

Sacred Land Endowments and Field Consecrations in Early Judaism

by

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Graduate Program in Religion
Duke University

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
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ABSTRACT

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Abstract

The endowment of land as a gift for religious institutions was a prominent feature of ancient society in the Near Eastern and Mediterranean worlds. Landed plots could with proper care become enduring, remunerative assets to these institutions and their ownership a mark of honor and prosperity. Once endowed, such plots were regularly viewed across cultures as the property of a patron deity, his or her role modeling that of the absentee landlord. Tantalizing clues in the Jewish source material relevant to the Second Temple period (515 BCE–70 CE) demonstrate that the phenomenon was part of early Jewish life in this period as well, though it has hardly been considered in scholarship.

The source material consists of a diverse group of ancient Jewish texts. A utopian vision at the end of the book of Ezekiel discusses a sacred land endowment as part of a reform program for the Jerusalem temple and its economy (Chapter 2). A legislative addendum to the book of Leviticus presents regulations on the proper use of arable land as a means of dedicating assets from the farm (Chapter 3). A description by the Jewish historian Josephus of the founding of a schismatic Jewish temple in Egypt delegitimizes the cult of sacrifice there by calling attention to the impurity of its land endowment; a similar perspective emerges in 1 Maccabees from its literary use of the gifting of the Ptolemais hinterland to the Jerusalem temple (Chapter 4). A legal section of the Damascus Document is concerned with the consecration of property as an act of fraud (Chapter 5), while the apostle Paul quotes a halakhic teaching on field consecrations in a

preface to his famous olive tree allegory (Chapter 6). A halakhic text (4Q251) from the Qumran repository reasserts the priesthood's claim to a specific type of sacred land donation and works to uphold its sanctity (Chapter 7).

I argue by virtue of these various Jewish texts that the category of "temple land" simply does not apply for greater Judea in the Second Temple period. In Jerusalem, the temple did not hold tracts of land and enter into leasing arrangements with agricultural entrepreneurs or small renters, as attested in other regions of the ancient world. Rather it seems to have encouraged a system where gifts of land went directly from benefactor to priest or stayed entirely in the hands of the benefactor, the land's products or monetary equivalent then dedicated toward sacred purposes. Only in Egypt do we see evidence of a Jewish temple holding land of the type well known in other societies.

I suggest that the Judean sacred landholding arrangements were part of an ethos whereby land cultivation and support for the temple were to remain in the hands of the people, the accumulation and leasing out of temple land seen as perhaps contradictory to this ethos if not also a mark of foreignness. Incidentally, by the later centuries of the era the Judean religious authorities sustained its sanctuary in Jerusalem quite effectively by encouraging the devotees of the religion to contribute an annual tax and visit the city bearing gifts on three yearly pilgrimage festivals. Landed gifts are indeed an overlooked feature of this temple economy but were probably not a major component of its revenues.

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surprise the Torah portion they were called to read that Saturday included the sacred landholdings legislation of Lev 27, the backbone of this research project. I sat in astonishment in the congregation as my cousins chanted the relatively obscure biblical text that I had been studying so intensively yet with still unsatisfying results. It was a welcome coincidence and an auspicious sign that I should carry on with this intriguing material. Things have only looked up from there and I have my twin cousins in New Jersey to thank for that.

Benjamin D. Gordon

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Durham, North Carolina

Chapter 1. Introduction

The marking of land as sacred was one way in which ancient societies worked to assure the sustainability and vitality of their sanctuaries and cults. Landed plots could with proper care become enduring, remunerative assets to these institutions and their ownership a mark of honor and prosperity. Once endowed, such plots were regularly viewed across cultures of the ancient Mediterranean milieu as the property of a patron deity, his or her role modeled after that of the absentee landlord. Aspects of everyday management would naturally fall to cultic officials or perhaps to other individuals who would hold the land and offer payment for its use. This form of landholding joins assets in precious metal and other movables as property held by ancient cults and feeding what scholars have termed the "temple economy."¹

The products of the god's land could be exploited for the purposes of the cult, providing dietary staples for the altar or feed for sacred animals. They could be

