, that the scroll would have accepted the greatest variety of deformities and blemishes as reasons for exclusion from priestly service in the Temple and, hence, from entry into the sacred precincts.

Deut 15:21 classes the *‘iwwēr* as one of the deformities which exclude a first-born animal from sacrifice. The difficult account of 2 Sam 5:6–8 indicates that the blind, along with the lame, were to be excluded from the Temple (*habbayit*). This passage must have influenced our text as well. The *War Scroll* (1QM 7:4) excludes the blind from participation in the eschatological battle, and the *Rule of the Congregation* (1QSa 2:6) includes blindness in a list of deformities which preclude participation in the eschatological council of the community.

Tannaitic sources also speak of the blind in connection with the pilgrimage to Jerusalem on the three festivals. M. *Ḥagīgāh* 1:1 and T. *Ḥagīgāh* 1:1 rule that the blind man (termed *sūmmā/sūmme* in Rabbinic Hebrew) was not required to make the pilgrimage because he could not see as required by midrashic interpretation of Scripture (Exod 23:17,

32:23; Deut 16:16, as explained in *Mekiltā De-Rabbī Ishmā'el Mišpā'īm* 20 [p. 333], *Sifrē Debārīm* 143 [pp. 195f.]. Indeed, Lieberman (1962, pp. 1266f.) maintains that tannaitic and Palestinian amoraic sources therefore disqualify only those blind in both eyes. There is, however, no tannaitic ruling to the effect that the blind may not enter the Temple.

Regarding priests who are afflicted with *mūmīm* (physical imperfections), of which blindness is one (B. *Beḳōrôt* 44a, *baraitā*), M. *Kēlīm* 1:9 provides that they are prohibited from entering *bēn hā'ūlām welammiz-bēaḥ*, between the portico and the altar (cf. Ezek 8:16 and Joel 2:17 where new JPS translates "portico"). This area is within the court of the priests (*'ezrat hakkōhānīm*), but closer to the actual Temple building. Josephus (War V, v, 7 [228]) indicates that priests with physical defects were admitted into the court of the priests, but that only those priests who were without blemish "went up to the altar and the sanctuary."

Josephus and the Mishnah agree that this was the procedure in the last years of the Herodian Temple. It is probable that, as Maimonides suggests (H. *Bī'at Hammiqdāš* 6:1),⁹ this law was derived from a reading of Lev 21:23. The very same verse underlies Josephus' account as well. The view of *Tōsāpōt* (B. *Yōmā* 23b, s.v. *Yeš*) to the effect that the blemished priest was considered like an Israelite (*zār*) probably reflects the reasoning behind the view that blemished priests, like Israelites, could enter only the outer area of the court of the priests and even then only for certain specified purposes (cf. M. *Kēlīm* 1:8).

Tannaitic tradition knew that the blind were exempt from the pilgrimage festival. For the *tannā'īm*, however, even blind (or otherwise blemished) Israelites could enter the court of the Israelites on a regular basis, and the court of the priests for certain purposes connected with cultic acts. Our scroll is much stricter than the tannaitic legislation and probably also stricter than the practice in Second Temple times, at least for the Herodian period. Note should be taken of a still unpublished Qumran manuscript of the *Zadokite Fragments* (CDC 15:15–17), translated by Milik (1959, p. 114), according to which "the blind [lit., those who, being weak of eye, cannot see]" are among those who may not "enter the midst of the community, for the holy angels (are in the midst of it)."

9. Cf. Abraham Di-Boton, *Mišneh Lammelek*, on the dispute between Maimonides and Nahmanides regarding the extent of the area of the court of the priests from which the priest with a blemish was disqualified. Note that Maimonides' view is strongly supported by the historical evidence of Josephus, despite the fact that the expression "between the portico and the altar" seems to support Nahmanides' view.

Gonorrhea, Impurity of the Dead and Šāra^cat

11QT 45:15–18 enumerates several additional classes of individuals excluded from the sanctified precincts until they have completed their purification rituals:

וכול איש אשר יטהר מזובו, וספר לו שבעת ימים לטהרתו, ויכבס ביום השביעי
בגדיו, ורחץ את כול בשרו במים חיים. אחר יבוא אל עיר המקדש. וכול טמא
לנפש לא יבואו לה עד אשר יטהרו. וכול צרוע ומנוגע לא יבואו לה עד אשר
יטהרו.

And any man who becomes pure from his issue (gonorrhea), shall count for himself seven days for his purification, and launder his clothes on the seventh day, and wash all his flesh in living waters. Afterwards, he may enter the city of the sanctuary. And anyone who is impure by impurity of the dead may not enter it (the city of the sanctuary) until they (*sic*) are purified. And any *šārūa^c* and one stricken may not enter it (the city of the sanctuary) until they are purified.

