The problems posed by *Ant.* 18.1.5§19, in which Josephus commented on Essene sacrifice, have been much discussed. I would like to propose an interpretation of this perplexing passage which I believe resolves many of the difficulties in understanding this important source. For the reader's convenience I reproduce the Greek text, as edited by Feldman:

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* This paper was written during my tenure as a Fellow at the Institute for Advanced Studies of the Hebrew University, Jerusalem. I would like to thank my colleagues at the Institute and its staff for the opportunity to work in so pleasant and productive an environment. Professor D. R. Schwartz of the Hebrew University kindly read and commented on drafts of this paper while in progress. His suggestions encouraged me to elaborate and clarify parts of the argument. This paper was presented at the Eleventh World Congress of Jewish Studies, Jerusalem, June 1993.


This paper is based on the conclusion I believe to be correct: that one should distinguish as carefully as possible between Qumran and the Essenes, rather than positing their identity. In my view, Qumran texts have no special status in interpreting Philo, Josephus, or Pliny on the Essenes, and vice versa. For a full discussion of this issue see my ‘The Rule of the Martian as Applied to Qumran’, *Israel Oriental Studies* 14 (1994), 179–200.

2. The translation which follows is Feldman’s, with one modification: I have rendered *thysis*
They send votive offerings to the temple, but perform their sacrifices employing a different ritual of purification. For this reason they are barred from those precincts of the temple that are frequented by all the people and perform their sacrifices by themselves. Otherwise, they are of the highest character, devoting themselves solely to agricultural labour.

II

The first point to be noted concerning this passage is that Josephus intended these remarks concerning Essene participation in sacrifice as criticism. Only thus is his transition to a section filled with the praises of the Essenes ('Otherwise, they are of the highest character...') comprehensible. Next,

as 'sacrifices' in both places it appears in the passage for the sake of consistency. Feldman comments that the meaning in both places is the same, see below, n. 4, but nevertheless translates the word first as 'sacrifices' and then as 'rites'. Compare G. Vermes and M. Goodman, The Essenes According to the Classical Sources (Sheffield: JSOT Press, 1989), 55, who translate as I believe one should, as argued above.

3 I agree with Feldman, Jewish Antiquities, 16–17 n. 4 and others that the negation to be found in the Epitome and the Latin translation is to be rejected in favour of the reading of the Greek manuscripts. This conclusion goes back as far as the edition of Niese, and was endorsed by G. Hölscher, 'Josephus', RE 18 (1916), 1992 n. **. Cf. Nolland, 'Misleading Statement', 558–560. As Klinzing (Umdeutung, 45 n. 14) comments, the reading with ouk agrees best with understanding eirgomenoi, below, as middle; while the reading without ouk agrees best with understanding eirgomenoi as passive. As I believe that eirgomenoi must be taken as passive (see below, n. 6), it follows that ouk should be omitted.

4 E. Bickerman, 'The Altars of the Gentiles', Studies in Jewish and Christian History Volume II (Leiden: Brill, 1980), 329 n. 17, notes that thysias can never have the abstract sense of purificatory rites, hence it must be translated as 'sacrifices'. As Feldman (Jewish Antiquities, 17 n. 4) comments, the use of thysias at the beginning of the passage in an actual sense eliminates all possibilities of understanding it as referring to some communal activity—such as the common meal (J W. 2.8.S§129–133), understood as spiritual sacrifices—at the end of the passage. Feldman's objection is therefore telling against the interpretation of our text proposed by Thomas (Movement baptiste, 15–16), renewed by Wallace ('Essenes', 338), Roberts ('Qumran Scrolls', 63–65), and by J. Baumgarten ('Sacrifice and Worship', 39–56). In recognition of the force of this point J. Baumgarten revised his views in his 'Essenes and the Temple', 63–74. Nevertheless, this interpretation continues to prove attractive. See Vermes–Goodman, Essenes, 54 n. 3; Baumbach, 'Essenerdarstellung', 40.

5 That Josephus praised the Essenes in the section which follows immediately is incontrovertible. See further Baumbach, 'Essenerdarstellung', 40, esp. n. 61. Nonetheless, the passage on Essene sacrifice which we are considering censures the Essenes for their behaviour, with the point of transition being beltistoi de allòs andres ton tropon...

My understanding of the passage is based on Feldman's translation. See also the comments of Hölscher, 'Josephus', 1992 n. **, according to whom the phrase beltistoi de allòs andres ton tropon is mild criticism of the Essenes for their actions ('leise getadelten werden'), as they had just been described. In support of the interpretation proposed here I note the following: of 104 cases of allòs in Josephus, 43 are concentrated in Books 17–19 of Ant., in the work of what Thackeray called the Thucydidean 'hack'. For Thackeray's suggestions concerning this one of Josephus's assistants, see H. Thackeray, Josephus the Man and the Historian (New York: JIR Press, 1929), 106–114; H. Thackeray and R. Marcus, A Lexicon to Josephus (Paris: Geuthner, 1930), viii.
eirgomenoi in Josephus, as several scholars have noted, is regularly passive (not middle).\(^6\) This linguistic fact is decisive against Lagrange's suggestion renewed by J. Baumgarten for understanding Josephus as referring to the Essenes being allowed by sympathetic Temple authorities to complete their sacrifices some place in a corner of the Temple, following their own higher standards of purity.\(^7\) This permission, according to J. Baumgarten, was not uniformly granted, but extended only at specific moments in the history of the sect. All this, however, founders on the fact that eirgomenoi is passive: Essene exclusion from the Temple was a punishment imposed on them by those in charge.\(^8\) The Temple authorities were far from tolerant of the Essenes. Rather, because the Essenes had their own standards of purity on which they insisted, they were not allowed into those areas of the Temple for entry into which full purity was required (cf. the warning inscription set up under the