¹ For summaries of the "temple economy" (alternatively referred to as the "sacred economy"), denoting the flow of goods and services through a sanctuary or cult, see Véronique Chankowski, "Divine Financiers: Cults as Consumers and Generators of Value," in *The Economies of Hellenistic Societies, Third to First Centuries BC* (ed. Zofia Archibald, et al.; Oxford; New York: Oxford University Press, 2011), 142–65. Peregrine Horden and Nicholas Purcell, *The Corrupting Sea: A Study of Mediterranean History* (Oxford; Malden, Mass: Blackwell, 2000), 423–38; Beate Dignas, *Economy of the Sacred in Hellenistic and Roman Asia Minor* (Oxford; New York: Clarendon Press; Oxford University Press, 2002), 13–35; Tullia Linders, "Sacred Finances: Some Observations," in *Economics of Cult in the Ancient Greek World: Proceedings of the Uppsala Symposium 1990* (ed. Tullia Linders and Brita Alroth; vol. 21 of *Boreas: Uppsala Studies in Ancient Mediterranean and Near Eastern Civilizations*; Uppsala; Stockholm: S. Academiae Ubsaliensis; Almqvist & Wiksell, 1992), 9–12; and various studies in the important compilation, Edward Lipiński, ed., *State and Temple Economy in the Ancient Near East: Proceedings of the International Conference Organized by the Katholieke Universiteit Leuven from the 10th to the 14th of April 1978* (*Orientalia Lovaniensia Analecta* 5; Leuven: Departement Oriëntalistiek, 1979). See below more specific studies on temple landholdings.

monetized in local markets and thus used to cover overhead expenses for the everyday operations of the cult or for the intermittent expenses associated with festivals. Likewise the land itself could be granted to cult personnel in compensation for their service. Landholding was thus one way to ensure the sustenance and well-being of the deity's shrine and altar—a sine qua non for a healthy society at peace and war, while potentially enhancing the glory and reputation of the deity and his and her devotees. This type of sacred land is a widely attested phenomenon reaching far back into the history of the ancient world.

My objective is to gather and analyze the evidence for the phenomenon in the early Jewish context (515 BCE–70 CE). Did the cult of Yahweh in Judea, Samaria, and Egypt hold land? The question is in a narrow sense about early Jewish institutional finances. How did the priests and administrators of Yahwistic sanctuaries, particularly the temple in Jerusalem, meet the running costs of operating a regular cult of sacrifice and the three annual, week-long agricultural festivals of Passover, Shavuot, and Sukkot?² What was the role of the Jerusalem temple in the local real estate market? How

² On the rededication of the Jerusalem temple and its early history in the Persian period, see Eric M. Meyers and Sean Burt, "Exile and Return: From the Babylonian Destruction to the Beginnings of Hellenism," in *Ancient Israel: From Abraham to the Roman Destruction of the Temple* (ed. Hershel Shanks; Washington, D.C.: Biblical Archaeology Society, 2010), 218–28; Peter Ross Bedford, *Temple Restoration in Early Achaemenid Judah* (Supplements to the Journal for the Study of Judaism 65; Leiden; Boston: Brill, 2001), 301–10. For a general history of the Jerusalem temple through 70 CE, see Moshe D. Herr, "Jerusalem, the Temple and Its Cult-Reality and Concepts in Second Temple Times," in *Jerusalem in the Second Temple Period: Abraham Schalit Memorial Volume* (ed. Aharon Oppenheimer, et al. Library of the History of the Yishuv in Eretz-Israel; Jerusalem: Yad Izhak Ben-Zvi; Ministry of Defence, 1980), 166–77; Lee I. Levine, *Jerusalem: Portrait of the City in the Second Temple Period (538 B.C.E.–70 C.E.)* (Philadelphia: The Jewish Publication Society, 2002), 8–20, 82–86, 134–37, 219–53, 257–60. On the Gerizim temple (mid-fifth to mid-second centuries BCE) in Samaria, see Yitzhak Magen, *Mount Gerizim Excavations, Vol. II: A Temple City* (Judea & Samaria Publications 8; Jerusalem:

were its priests holding and managing land on the countryside? These questions can help ascertain the impact of early Judaism's primary religious institution on broader society.

The issue is particularly relevant when we consider the political power Judean priests yielded. Judea and Samaria from the middle of the fifth-century BCE onward were marked by a much-esteemed priestly class that enjoyed a prominent role in the civil and judicial spheres.³ The high-priest of Jerusalem was the de facto ruler of Judea in the late fourth century BCE and in the reign of the Hasmonean priest-kings from the mid-second century to the rise of Herod in 37 BCE.⁴ Alongside an empowered priesthood was a temple in Jerusalem which steadily grew in wealth and regional influence in the Second Temple period. The Hasmonean destruction of the competing shrine at Gerizim in the final decades of the second century BCE and efforts by the

Staff Officer for Archaeology—Civil Administration of Judea and Samaria, 2008), 167–69. On the Elephantine sanctuary (sixth–fifth centuries BCE) in southern Egypt, see §4.3; on the Leontopolis sanctuary (mid-second century BCE to circa 70 CE) in the Nile Delta, see §§4.1–2. On the possibility of a fifth Yahwistic shrine at Khirbet el-Qom (fourth century BCE) in northern Idumea, see André Lemaire, "Nouveau Temple de Yahô (IV^e S. AV. J.-C.)," in *"Basel und Bibel": Collected Communications to the XVIIth Congress of the International Organization for the Study of the Old Testament, Basel 2001* (ed. Matthias Augustin and Hermann Michael Niemann; vol. 51 of *Beiträge zur Erforschung des Alten Testaments und des antiken Judentums*; Frankfurt am Main: Peter Lang, 2004), 265–73; "New Aramaic Ostraca from Idumea and Their Historical Interpretation," in *Judah and the Judeans in the Persian Period* (ed. Oded Lipschits and Manfred Oeming; Winona Lake, Ind.: Eisenbrauns, 2006), 417.

