

**MIQTSAT MA'ASEI HA-TORAH** (also known as the Halakhic Letter and by its abbreviation 4QMMT) purports to be a document sent by the leaders of the Qumran sect to the leaders of the priestly establishment in Jerusalem. The title of this text, which may be translated as "Some Precepts of the Torah," or "Some Rulings Pertaining to the Torah," was assigned by its editors as a description of its contents, based on phrases found at the beginning and the end of the text. As is the case with almost all the Qumran manuscripts, the text itself bears no title. This text, found in Cave 4 in six fragmentary manuscripts, outlines some twenty laws regarding sacrificial laws, priestly gifts, ritual purity, and other matters over which the writers disagree with the Jerusalem authorities. Stated in a polemical manner, these laws clearly represent the views of the founders of the sect as opposed to those of their opponents whom the sect calls upon to accept their views. The laws are set within a framework that may allow us to learn much about the ideology of those who authored the text and about the very origins of the Qumran sect itself.

Miqtsat Ma'asei ha-Torah (4QMMT) may be an actual document dating to the earliest days of the Qumran group, or it may have been written later to justify the sectarian schism with the Jerusalem establishment. The existence of six manuscripts of this composition testifies to the importance of this text to the sectarians. The earliest manuscripts date from the late Hasmonean to early Herodian period, that is, from the second half of the first century BCE.

The document played a particular role in the recent history of Dead Sea Scrolls research. The text had been known under the title 4QMishnique only, from a short quotation of one law by J. T. Milik (*Discoveries in the Judaean Desert*, 3, 1962, p. 225), until it was announced at the International Congress on Biblical Archaeology held in Jerusalem in 1984. Its announcement and description there by Elisha Qimron (Qimron and Strugnell, *Biblical Archaeology Today*), who had worked on the text with J. Strugnell, sparked immense interest and drove home the point that enormously important material still awaited scholarly discussion in the unpublished corpus of Qumran manuscripts. Ultimately, this announcement was a major factor stimulating the demand for release of the scrolls.

The unauthorized publication of Qimron and Strugnell's transcription and restoration of this text (Shanks, 1991, p. xxxi) led Qimron to sue Herschel Shanks, editor of the *Biblical Archaeology Review*. The lawsuit also focused attention on the significance of this text and on the issues of intellectual property surrounding the scrolls and other ancient texts.

The structure of the document can be divided into three parts: an introductory sentence stating the nature of the letter, a section listing the halakhic disagreements between the sect and the Jerusalem authorities, and a conclusion. In at least one of the manuscripts, this text was attached to a copy of the 364-day solar calendar known from other Qumran scrolls, such as *1 Enoch* and *Jubilees*. [See *Calendars and Mishmarot*].

**The Calendar.** It is questionable whether the calendar is really integral to the text of MMT, an issue that is connected with the physical reconstruction of the manuscript. A calendar was also attached to one of the manuscripts of the Rule of the Community from Cave 4. It is apparent that this calendrical list was not composed by the author of the MMT text but was imported as a unit into the text. The calendar mentions, in addition to the solar months, the specific extra day added after three months of thirty days at the equinoxes and solstices, and is organized in ninety-one-day quarters, which are the basic division of the year. It also mentions some extra festivals, such as the Festival of the New Wine on the third day of the fifth month, the Festival of the Fresh Oil on the twenty-second day of the sixth month, and the Festival of the Wood offering on the twenty-third day of the same month. All these are among the festivals associated with the solar calendar in the Temple Scroll.

**The Introduction.** The initial introductory sentence states that what follows are some of "our words" that are legal rulings "we hold to." These rulings concern only two topics, only one of which is legible—that is, the laws of ritual purity. The other topic, from the later list of laws, appears to introduce sacrificial offerings in the Temple.

**List of Laws.** In this section, the authors list about twenty matters of Jewish law that, they insist, are being violated by the Jerusalem establishment and have caused them to withdraw from Jerusalem and form their sect. This letter is proof that the major conflicts of Second Temple Judaism did not arise from theological disagreements such as messianism but from conflicts about the proper way to carry out Jewish law.