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\(^\text{Allòs de or de allòs, plus an adjective or participle, can suggest a strong contrast between the clause it introduces and the material which precedes. See Thackray-Marcus, Lexicon, 25. The best examples in support of this conclusion which I have found are Ant. 19.1.3§32 or Ant. 17.12.1§325, according to the reading of MSS. MW. See also J.W. 7.8.2§77; Ant. 1.2.3§66 (Niese), 13.14.2§381, 17.10.6§273, 17.10.7§278, 18.2.4§444. Another possible meaning of allòs de or de allòs with an adjective or participle is continued discussion of a topic, with no contrast with preceding information intended. See Ant. 18.9.1§31, 19.1.7§46.}

The former meaning is made likelier in our case in Ant. 18 by the continuation, ton tropon, which stresses that a basic characteristic of the group under discussion is involved, hence making the conclusion that a contrast is being asserted preferable (in spite of what you have just learned concerning the Essenes, ton tropon they are very different). On ton tropon as declaring a fundamental attribute, see Ant. 6.13.8§308, 16.3.3§81, 18.4.6§106.

\(^6\) See Feldman's comments, Jewish Antiquities, 17–18 n. c. Cf. Hölscher, 'Josephus', 1992 n. **, who considers the passive and middle meanings probable, and the latter more likely. A check of the usage of this verb in K. Rengstorff, A Complete Concordance to Flavius Josephus (Leiden: Brill, 1973–1983), 2. 34–35, confirms Feldman's conclusion. See e.g. J.W. 1.9.3§187, 3.7.9§169, 4.7.5§433, 4.9.12§577; Ant. 18.6.3§155, 19.4.5§267. In all these instances some action is prohibited by a direct external force. Similarly, in Ant. 4.8.12§209, women, slaves and children are not prevented from being present at the septennial reading of the Torah, but this is in accord with an explicit verse, Deut. 31:10. In none of these cases is there a subtle, indirect, route by which a person is forbidden from doing something by his or her conscience (responding, in turn to some prohibition). See further n. 8 below.

As recognized by Strugnell ('Flavius Josephus', 114 n. 34), eirgomenoi is also consistently passive in Thucydides, who was one of Josephus's models. The philological considerations above and in n. 3 were ignored by M. Petit, 'Les Esséens de Philon d’Alexandrie et les Esséniens', The Dead Sea Scrolls: Forty Years of Research (ed. D. Dimant and U. Rappaport; Leiden/Jerusalem: Brill/Magnes, 1992), 151, who reads with ouk and understands eirgomenoi as middle without any comment.

\(^7\) Lagrange, Judaisme avant Jésus-Christ, 318–319; J. Baumgarten, 'Essenes and the Temple', 63–74; Beall, Josephus' Description, 119; G. Stemberger, Pharisiâer, Sadduzäer, Essener (SBS 144; Stuttgart: Katholisches Bibelwerk, 1991), 126. On eph' hautoi in our passage as meaning somewhere other than a special room at the Temple, see Wallace, 'Essenes', 337.

\(^8\) Note that in other cases in which Josephus uses the verb eirgo to describe exclusion in a Temple context, such as Ant. 8.3.9§95 and 18.2.2§30 (admittedly, the matter is not explicit in Ant. 4.8.12§209, and even less so 19.7.4§332) that exclusion is a consequence of the decision of those in charge, and never self-exclusion as a result of one's obedience to the Torah, as one understands it. In the light of these passages, it is difficult to interpret Josephus in our passage as meaning that the Essenes withdrew from the Temple, because they believed that they were prohibited by the law from going in there. This route to maintaining eirgomenoi as passive but establishing a meaning as effectively middle is thus to be excluded.
authority of Antiochus III, *Ant.* 12.3.4§145). Accordingly, anticipating the reader’s question (if the Essenes have their own sacrificial rituals, and if they are excluded for this from the Temple, where do they offer these sacrifices?), Josephus concluded by explaining that the Essenes sacrifice somewhere other than at the Temple, by themselves.

As such, this exclusion is the literal and functional equivalent of the situation described in rabbinic texts, as interpreted by Alon, according to which ‘the Temple courtyard was shut in the face’ of certain individuals *(m.Ed. 5:6).* In fact, as Alon himself noticed, Essene exclusion from the Temple according to Josephus and Alon’s understanding of the rabbinic sources reinforce each other. Alon’s interpretation has nevertheless been the subject of controversy. In particular, objections to it were raised by J. Brand. As Brand noted, Alon’s explanation does not agree with the comments in *b.Pesah.* 64b, nor does it yield a completely smooth understanding of the text in *m.Ed.* In spite of Brand’s objections, Alon’s suggestion is still to be preferred. Striking confirmation for it can be found in Acts 21. Paul was accused there by Jews from Asia of bringing gentiles into the Temple. A riot ensued as a result of which Paul was dragged out of the Temple and then ‘at once the gates were shut (Acts 21:30).’

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9 Compare the comments made by the High Priest to Jesus and his disciples according to the apocryphal gospel found in Oxyrhynchus, P. Oxy. V, 840, on which see B. Grenfell and A. Hunt, *Fragment of an Uncanonical Gospel from Oxyrhynchus* (Oxford: University Press, 1908).


11 Alon, ‘On the Halakhot’, 145 n. 20. Alon declared his intention to treat this connection in greater detail in a future study. To the best of my knowledge, however, that study was never written.


13 We must understand the Temple practice as forbidding the entry of a person under a ban (cf. *m.Mid* 2:2), and thus generating the comment made by R. Judah on the piety of Akabya b. Mehalalel. One additional difficulty in Alon’s proposal should be noted: it works best according to the reading בָּשָׁם כִּי הָדוֹר בֵּיתֵי. The better MSS of the Mishnah (e.g. Kaufman, Parma A), however, read לְבָשָׁם.