³ On the priesthood of the early Second Temple period, see Joachim Schaper, *Priester und Leviten im achämenidischen Juda: Studien zur Kult- und Sozialgeschichte Israels in persischer Zeit* (Forschungen zum Alten Testament 31; Tübingen: Mohr Siebeck, 2000), 130–53; on the priesthood of the later centuries of the period, see Martha Himmelfarb, *A Kingdom of Priests: Ancestry and Merit in Ancient Judaism* (Philadelphia: University of Pennsylvania Press, 2006), passim, esp. 1–10.

⁴ On the question of the political power of the high priest in the late fourth century BCE, I follow James C. VanderKam, *From Joshua to Caiaphas: High Priests after the Exile* (Minneapolis: Fortress Press, 2004), 125, 136–37, 167, 180–81, 190–91, 222–23; cf. Deborah W. Rooke, *Zadok's Heirs: The Role and Development of the High Priesthood in Ancient Israel* (Oxford Theological Monographs; Oxford; New York: Oxford University Press, 2000), 243–65, esp. 250–52. See below §4.1.

Hasmoneans, and more notably Herod, helped turn the Jerusalem temple into a major site of international pilgrimage.⁵ At the time of its destruction by the Romans in 70 CE, the sacred precinct of the Jerusalem temple was by far the largest *temenos* in the settled world and the site of massive annual pilgrimages.⁶ Its priestly officials were far more than theologians. They served as judges, scribes, revenueurs, taxmen, and bureaucrats. How do their landholdings and the incorporated assets of the ancient Jewish cult fit into this picture?

1.1 History of Research

1.1.1 Sacred Land and Divinely Owned Land in the Ancient World

Judean worshippers of Yahweh from the earliest days of the religion would have encountered divinely owned land if ever they journeyed or moved to the great empires of the ancient world. Landholdings in Egypt, Mesopotamia, Asia Minor, and Greece were regularly managed by religious cults and their products exploited under the pretense that a god or heroic ancestor was the true owner of the land. Like sacred holdings in movables, the god's cult of worship was deemed the primary if not sole beneficiary of all revenues from these lands.

⁵ See §5.1.

⁶ On the size and grandeur of the temple itself after Herod's reconstruction of it, see Ehud Netzer, *The Architecture of Herod, The Great Builder* (Texts and Studies in Ancient Judaism 117; Tübingen: Mohr Siebeck, 2006), 136–78; 273–75; Eric M. Meyers and Mark A. Chancey, *Alexander to Constantine: Archaeology of the Land of the Bible, Vol. 3* (The Anchor Yale Bible Reference Library; New Haven: Yale University Press, 2012), 53–61; Samuel Rocca, *Herod's Judaea: A Mediterranean State in the Classical World* (Texts and Studies in Ancient Judaism 122; Tübingen: Mohr Siebeck, 2008), 377. On the magnitude of its pilgrimage festivals, particularly in the Herodian period, see Martin Goodman, "The Pilgrimage Economy of Jerusalem in the Second Temple Period," in *Jerusalem: Its Sanctity and Centrality to Judaism, Christianity, and Islam* (ed. Lee I. Levine; New York: Continuum, 1999), 69–76.

The phenomenon was so common in the ancient Mediterranean basin that it has been identified by Peregrine Horden and Nicholas Purcell as one of the features of their category of Mediterraneanism.⁷ With respect to sanctuaries, they write: "Acting as proxy for the gods, temples behaved like private *rentiers*. In so doing, moreover, they legitimated the economic behavior of the urban landowner—and, no doubt, intersected with it, since there was a tight overlap between senior officials and the cultic and local elite."⁸ The land-type has received ample treatment in studies on the economies of various regions of the ancient world.

Older models of Sumerian civilization dominated by "temple cities" marked by totalitarian redistributive economies, where all arable land associated with the political unit of the city was theoretically owned by the civic deity or deities, are now challenged by evidence showing for significant private holdings alongside those of palace and temple from as early as the third millennium BCE onward.⁹ Early temple lands were

⁷ *The Corrupting Sea*, 429–32.