The classes included in this passage are the gonorrhoeac, one who had contracted the impurity of the dead, one afflicted with the various forms of disease listed in Lev 13, and one who had contracted the skin disease so often and inaccurately translated as “leprosy”. These conditions appear together in Num 5:2–4, which requires that those afflicted with them be expelled from the camp. These impurities are most probably those designated as *ṭum^aat besārō* in the *War Scroll* (1QM 7:4f.). Those afflicted with them were to be excluded from fighting in the eschatological battle. These persons are impure by virtue of causes other than seminal emission and are to observe the laws of purification specified in the Torah before entering the city of the sanctuary. They are forbidden even to enter the military camp according to the *War Scroll*. It is also probable that these impurities are alluded to in the *Rule of the Congregation* (IQSa 1:25–2:11), according to which those afflicted were prohibited from participation in the eschatological council of the community.

The author of our scroll based his text regarding the purification of the gonorrhoeac (*zāv*) on the explicit regulations of Lev 15:2, 13. He has, however, added the word *kol* to indicate that his entire body must be fully immersed. Washing and bathing are to be performed on the seventh day (Yadin, 1983, I, pp. 291–3). The purification ritual for impurity of the dead is discussed in detail in 11QT 49:5–50:9 (cf. Schiffman, 1986a). Purification from *šāra^cat* and related diseases was derived by the author of the scroll from Lev 14, although the lacuna at the end of column 46 precludes any further discussion (cf. Milgrom, 1978b, p. 514).

11QT 46:16–18 prescribes three areas to the east of the city of the sanctuary for the quarantine of those afflicted with *šāra^cat* and for

gonorrhoeas, as well as for those who have had emissions, as mentioned above. Yadin (1983, I, pp. 307f.) is no doubt correct that these areas must have been outside the entire city of Jerusalem. Indeed, 11QT 48:14–15 requires that for each and every city in the land areas should be reserved outside the city for those afflicted with *šāra^cat* and the associated skin diseases, as well as gonorrhoeas and women who are menstrually impure or who have given birth (cf. Yadin, 1983, I, pp. 305–7).¹⁰ Clearly the classes of women discussed here lived in the various cities but did not live in the city of the sanctuary, a strong argument for considering the *‘īr hammiqdāš* to be only the sacred precincts. It is difficult to imagine that the entire city of Jerusalem was to be free of women and celibate, despite Yadin’s claims that the scroll is Essene and that this ruling accords well with their ideology (1983, I, p. 293). Further, 11QT 40:6, despite its fragmentary condition, intends to permit women into the outer court (cf. Yadin, 1983, II, p. 170). One who had an emission is not excluded from the other cities, only from the city of the sanctuary, whereas the menstrually impure woman and the one who gave birth are not mentioned in connection with the Temple city (cf. Milgrom, 1978b, pp. 515–17).

Josephus (War V, v, 6 [227]; cf. Apion II, 8 [103–104]) states that those afflicted with gonorrhoea or *šāra^cat* were excluded from the city (*polis*) altogether. Menstruating women were excluded only from the Temple, while men who were impure could not be admitted to the inner court until they were purified.

That the *tannā^ʔīm* also forbade those afflicted with gonorrhoea and *šāra^cat* from entering the Temple precincts is a foregone conclusion based on the Torah’s explicit laws in this regard. Num 5:2–3 required that such people be excluded from the camp. This was taken by the *tannā^ʔīm* to prescribe that those afflicted with gonorrhoea were restricted from entering the Temple precincts, while those who contracted *šāra^cat* were prohibited from entering the entire city of Jerusalem, and for that matter all walled cities (M. *Kēlīm* 1:7 and T. *Kēlīm Bābā Qammā* 1:14, referring to those walled from the time of Joshua, in the view of Albeck, 1959, VI, p. 508). M. *Kēlīm* 1:8 (cf. T. *Kēlīm Bābā Qammā* 1:8, 14) excludes one who is a gonorrhoeac, menstruant or woman who gave birth only from the Temple Mount itself. In other words, they were to be excluded from the camp of the Levites. To the *tannā^ʔīm* those afflicted with *šāra^cat* were to be sent out of all three camps, that is, even out of the cities, and, as Albeck notes (1959, VI, p. 508), Joshua’s conquest of the walled cities was assumed to render them sanctified as the camp of

10. For the exclusion of *niddôt* in medieval Jewish practice, cf. Dinari, 1983.

Israel, the third and outermost camp. There was no question that such people could neither serve as priests nor participate in the fulfillment of the commandment of pilgrimage.