The following *halakhot* or halakhic topics are mentioned in the extant fragments of MMT:

1. Gentile wheat may not be brought into the Temple.
2. A fragmentary *halakhah* about the cooking of offerings.
3. Gentile sacrifices, also fragmentary.
4. Cereal offerings may not be left overnight.
5. The purity of those preparing the red cow.
6. The purity of hides.
7. The place of slaughtering and offering sacrifices.
8. Prohibition of the slaughter of pregnant animals.

9. Forbidden sexual unions.
10. The exclusion of the blind and deaf from the "purity of the Temple."
11. Impurity of liquid streams poured from one vessel into another.
12. Dogs may not enter Jerusalem.
13. The fruit of the fourth year is to be given to the priests.
14. The cattle tithe is to be given to the priests.
15. Purification rituals of the leper.
16. Impurity of human bones.
17. Marriages between priests and Israelites are forbidden.

The views of the author of MMT are representative of Sadducean *halakhah*. Some of the same laws are reported in the Mishnah (tractate *Yadayim*), and the views of our text are there attributed to the Sadducees. These *halakhot* are usually stricter than those of the Pharisees and later rabbis, and the author excoriates those who do not accept the sectarians' view.

**Conclusion.** Here the authors state that because of their strict observance of the previous laws according to their own opinion, they have separated themselves from the majority of the Jewish people and from their observances. The sectarians write the addressee in the singular form asking him to investigate the words of the Torah and see that they must be observed according to the sectarian interpretation. For he must know that the biblical kings were blessed when they followed the word of God and cursed when they transgressed. The addressee is urged to repent and spare his nation misfortune.

To whom is this letter addressed? The text alternates between the second person singular and the plural. When in the second person singular, the manuscript assumes that it is addressing a leader who can, by virtue of his position, identify with the kings of Israel. It appears that the head of the Jerusalem establishment with such status must be the high priest during Hasmonean times.

Miqtsat Ma'asei ha-Torah has wide ramifications for the history of Judaism in the Hasmonean period. In the disputes mentioned in the letter, the opinions of the opponents of the sect are those attributed in rabbinic literature to the Pharisees or the *tanna'im* (Mishnaic rabbis). When tannaitic texts preserve a Pharisee-Sadducee conflict mentioned in MMT, the view of the sectarians coincides with that of the Sadducees. For example, the specifics of the required state of purity of the one who prepared the ashes of the red cow according to our text are mentioned in rabbinic sources as being the custom of the Sadducean priests in the Temple. This phenomenon can be explained by seeing the earliest members of the sect

as Sadducees who were unwilling to accept the suppression of the Zadokite high priests in the aftermath of the Maccabean Revolt (168-164 BCE). Some of the disaffected Zadokites separated from the high priests in Jerusalem and formed the sect. The sect often refers to itself as the Sons of Zadok. The polemics of the Halakhic Letter are addressed to their Sadducean brethren who stayed in the Jerusalem Temple and accepted the new order, following the Pharisaic rulings, and no longer practiced the old Sadducean teachings. This document dates from the earliest stage of the development of the Qumran sect at which time the sectarians still hoped to reconcile with the Jerusalem priesthood. Later on, sectarian writings, having abandoned that hope, are filled with radical tendencies, animated polemics, and hatred for outsiders.

The Halakhic Letter demonstrates that the sect is not linked to the Hasidim, supposedly a second-century BCE group that was opposed to Hellenism and was devoted to the strict observance of ritual law. Any attempt to see the sect as emerging from some subgroup of the Pharisees must also be rejected. Similarly, they cannot be placed at the center of the Judaism of the Second Temple but are definitely a particular sect. The dominant Essene hypothesis must take into account the originally Sadducean sectarians who perhaps had gone through a process of radicalization and became a distinct sect.