14 Safrai (‘Temple and the Divine Service’, 381 n. 74) noted the verse in Acts but did not discuss its significance. This passage in Acts is striking confirmation of how the exclusion from the Temple functioned in practice. Local Jews were known, and those who were unknown might be wearing clothing which indicated their allegiance (for the characteristic Essene robes, for example, see Josephus, *J.W.* 2.8.§129 and 2.8.7§137; the dress of a hermit like Bannus, *Life* 2§12, might have also been a clear indication of his views on various issues). Jews from far away, unknown to the Temple authorities, often came in groups. See further ibid., 324–331. These groups validated themselves and their members as entitled to enter the sacred area. At the same time, these groups could serve as a check on the status of others who would come as individuals, as the latter might be known to them. In addition to all this, there were temple guards assigned to safeguard its ritual status. On these guards see ibid., 303. Those non-Jews who, nevertheless, flouted the regulations would have been exposed if they did not know how to behave appropriately. See the story told in *b.Pesah* 3b. As they had been warned (in addition to *Ant.* 12.3.4§145 cited
supposed actions proved that he was one of those offenders in whose face the Temple courtyard is to be shut, hence the gates were closed.\(^{15}\)

I would like to make the difference between my interpretation and that recently proposed by Stegemann explicit.\(^{16}\) According to Stegemann, the Essenes were not really excluded from the Temple. The only restriction imposed on them was that their priests were not permitted to serve the altar, because of disagreements between them and the Temple authorities over the calendar.\(^{17}\) Access of individual Essenes to the Temple and all its non-priestly courts, however, was unimpaired.

This interpretation has a double flaw. First, Josephus was explicit in stating that the Essenes were excluded from the Temple because of disputes concerning ritual purity, not the calendar. Second, and more important, Josephus specified the area from which Essenes were barred. It was the *koinou temenismatōs*. Now *temenos* and *temenisma* are words with several possible meanings. They can refer to temple complexes as a whole (*J. W.* 7.5.7§158; 7.8.7§377; *Ant.* 4.8.22§242).\(^{18}\) At other times they can mean the innermost courtyard of the Temple, where the altar stood (*Ant.* 9.10.4§223–224), as well as the outer courtyard of Israelites, where no impure person could go, or where three thousand citizens were killed by Archelaus (*Ant.* 9.7.4§155; 17.11.2§313). Modifying *temenisma* with *koinon* specifies the sense in which the former is intended. The common *temenisma* can only be the one to which all ritually pure Jews, both male and female, were entitled to enter (*Ag. Ap.* 2.1.8§104). It does not refer to the priestly enclosure, as Stegemann claims.

As we just saw above, Josephus disapproved of the Essene practice described in the passage we are considering. He therefore shared the views of the Temple authorities who excluded the Essenes for what they had done. This latter set of circumstances may supply the background to Josephus’s remark in *J. W.* 2.8.2§119 (where he is generally favourably disposed to the Essenes—as he is also in the continuation of our passage in *Ant.* 18), that the Essenes are Jews by birth.\(^{19}\) That is, seeing the Essenes excluded from the Temple, one might

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\(^{16}\) Stegemann, ‘*Qumran Essenes*’, 122–126.

\(^{17}\) Baumbach, ‘Essenerdarstellung’, 39, agrees with Stegemann that the issue under dispute between the Temple authorities and the Essenes, according to Josephus, was the calendar.

\(^{18}\) In the *Ant.* passage cited Josephus is trying to apply the biblical requirement (Deut. 26:12) that the confession upon completion of tithing be recited ‘before the Lord’. For non-Jewish use of these terms see e.g. Dio Cassius 42.26.2 and 57.9.1.

\(^{19}\) In candour, the interpretation proposed below for *J. W.* 2.8.2§119 is not the only one possible.
conclude that they were not permitted in because they were not Jewish, or because they were converts and the latter, according to some, were also barred from the Temple. In order to counter this possible mistaken impression which impugned the status of the Essenes, in a context in which he intended to speak well of them, Josephus may have felt the need to assert categorically that the Essenes were Jews by birth.

Returning to *Ant.* 18, the offerings sent by the Essenes, anathêmata, are difficult to identify precisely, as anathêmata can have a wide range of meanings, which can include the half sheqel Temple tax paid by Jews, as in *Ant.* 18.9.1§312. The word, however, usually indicates gifts of value, whether in cash or in kind. Non-Jewish kings, according to Goldstein, sent covering letters along with their anathêmata to the Temple (2 Macc. 2:13). Judith offered the vessels of Holofernes and the canopy of his bedchamber as anathêmata (Jdt. 16:19). Philo discussed anathêmata of great monetary value (*Quod Deterius* 20). Josephus’s usage is equally explicit. Herod’s eagle was one such dedication, *Ant.* 17.6.1§151. There were anathêmata in the synagogue in Antioch (J.W. 7.3.3§44–45), as well as in the Temple in Leontopolis (J.W. 7.10.3§428; 7.10.4§433–4). Especially important are Josephus’s comments in passages such as *J.W.* 2.17.2§413 and 6.6.2§335. The latter passage stresses both income from dasmos, tribute, and that from anathêmata, offerings. The tribute income which flowed to the Temple from all over the world (J.W. 5.5.1§187) is a likely description of the half sheqel Temple tax; anathêmata, by contrast, were therefore voluntary gifts. As *J.W.* 2.17.2§413 makes clear, one need not be Jewish to make such offerings to the Temple, but one only made them as a gesture of respect to the God worshipped there and to that God’s people.