The situation is somewhat different regarding one who had contracted the impurity of the dead. Num 5:2 had classed the *ṭāmē lānepeš* with the gonorrhoeac and the person afflicted with *šāra^{at}*. Yet the *tannā^{im}* saw the *ṭāmē lānepeš* as disqualified only from entry into the Temple court (^c*āzārāh*, T. *Kēlīm Bāḥā Qammā* 1:8). Nonetheless, such a person would have been excluded from priestly service and from fulfilling the commandment of pilgrimage to the Temple. Rashi (to Num 5:2) sums this up nicely when he explains that one afflicted with *šāra^{at}* was excluded from all three camps, the gonorrhoeac was permitted to enter the camp of Israel and excluded from the other two, and the one impure with the impurity of the dead was permitted even into the Levitical camp, but not into that of the divine presence. (On the pl. *maḥānēhem* see *baraitā* in B. *Pesāḥīm* 67a.)

SUMMARY

The following table of exclusions summarizes the analysis presented above:

<i>Impurity/Affliction</i>	<i>Temple Scroll</i>	<i>Tannā^{im}</i>
non-priest	inner court	camp of presence
priest w/o vestments	inner court	camp of presence
impaired priest	inner court	camp of presence
proselytes to 4th generation	middle court	no restriction
women	middle court	camp of presence
boys under twenty	middle court	no restriction
seminal emission	outer court=city of s.	Levitical camp
blind	outer court=city of s.	Israelites—no restriction; priests—may not officiate
gonorrhoea	outer court=city of s.	Levitical camp
impurity of dead	outer court=city of s.	camp of presence
<i>šāra^{at}</i>	outer court=city of s.	camp of Israel

(s.=sanctuary)

The table shows that the *Temple Scroll* has introduced regarding several classes restrictions which are not paralleled in tannaitic teaching. The *tannāʾîm* know of no regulations limiting the access of boys under twenty and proselytes to the Temple, yet the scroll allowed them only into the outer court. Women, permitted in the tannaitic Levitical camp, were relegated to the outer court by the *Temple Scroll*. Nor were those with physical defects denied access by the tannaitic laws, though the scroll excluded them even from the outer court. The exclusion of the one who had contracted communicable skin diseases from the entire sanctuary, and indeed from all the cities, is paralleled by the tannaitic exclusion from the camp of Israel.

In all cases of exclusion from the inner court of the scroll, the *tannāʾîm* prohibited those concerned from entering the camp of the divine presence. In the cases of seminal emission and gonorrhoea, the scroll excludes such people from the entire city of the sanctuary, while the *tannāʾîm* excluded them from the Levitical camp. In both cases, they are being excluded from the entire *temenos*. The great stringency of the *Temple Scroll* with regard to impurity of the dead is manifested in its exclusion of those who contracted it from the entire *temenos*, yet the *tannāʾîm* excluded them only from the camp of the divine presence.

In regard to the inner court, both approaches share the same regulations. Concerning the outer boundary of the *temenos*, those excluded by the *tannāʾîm* from the Levitical camp (the Temple Mount) are likewise excluded from the entire city of the sanctuary by the author of our scroll. The middle court serves for the *Temple Scroll* as a demarcating line by which he can exclude from the inner court several classes permitted by the *tannāʾîm* even into the camp of the divine presence, but whom he wished to distance from the sancta.

CONCLUSION

It must be remembered that the *Temple Scroll* is not a description of an actual cultic rite as practiced in the Jerusalem Temple. The author's day was that of pre-Herodian times, before the greatly expanded sanctuary of the Roman period was built. His scroll is intended to describe his views on how the Temple and its ritual ought to be conducted until the messianic era (11QT 29:2–10; contrast the view of Wacholder, 1983, pp. 21–32, who sees the scroll as describing a messianic Temple). The author had not the power to put his plan into effect. He read the Torah and studied its laws and, basing himself on his own type of midrashic exegesis, constructed his ideal Temple and sacrificial system.

One of the dominant trends in the Judaism of this period was the desire for an expanded Temple area. Such a view is already found in

Ezek 40–43, which looks forward to a Temple which would be larger than that of Solomon and the kings of Judah. When the Second Temple was built it was of smaller size, and it was years before a proper structure replaced it. When Herod eventually totally rebuilt the Temple, he expanded the *temenos* itself, substantially enlarging the platform we know as the Temple Mount. This was in fact the fulfillment of a long-standing dream widespread among many elements of the Jewish community who wanted a larger sanctuary, perhaps because of the increase of population as well the prevalent trends of the Greco-Roman architectural tradition. The *Temple Scroll*, therefore, reflected the dreams of the author for an enlarged Temple complex.

The Temple plan of the Herodian Temple, and no doubt of the Temple which stood before, had two concentric enclosures (Albeck, 1959, V, opposite p. 328). The Temple area itself was enclosed by the *sôrēg* and *hēl*, and the entire Temple Mount was enclosed by the porticos and walls. Analysis of the structure of the Temple complex, as set out in the scroll and as discussed in detail in Yadin's excellent reconstruction (cf. Maier, 1980; 1986) leads to a very different point of view. Our author envisages three concentric enclosures. Further, comparison of the dimensions of the Temple complex as outlined in our scroll with that of Josephus and the tannaitic sources indicates that our author intended his middle court to be approximately the same size as the Temple Mount in his day.