There is no question that the origin of the community that collected these scrolls was in a sectarian conflict that sustained the community throughout its existence. Miqtsat Ma'asei ha-Torah preserves evidence that this conflict was with those in control of the Jerusalem Temple under Hasmonean rule. The library at Qumran was collected by a subgroup of society in opposition to the political and religious authorities of the time.

From MMT we learn the reasons for the schism. Up to now we had no explicit evidence on this subject. Josephus gives the impression that the sects were primarily divided over theological questions, but his explanation was designed to appeal to Greek and Roman readers. Only matters of practice are mentioned in MMT. This list of *halakhot* proves how important were matters of Jewish law, particularly purity regulations, as sources of schism within Judaism of the period.

The contribution of MMT to our knowledge of the history and character of the *halakhah* of the various groups in the period is of the highest importance. The text polemicalizes strongly against another group that is the predecessor of the rabbis, hence probably the Pharisees. It helps to prove that some Pharisaic laws are older than once thought. This text allows us to date a number of practices known only from later rabbinic literature in the Second Temple period.

**Relationship to Other Dead Sea Scrolls.** The text of Miqtsat Ma'asei ha-Torah has much in common with various documents of the Qumran corpus. Its appearance along with the 364-day sectarian calendar of solar months and solar years gives the impression that the authors of MMT accepted this calendar. MMT shares a variety of sacrificial laws and the same ritual calendar with the Temple Scroll. These parallels are no doubt to be traced to the common Sadducean legal substratum that they share, although these texts are not literarily interdependent. The Damascus Document also shares many common principles with the legal section of MMT. Here again, no literary relationship can be shown, only a relationship of content.

The Florilegium from Cave 4 also preserves some common legal rulings with Miqtsat Ma'asei ha-Torah, although they are not literarily dependent on one another. Miqtsat Ma'asei ha-Torah exhibits no parallels with the Rule of the Community or other such documents representing the teachings of the sect after it reached maturity.

These conclusions are consistent with the view that Miqtsat Ma'asei ha-Torah reflects the formative period of the Qumran sect. It therefore shares legal rulings with the sources of the Temple Scroll and the early laws of the Damascus Document. At the same time, it reflects the ideology of parts of the Temple Scroll. While the earlier Miqtsat Ma'asei ha-Torah and the Temple Scroll lack the language of sectarian antagonism, this tone is found in the Damascus Document, which was completed after the split was final and which reflects the sectarian animus that would characterize the later documents of the Qumran group.

**Language.** Another important area of research regarding discovery, which stems from the fact that 4QMMT represents the early history of the Qumran sect, is the analysis of its language. Milik, in discussing the Hebrew of the Copper Scroll, identified the language of this text as being Mishnaic Hebrew (Discoveries in the Judaean Desert, 3, p. 222), as a result of the large number of nouns found in it that are known from tannaitic usage. In actuality, this is an oversimplification, since the morphology and syntax resemble in many respects that of the Qumran sectarian texts. Accordingly, we can state that this document indicates that much of the halakhic vocabulary known from later tannaitic texts was already known in this period, even to those who used Qumran linguistic forms, and that certain of the characteristic elements of Mishnaic Hebrew already existed at an earlier period and influenced the usage even of the sectarians.

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**MIQVA'OT.** Man-made installations constructed according to several regulations, *miqva'ot* ("ritual baths"; singular, *miqveh* [literally, "a gathering of water"]) were made to enable the observant Jew to purify himself, when necessary, through full immersion (*tevilah*) of the nude body in water. This ritual act was different from the simple process of washing or cleansing the body (which was performed in a bathtub situated in the bathroom), although at a certain time, washing of the body before the *tevilah* became a prerequisite, as a measure taken in order to keep the immersion waters as clean as possible.

The earliest practical regulations concerning ritual purity are presented, in a somewhat condensed manner, in *Leviticus* (especially chapters 11-15), dating perhaps to early postexilic times. As the requirements for purifica-