The Essenes, according to Josephus, sent anathêmata to the Temple. As

Josephus may have intended his remark that the Essenes are Jews by birth to be no more than a reflection of the fact that they have a name of their own (Essenes), in addition to the more inclusive name of Jews. See further M. Stern, *Greek and Latin Authors on Jews and Judaism*, Volume One: *From Herodotus to Plutarch* (Jerusalem: Israel Academy of Sciences and Humanities, 1976), #204, 480; E. Main, ‘Les Sadduquées vus par Flavius Josèphe’, *RB* 97 (1990), 166–168; A. Paul, ‘Flavius Josèphe et les Esseniens’, *The Dead Sea Scrolls: Forty Years of Research* (ed. D. Dimant and U. Rappaport; Leiden/Jerusalem: Brill/Magnes, 1992), 131.


24. See also *Ag. Ap.* 2.1.5§48. These Josephus passages, as well as Philo’s comment (*Leg.* 157), make explicit the fact that foreign rulers could offer sacrifices, as well as send anathêmata. How the Temple authorities justified this procedure—if justification was necessary at all—is irrelevant for our purposes. If Sussmann’s guess is correct (‘Research on the History of the Halacha’, 33) and the obscure reference to gentile sacrifice in 4QMMT means that the author of 4QMMT and his circle objected to gentiles bringing sacrifices, then the likelihood that gentiles did, in fact, offer sacrifices in the Temple is even greater. Cf. D. Schwartz, ‘Sacrifice by Gentiles in the Temple of Jerusalem’, *Studies in the Jewish Background of Christianity* (Tübingen: Mohr, 1992), 102–116.

25. As the Essenes were excluded and sent anathêmata only, this was a punishment of sorts. See
the consideration of the range of meaning of the word above indicates, they therefore either paid the Temple tax, or sent voluntary offerings to the Temple (or both). These actions on their part thus inevitably implied an acceptance of the Temple’s legitimacy. If anathēmata in our passage indicates payment of the Temple tax the recognition of the legitimacy of the Temple was explicit. If anathēmata in Ant. 18.1.5§19 are voluntary gifts an interesting question arises: how did the Essenes, who had renounced private property (J W. 2.8.3§122; Ant. 18.1.5§20), have the means to send these gifts to the Temple? Did they do this as individuals or as a group? If the latter, the implicit acknowledgement of the legitimacy of the Temple would be even more marked. The Essenes therefore recognized the legitimacy of the Temple in a partial manner, at the very least, by sending anathēmata there. Consistent with this conclusion are the sources which portray the Essenes as regularly present in the Temple vicinity.

If these points are correct we face a paradoxical situation for which some explanation must be found: the Essenes acknowledged the legitimacy of the same Temple from which they were prohibited from full participation. What actions on their part led to this peculiar set of circumstances? According to Josephus, it is their sacrificing according to a different ritual of purification, by themselves. The paradoxical nature of Essene participation in the Temple, both in monetary terms and in their presence, poses a serious problem to interpretations of Josephus according to which the Essenes maintained a full sacrificial ritual elsewhere than at the Temple. A group which had its own

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26 On this point see further J. Baumgarten, ‘Essenes and the Temple’, 63. See also S. Mandell, ‘Who Paid the Temple Tax when the Jews were under Roman Rule’, HTR 77 (1984), 223-232. Apparently, the Temple authorities who were unwilling to allow the Essenes full access to the Temple precincts were willing to accept their financial support. Perhaps this policy was not as venal as it might seem, since payment of taxes and/or gifts to the Temple by the Essenes were at least a partial acknowledgement of the legitimacy of the institution, as argued here. See also below, n. 38.

27 Judas the Essene was teaching a considerable number of disciples in the Temple (J W. 1.3.5§78; Ant. 13.11.2§311); John the Essene was appointed at a public meeting held in the Temple (J W. 2.20.3§562-7); there was a Gate of the Essenes in Jerusalem (J W. 5.4.2§145). None of these sources specify exactly where in the Temple complex the Essenes were to be found, thus these texts do not contradict the assertion above that the Essenes were excluded from those areas of the Temple for entry into which full purity was required. These examples span the time from the late second century B.C.E. to the Great Revolt, so it is difficult to explain them away as a quirk of one specific period or faction in the history of the group. Cf. J. Baumgarten, ‘Essenes and the Temple’, 62–63.

28 The awkwardness in this position is not fully recognized by Thomas, Mouvement baptiste, 14.

29 See Strugnell, ‘Flavius Josephus’, 111–115, and Feldman, Jewish Antiquities, 16–17 n. a. The notion that the Essenes, according to Josephus, sacrificed elsewhere than at the Temple goes back to Hölscher, ‘Josephus’, 1992 n. **, who proposed that the Essenes performed their sacrifices at the Gate of the Essenes in Jerusalem. Since the discovery of the remains of the Qumran community and the identification of the latter by many scholars with the Essenes, the possibility of Essene sacrifice at Qumran has been raised (see the following note). For critiques of the different versions of this suggestion see Klinzing, Umdeutung, 47–49, and J. Baumgarten, ‘Essenes and the Temple’, 58–62. According to J. Baumgarten, if the Essenes had maintained a full sacrificial ritual elsewhere than at the Temple in Jerusalem, Josephus’s criticism of them
place of sacrifice would not be likely to pay the Temple tax to Jerusalem or to send contributions there. Its members would not be found regularly in its vicinity (above, n. 27), as its rejection of the Temple should be absolute. Thus, for example, the members of the Dead Sea Scroll community—whom some have seen as maintaining a sacrificial cult at Qumran,30 but whose opposition to the Jerusalem Temple, in any case, was extreme31—interpreted the Biblical verses used as the basis for imposing the annual Temple tax as requiring a once in a lifetime payment, and apparently did not pay the annual tax.32 A better understanding of Josephus’s remarks is therefore to be sought.