This statement requires some explanation. Josephus tells us that Herod doubled the size of the Temple Mount (*War* I, xxi, 1 [401]). For this reason the accounts in *Ant.* XV, xi, 2 [397–400] and *War* V, v, 1 [184–189] are usually taken as referring to Herod's building activity. In fact, they refer explicitly to the efforts which Josephus, perhaps mythically, attributed to Solomon. More importantly, Josephus tells us that in the years after Solomon, through great effort and over a long period of time, the size of the Temple Mount had been substantially expanded. If Herod doubled the size of the Temple Mount, we would expect its dimensions previous to his efforts to have been approximately equivalent to those given in *M. Middôt* 2:1, 500 cubits by 500 cubits, itself following Ezek 42:20. Such an area would occupy approximately 62,500 square meters, more than doubled by Herod when he built the present enclosure, which has an approximate area of 141,500 square meters. If so, the Mishnaic description of the dimensions of the Temple Mount would accord approximately with the time before Herod, in the days of the author of the *Temple Scroll*. His middle court, measuring 500 cubits by 500 cubits (Yadin 1983, I, p. 246), would be exactly equivalent to the

dimensions of the Temple Court in his own day (cf. Luria, 1978, p. 273; Maier, 1986).

The outer court of the *Temple Scroll*, the additional one, is in fact approximately the size of what was much of the populated area of the city of Jerusalem. In his plan, it was to be 1590 cubits, or, with the outward extension of the gates and the cells, 1604 cubits square, in any case, approximately 800 meters by 800 meters. Such an enclosure, superimposed on a map of Hasmonean Jerusalem (Avi-Yonah, 1970, map 52), covers most of the residential area, with the exception of the Upper City. This author, as opposed to the other sources of his day, proposed to expand the *temenos* to include what was in his time the city of Jerusalem. For this reason he invented the third court.

Examination of the detailed information regarding the gates of the three courts of the *Temple Scroll* tells us further that the four gates in the inner court were apportioned to the Aaronide priests and the three Levitical clans, Merari, Kohath, and Gershon (Yadin, 1983, I, p. 204), while those in the middle and outer courts were named for the twelve sons of Jacob (Yadin, 1983, I, pp. 247, 253–56). This clearly shows that the author had a concept similar to that of the *tannā'îm*. He saw the inner area as the court of the divine presence, where only priests might enter. The middle court was to be entered only by pure, male Israelites who had no disqualifications. This was equivalent to the Levitical camp of the *tannā'îm*. The outer area, which might be entered by women and youths and others, was considered by him to be equivalent to the camp of Israel. Whereas the sages saw the camp of Israel as the rest of Jerusalem, outside of the *temenos*, the expanded plan of the *Temple Scroll* intended to locate the camp of Israel within the *temenos*, so to speak enlarging the entire Temple Mount to include all of what was then the city.

Because Yadin did not take note of this point, he had difficulty explaining the prohibition on excreting and having sexual relations throughout Jerusalem. In fact, there is no such problem. The author intended the *temenos* to be increased in this manner. He must, therefore, have thought that the area of general residence in his vision would be beyond the *temenos*. In other words, the city of the sanctuary would occupy much of the Jerusalem of his day, but the citizenry would still be living outside the *temenos*.

What emerges from this is a conclusion to the debate between Levine and Yadin. Levine is correct that the *'ir hammiqdāš* was the Temple and its surrounding precincts, and that these purity laws were not to be observed in the residential quarter. Yadin was correct in that the city of

the author's day was to be included in the idealized *temenos*, so that the Temple was now to mirror all three camps of the desert period and to be greatly expanded. The camp of Israel, in the view of the *Temple Scroll*, was to be an ideal structure, a court of the Temple, not a residential area in Jerusalem. The prohibitions of excretion and sexual relations, therefore, referred, as had been proposed by Levine, following Ginzberg, only to the Temple precincts, which were expected to be as large as the city itself.

The author of the *Temple Scroll* sought to extend the sanctity of the sanctuary and replicate the camp of Israel. He therefore applied those purity regulations which tannaitic *hālākāh* imposes only on the Levitical camp—the Temple Mount—to the entire city of the sanctuary. At the same time he restricted certain classes from entry to the camp of the divine presence, using the middle court as a barrier to exclude them. In this way, he proposed to realize through the laws of purity the very same expanded sanctuary that was to be part of his architectural plan. That ideal replica of the Israelite camp of the wilderness which was to be built of stone, was also to be erected out of the building blocks of ritual purity. Israel would worship, the author hoped, in this state of perfection until the End of Days.

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