31 Even at a time close to the formation of the group, when the split between it and ‘official Judaism’, however that be defined, was not yet final, the Qumran community had withdrawn from the Temple. See L. Schiffman, ‘The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect’, Biblical Archaeologist 53 (1990), 70. A seemingly irreparable gap between the Qumran community and the Temple, with an ideology already developed to help legitimate that breach, is evident in IQS viii. 4–10; ix. 3–6. The attitude towards the Temple in documents such as CD is not consistent. See P. R. Davies, ‘The Ideology of the Temple in the Damascus Document’, JJS 33 (1982), 287–301. See also A. Steudek, ‘The Houses of Prostration CD XI, 21–XII, 1—Duplicates of the Temple’, RevQ 16 (1993), 49–68.

The member of the Qumran community did pay the tax once in his lifetime, to the Lord, upon his entry into full membership at the age of twenty. The interesting question, to which no definite answer can be offered, is to whom was this single payment made? In light of the Qumran community’s attitude towards the Temple authorities, who represented God for them? See further L. Schiffman, Sectarian Law in the Dead Sea Scrolls (BJS 33; Chico: Scholars Press, 1983), 58.
III

Josephus does not give us enough explicit information concerning what the Essenes did, as a result of which they found themselves in the complicated situation described above. Some measure of speculation is thus inevitable if we are to complete the picture. I propose that Josephus can be explained on one simple assumption: if one understands sacrifices, *thysia*, both times in the passage as referring to one sacrifice in particular, offered a number of times over the course of many years—the Red Heifer. Josephus’s usage in his account of the preparation of the ashes of the first Red Heifer in the desert at the time of Moses is explicit support for calling that sacrifice a *thysia*. In describing what was done then, he noted that the High Priest at the time sacrificed (ethye) the Red Heifer, *Ant.* 4.4.6 §79. Thus, while being purified with the ashes of the Red Heifer did not count as a *thysia*, offering that sacrifice did.33

On this linguistic foundation, I propose we posit that the Essenes denied the validity of the Red Heifers as offered by the Temple authorities34 and offered their own Red Heifers, according to the standards they believed correct, elsewhere, instead.35 As a movement which stressed ritual purity (*J.W.*

33 See Bickerman’s comments, summarized above, n. 4.
34 What was wrong with the practice of the Temple authorities, and how the Essenes performed this ritual, are beyond our knowledge. Perhaps they shared the views now known from 4QMMT and also attributed to the Sadducees in rabbinic literature, according to which the priest and others involved in sacrificing the Red Heifer and preparing its ashes had to be fully pure, and not in the status of a *tebul yon*. On this see further J. Baumgarten, ‘The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts’, *JJS* 30 (1980), 157–170; Sussmann, ‘Research on the History of the Halacha’, 28.

The enigmatic nature of the Red Heifer sacrifice, and the rarity of finding an animal with the special physical features, when combined with its fundamental role in maintaining the purity of those who would enter the presence of the Lord in the Temple, made everything connected with its offering mysterious. As such, it was a subject of awe, but also a natural locus of controversy. In light of these circumstances, we are entitled to wonder whether it was so simple to force the priest offering the Red Heifer to be in the status of a *tebul yon* (*m.Par* 3:7), if the law as the priest understood it demanded full purity. On the sacrifice itself, in its biblical context, see my ‘The Paradox of the Red Heifer’, *VT* 43 (1993), 442–451.

35 The Qumran community may have solved its version of the same problem in a similar way. See J. Bowman, ‘Did the Qumran Sect Burn the Red Heifer?’, *RevQ* 1 (1958), 73–81. 4Q276, published by R. H. Eisenman and M. Wise, *The Dead Sea Scrolls Uncovered* (Shaftesbury/Rockport/Brisbane: Element, 1992), 211, line 5, describes the offering of a Red Heifer and mentions that the blood of the sacrifice is to be sprinkled in the direction of the Tent of Meeting. This direction is taken unaltered from the Bible (Num. 19:4). No conclusion can therefore be derived from 4Q276 concerning the issue of whether the Dead Sea Scroll community offered their own Red Heifers. The liturgical text published in *DJD VII*, #512, col. xii, pp. 272–274, contains a ritual for purification with the ashes of the Red Heifer. This text too is insufficient to prove that the Qumran sectarians really performed this ritual at some point in their history. Perhaps it is a theoretical statement of how they believed it should be accomplished. The same uncertainty applies to all the other rituals in that text, such as the purification of lepers, col. viii, pp. 267–269, or other purifications for which one needed a sacrifice, col. viii, pp. 265–267. Mention is made in vii, lines 8–11, of the sacrifice made by the person being cleansed, and of the various offerings brought to God. Again, was this actually done at Qumran or are these prescriptions for some other time and/or place? See above, n. 30. In J. Baumgarten’s recent discussion of these liturgical passages (‘The Purification Rituals in *DJD VII*, *The Dead Sea Scrolls: Forty Years of Research* (ed. D. Dimant and U. Rappaport; Leiden/Jerusalem: Brill/Magnes, 1992), 199–210, esp. 206–208)
2.8.10§150), which numbered as many as four thousand members at least one point in its history (Ant. 18.1.5§20; Philo, Quod Omnis Probus 75), and which continued in existence for over two centuries from the Maccabean era (Ant. 13.5.9§171) to the generation of the destruction of the Temple (J.W. 2.8.10§152), the Essenes could well have needed to be purified with the ashes of more than one Red Heifer. Indeed, the Essene rate of consumption of Red Heifer ashes might have been far higher than that of ordinary Jews, who were probably less scrupulous about purifying themselves immediately, each time they were defiled by corpse uncleanness (see below, n. 42). Accordingly, while the rabbis inform us that either five or seven Red Heifers were prepared under official auspices throughout all of Second Temple Jewish History (m. Para 3:7), the Essenes, on their own, could have needed more than one. I understand Josephus as being consistent with my thesis that the Essenes offered their own Red Heifers when he stated that they ‘perform their sacrifices employing a different ritual of purification’, at the beginning of the passage, and ‘they perform their sacrifices by themselves’, at the end.

The Essenes could argue that offering Red Heifers elsewhere, outside the Temple, was not contravening the Deuteronomic requirement of sacrifice in only one central sanctuary, as this sacrifice is explicitly to be made outside the camp (Num. 19:3). The Essenes could further assert that all that was required was that the blood be sprinkled in the general direction of the sanctuary (Num. 19:4) and this could be done anywhere. They believed themselves fully purified by their Red Heifers (and by their Red Heifers only). Thus, they considered themselves full-fledged members of the Temple community, more so, perhaps, than all other Jews. Accordingly, they could be found regularly in the Temple vicinity, and paid the tax, and/or sent monetary offerings there.

Rabbinic legislation on the Red Heifer differs sharply from the practice I have ascribed to the Essenes. Thus the rabbis insisted that the sacrifice be performed on Mt. Olives (m. Para 3:6), believed it invalid if offered anywhere else (m. Para 4:2), and demanded that the priest be able to see the sanctuary

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36 In J.W. 2.8.12§159 ritual purity is somehow connected with the foretelling of the future on the part of Essenes. Did they believe that ritual purity was necessary in order to enter the presence of God and thus to learn of the future? If so, there would be an interesting parallel between their behaviour and the story concerning the revelation received by John Hyrcanus while he was serving as a priest in the Temple, Ant. 13.10.3§282–283. For the rabbinic version of this episode see t.Sot. 13.5 (Lieb. 232) and parallels. For the interpretation of these sources see S. Lieberman, Tosefta Kifshuta Nashim (New York: Jewish Theological Seminary, 1973), 8. 738–739.

37 Note that Josephus is discussing a difference in laws of purity which forced the Essenes to sacrifice elsewhere. The interpretation proposed here coheres well with Josephus’s remarks, as it posits that the dispute between the Essenes and the Temple authorities was over the issue of the Red Heifer (an obvious point in the laws of purity), and that this dispute led the Essenes to offer their own Red Heifers elsewhere. Cf. Strugnell, ‘Flavius Josephus’, 115 n. 42.

38 We can only speculate what might have been the position of the Essenes concerning the validity of the calendar in force at the Temple. Does their minimal loyalty to the Temple imply that they found the calendar in use there unobjectionable? Certainty on this point is impossible, since it is based on nothing but silence. Nevertheless, if this conclusion could be reinforced, the gap between the Essenes and the Qumran sect would be particularly blatant.
when he sprinkled the blood in its direction (Sipre Num 123 (Horowitz 154)), which would eliminate the possibility of offering the Red Heifer anywhere other than in the immediate vicinity of the Temple. Finally, the ashes of the Red Heifer were distributed to each of the priestly courses as a sign of nation-wide acceptance of their validity (m. Para 3:11). Nowhere in these sources are we explicitly told that the rabbinic views were stated in opposition to opinions held by others, or as assertions of legitimacy of the ashes prepared under Temple auspices. Nevertheless, in light of the argument proposed above, these possibilities are attractive.39 If this conclusion is accepted, the offering of the Red Heifer by the Essenes might have generated a response in rabbinic circles, or in those of their pharisaic predecessors, much like the covert anti-Qumranic polemics, maintaining a halachic position which opposes the sect’s rules, which Broshi has found in the Talmud.40

The Essenes did not maintain a full sacrificial ritual of their own outside of the Temple in Jerusalem. According to the interpretation I am proposing, they only offered Red Heifers on their own, and they may have been able to justify bringing that sacrifice outside the Temple context. The response of the Temple authorities, however, as we have seen throughout, was not one of understanding. High Priests were apparently proud of their prerogatives in matters concerning the Red Heifer. Thus, according to one opinion in rabbinic sources, while all other public sacrifices and their attendant expenses were paid for out of the public purse, the cost of building the causeway on which the Red Heifer was led to Mt. Olives was covered by the High Priest personally, m. Sheq. 4:2. According to t. Sheq. 2.6 (Lieb. 207) as much as sixty talents of gold were spent on a new causeway. In y. Sheq. 4.3.48a one opinion considers this expense a sign of exceptional arrogance on the part of High Priests. Another opinion—taking cognizance of the tradition that Simon the Righteous offered two Red Heifers and built a new causeway for each one, and that Simon the Righteous could not possibly have been afflicted with arrogance—explains that a new causeway was needed for each Red Heifer in order to fulfill the commandment in an appropriately majestic manner. Whichever interpretation is accepted, the pride felt by the High Priest who had the privilege of offering a Red Heifer is evident. Those who sacrificed Red Heifers on their own would not therefore be regarded sympathetically. In addition, building a new causeway for each Red Heifer may have been a way for High Priests to assert their right to determine the details of how

39 Note the case of the Passover offering, to be slaughtered after the daily afternoon sacrifice according to m. Pesah. 5:1. This seems to have been the Temple practice as known by Josephus, J.W. 6.9.38423, and Ant. 14.4.3865. The regulation in 11QT 17:6–9 specifies that the Passover sacrifice is to be slaughtered before the daily afternoon sacrifice. Although we have no indication of conflict on this point in rabbinic texts, the possibility that these opposing views are polemically related to each other is hard to resist. See further Y. Yadin, The Temple Scroll (Jerusalem: Israel Exploration Society, 1977), 1, 79–80 (in Hebrew).

this mysterious ritual—so essential to the life of the Temple, yet so much the subject of controversy (see above, n. 34)—was to be performed. Finally, at the most basic level, in the eyes of the Temple authorities the Essenes had not been properly purified by their Red Heifers. They were therefore punished by the Temple authorities with exclusion, and hence were restricted to the areas of the Temple accessible to gentiles.41

Understanding Josephus in this manner does not eliminate the paradox in his account of Essene behaviour: it still remains puzzling that they sent donations to and could be found in the vicinity of a Temple, from full participation in which they were excluded, and in which purification from corpse uncleanness was being improperly practiced, according to their lights (on this point, see further below, p. 182). Nevertheless, the paradox is not as great as it would be if we explained Josephus as charging that the Essenes maintained a sacrificial ritual of their own other than at the Temple, hence the interpretation I am proposing is to be preferred.

A remark on practice in the Second Temple period preserved in t.Hag 3.19 (Lieb. 390) provides a good closing point for the explanation of Josephus’s remarks offered here. R. Nehemiah or R. Yose commented on the procedure current when the Temple stood of considering all Jews reliable on matters concerning the sin offering of the Red Heifer at the time of festivals, and explained that this trust was mandated by scripture, hence extremists should not conclude that they had no choice but to build their own altars, and/or (see below, n. 43) offer their own Red Heifers.42 These concerns indicate

41 See m.Kelim 1:8. Compare J.W. 5.5.2§193-4 and Ag.Ap. 2.1.8§103. The Temple authorities were not tolerant of deviants, as we have seen from the sources which discuss those in whose face the Temple gates were to be shut. Note also the actions of those who instituted a ‘blessing’, i.e. curse, against separatists, on which see t.Ber. 3.25 and the comments of S. Lieberman, Tosefta Kifshuta Zeraim (New York: Jewish Theological Seminary, 1955), 1. 53–54. See now also D. Flusser, ‘Some of the Precepts of the Torah from Qumran (4QMMT) and the Benediction Against the Heretics’, Tarbiz 61 (5752), 333–374 (in Hebrew).

42 R. Nehemiah, according to the reading of the Vienna and London MSS, and following the first printed edition; following the reading of the Erfurt MS, and in agreement with b.Hag. 22a, the opinion was that of R. Yose. On the variant readings and the meaning of the passage as a whole see S. Lieberman, Tosefta Kifshuta Moed (New York: Jewish Theological Seminary, 1962), 5. 1324–1326. See also S. Safrai, Pilgrimage at the Time of the Second Temple (Tel-Aviv: Am Hassefer, 1965), 139–141 (in Hebrew); Sussmann, ‘Research on the History of the Halacha’, 67. Perhaps the trust granted to all had a practical benefit, as well as a theoretical basis in scripture: since all Jews were considered trustworthy concerning the Red Heifer at times of festivals this may have encouraged Jews to behave in such a way as to justify that confidence. That is, perhaps those who otherwise were not regularly scrupulous in their observance of this commandment lived in a more stringent manner, at least in preparation for their visit to Jerusalem and for the duration of the festival. In that way, they could interact freely while in Jerusalem with those who normally were careful in fulfilling the law. Thus the temptation to extreme groups to build their own altars and/or offer their own Red Heifers might be minimized. Life in Jerusalem at festival times, when many Jews of different backgrounds and levels of observance were present, would be lived in accordance with stricter standards of the more observant, hence the danger of the Temple being rendered invalid in their eyes would be reduced. The tension those who ran the Temple must have felt between the desire to be as all inclusive as possible on the one hand, and the need to set some minimum standards on the other (see the previous note), is well expressed in the material discussed by J. Knohl, ‘Sectarian Polemics in the Second Temple Period and the Priestly Schools in the Torah: The Question of Mass Participation in the Temple Service on the Festivals’, Tarbiz 60 (5751), 139–146 (in Hebrew).
the centrality of laws of purity concerning the Temple, and the fragility of national religious life there. Disagreements concerning the law to be followed at the Temple, whatever they may be, can readily lead to secession.\footnote{Two points about the statement in \textit{t.Hag.} 3.19 are difficult to resolve with certainty, in spite of the comments of those who have written on this passage, cited in the previous note. First, are erecting an altar and offering the Red Heifer two things necessarily done by the same group of dissidents, or might one group erect an altar, another only sacrifice the Red Heifer? Second, is the only grounds for dissident behaviour according to \textit{t.Hag.} 3.19 dissatisfaction with the way Temple regulations are being fulfilled, or should disagreement with those regulations themselves, that is, a belief that the Temple authorities are doing it all wrong, also be included in the orbit of the remarks of R. Nehemiah or R. Yose?} These apprehensions were not merely theoretical. The 'House of Onias' had erected its own altar in Egypt because of disputes with the authorities in charge in Jerusalem. Anxiety about the way the commandments concerning the Red Heifer were being followed might lead others to disavow the procedure in Jerusalem and perform this rite on their own. According to the interpretation of Josephus's comments proposed here, controversy about the way to offer the Red Heifer led the Essenes to this conclusion. This was a consequence those responsible for the Temple, according to R. Nehemiah or R. Yose, would have liked to avoid.

The best way to summarize the interpretation proposed here is to restate some of its principal points from a different perspective and in another order. Josephus informs us that the Essenes were excluded from the Temple, but does not tell us enough details concerning the actions for which they suffered this punishment. If we are to complete the picture we have no choice but to speculate to fill in the gaps left in Josephus's account. To make our guess as educated as possible, I propose we be guided by Rabbinic sources, on the assumption that they preserve recollections of the circumstances and ambiance prevailing prior to the destruction of the Temple. This assumption seems increasingly plausible, particularly in halachic contexts, as a result of recent publications of Qumran texts.\footnote{See J. Baumgarten, 'A New Qumran Substitute for the Divine Name and Mishnah Sukkah 4.5', \textit{JQR} 83 (1992), 5. Evidence and argument, of the sort brought forward by J. Baumgarten and others, lie behind my willingness to accept rabbinic testimony concerning Temple practice as probably factual, which can be found throughout this article.} The passage in \textit{t.Hag.} 3.19 discussed above teaches us that there were two steps dissidents were likely to take, which the Temple authorities supposedly tried to prevent—setting up their own altars, and offering their own Red Heifers. Given the evidence for the Essenes as a whole, it seems unlikely that they established their own altar. Offering their own Red Heifers, however, fits the passage in Josephus and other aspects of related issues almost perfectly. I therefore conclude that the sacrifices according to their own standards, elsewhere, for which the Essenes were excluded from the Temple, according to Josephus, was offering their own Red Heifers.
IV

There are larger implications to the philological issues we have been considering. Groups which disagree with positions held by those who control the mainstream institutions of their societies can be found distributed along a continuum of greater or lesser opposition to the commonly held views. Places in that continuum are not set in stone: groups can move back and forth along that line by a process which takes place as a result of interactions between their members and the larger society. Mutual alienation can lead to sect formation, or to the establishment of an independent religion.45 A sect can spawn offspring, creating a family of groups that all go back to some precursor.46 Some groups may tolerate a higher degree of contradiction in their relationship with the mainstream, others insist on drawing the most extreme consequences at the first instance of dissonance. It may be appropriate to call the former parties, the latter sects.47 Logic and the need for coherence may interact with the desire to remain tied to the main institutions of national life (to mention but two of the most obvious considerations) so as to produce unexpected results, inexplicable at first sight. Compromise with the fact that things are not done as one believes correct may be more possible on some issues than others, with those points concerning which compromise is perceived to be most difficult changing over time.48 Nor is the above pure hypothesis. The Jerusalem Sadducees and those at Qumran, as we now know, shared the view that the priest offering the Red Heifer must not be in the status of a tebul yom (m. Para 3:7; note: this dispute may ultimately affect the validity of the Red Heifer and the ability of its ashes to purify, the very issue we have been considering here).49 Those at Qumran, unwilling to tolerate the dissonance resulting from the fact that things were not done as they believed

45 As A. J. Saldarini, Pharisees, Scribes and Sadducees in Palestinian Society: A Sociological Approach (Wilmington: Glazier, 1988), 8 n. 11, notes: 'sects depend upon the presence of a powerful established body against which to react'. According to L. Gerlach and V. Hine, 'Five Factors Crucial to the Growth and Spread of a Modern Religious Movement', JSSR 7 (1968), 36–37, real or imagined tension between the group and the surrounding community is essential for a sectarian movement to flourish. One virtually certain way for such a group to languish is for it to be ignored by the larger society.

The crucial role of the sect in rejecting the mainstream and being rejected by it was already recognized by J. Locke (Letter on Toleration (translated from the Latin by R. Klipansky; Oxford: University Press, 1968), 132–133), who argued that the civil magistrate ought to use his powers to punish and persecute those who themselves are intolerant. When the intolerant are treated as intolerable the process of their exclusion from the mainstream of society is hastened.

To put this same point another way, G. Simmel, Conflict: The Web of Group Affiliations (Glencoe: Free Press, 1955), 93, writes: 'groups in any sort of a war situation are not tolerant'. As he explains, that state of war need not be external or physical. Since a sect sees itself at war with the mainstream of society and vice versa, neither will tolerate the other.


48 Elsewhere I have argued that for Second Temple Judaism the most intractable problems, virtually obliging a split with the mainstream, were disagreements over the calendar. See my 'Who were the Sadducees? The Sadducees at Qumran and Jerusalem', Menahem Stern Memorial Volume, forthcoming.

49 See above, n. 34.
proper, departed. The Jerusalem Sadducees, by contrast, no less loyal to the view they believed correct, some­how managed to remain part of that same Temple, even though the practice there (at least part of the time) must have been unacceptable to them.

The Essenes as described by Josephus, as I suggest understanding his comments, are an interesting example of a group caught somewhere along that line, not quite part of the mainstream, but also not in complete disagreement with it. The tension between their views and the way the Temple was actually administered was quite high, leaving them in an awkward position of dissent on a crucial issue, together with a desire—expressed in their actions on several fronts—to nevertheless remain within the circle of those acknowledging the legitimacy of the Temple. Given the sources on the Essenes at our disposal, it is difficult if not impossible to determine the historical process by which the Essenes got to that exact point in the continuum, and to that inelegant combination of attitudes towards the Temple. Nevertheless, while I would not call them a mainstream movement, the Essenes as described by Josephus were not as alienated from the central institutions of Jewish life as were other groups of their time.

50 On Sadducean loyalty to their halachic opinions, and that one should not dismiss them as a group for whom the law was of little concern, see Sussmann, ‘Research on the History of the Halacha’, 50, esp. n. 168. Cf. V. Eppstein, ‘When and How the Sadducees were Excommunicated’, JBL 85 (1966), 213–224.


52 As Main (‘Sadduceans’, 165, 168) has noticed, one way Josephus organized his information on the Jewish sects was to group Pharisees and Sadducees together, as opposed to Essenes. Main suggests that the significance of this grouping is chronological—Pharisees and Sadducees antedated the Essenes. Main offers no proof for this conclusion, and it is pure conjecture. In the light of the discussion above I would offer an alternate conjecture: what united Pharisees and Sadducees and separated them off from the Essenes in Josephus’s mind was the loyalty of the former to the Temple, the central institution of Jewish life at the time, in contrast to the ambivalent position of the Essenes. For Pharisees and Sadducees collaborating in opposition to the Qumran sect see 4QpPsii 17–18 (note, not 4QpNah, as cited) as discussed by L. Levine, ‘The Political Struggle between Pharisees and Sadducees in the Hasmonean Period’, Jerusalem in the Second Temple Period: Abraham Schalit Memorial Volume (A. Oppenheimer, U. Rappaport and M. Stern eds.; Jerusalem: Yad Ben Zvi, 1980), 80 n. 103 (in Hebrew).