⁸ *Ibid.*, 429.

⁹ For the classic articulations of the "temple city" concept in Sumer, see Anna Schneider, *Die Anfänge der Kulturwirtschaft: Die sumerische Tempelstadt* (Baedeker: Essen, 1920); Adam Falkenstein, *The Sumerian Temple City* (Monographs in History: Ancient Near East 1/1; trans. Maria deJ Ellis; Los Angeles: Undena Publications, 1974). For new formulations challenging this model, see "Private Land Ownership and its Relation to 'God' and the 'State' in Sumer and Akkad," in *Privatization in the Ancient Near East and Classical World* (ed. Michael Hudson and Baruch A. Levine; vol. 5 of Peabody Museum Bulletin; Cambridge, MA: Peabody Museum of Archaeology and Ethnology, 1996), 109–17, esp. 112, 126, n. 20. Ur-Nammu's land register text (Ur III), for instance, refers to "the borders of God NN of city NN," implying fields adjacent were not owned by the god. See also Johannes Renger, "Interaction of Temple, Palace, and 'Private Enterprise' in the Old Babylonian Economy," in *State and Temple Economy in the Ancient Near East: Proceedings of the International Conference Organized by the Katholieke Universiteit Leuven from the 10th to the 14th of April 1978* (ed. Edward Lipiński; vol. 5 of *Orientalia Lovaniensia Analecta*; Leuven: Departement Oriëntalistiek, 1979), 249–56. For a discussion of the scholarly misconceptions as resulting from overreliance on temple archives, see Maria deJ Ellis, *Agriculture and the State in Ancient Mesopotamia: An Introduction to Problems of*

managed by any number of arrangements, from slave labor, to leases and sharecropping arrangements, to the use of land allotments as a form of income for temple administrators.¹⁰ Temples and palaces could accumulate land through seizure for indebtedness; temples could also have been given land through donation.

By the middle part of the first millennium BCE archival materials show flourishing entrepreneurial families—namely the Murašû and Egibi clans—owning and renting large swaths of land in Babylonia.¹¹ Temple lands, alongside royal lands, are thus seen now as one of several categories, and an important one at that, but one not enjoying overarching dominance in Mesopotamian land tenure systems. The Eanna temple in Uruk and the Ebabbar temple in Sippar have left archives of the mid-first millennium BCE attesting to sizeable and geographically scattered temple possessions and providing details on the management of Mesopotamian temple estates.¹² Less

Land Tenure (Occasional Publications of the Babylonian Fund 1; Philadelphia: Babylonian Fund, University Museum, 1976), 3–4, nn. 6–7.

¹⁰ Bruce G. Trigger, *Understanding Early Civilizations: A Comparative Study* (Cambridge: Cambridge University Press, 2003), 326–28; Marc Van de Mieroop, *The Ancient Mesopotamian City* (Oxford; New York: Clarendon Press; Oxford University Press, 1997), 146–58; Piotr Steinkeller, "The Renting of Fields in Early Mesopotamia and the Development of the Concept of 'Interest' in Sumerian," *Journal of the Economic and Social History of the Orient* 24, no. 2 (1981).

¹¹ See Matthew W. Stolper, *Entrepreneurs and Empire: The Murašû Archive, the Murašû Firm, and Persian Rule in Babylonia* (Uitgaven van het Nederlands Historisch-Archaeologisch Instituut te Istanbul 54; Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1985), esp. 152–56. On the Egibi archive, see Cornelia Wunsch, "The Egibi Family's Real Estate in Babylon (6th Century BC)," in *Urbanization and Land Ownership in the Ancient Near East* (ed. Michael Hudson and Baruch A. Levine; Cambridge, MA: Peabody Museum of Archaeology and Ethnology, Harvard University, 1999); and Cornelia Wunsch, *Das Egibi-Archiv I. Die Felder und Gärten* (Cuneiform Monographs 20A–B; 2 vols.; Groningen: Styx, 2000), esp. 1–19 in Vol. 1.

¹² See recent discussion on the temple estates of the Ebabbar in Michael Jursa, *Aspects of the Economic History of Babylonia in the First Millennium BC: Economic Geography, Economic Mentalities, Agriculture, the Use of Money and the Problem of Economic Growth* (Alter Orient und Altes Testament 377; Münster: Ugarit-Verlag, 2010), 328–360; and on the Eanna, see Bojana Janković, "Uruk," in *Aspects of the Economic History of Babylonia in the First Millennium BC: Economic Geography, Economic Mentalities, Agriculture, the Use of Money and the Problem of*

information is available for the other great temples of the region, such as the Ezida in Borsippa, Ekur in Nippur, Esagila in Babylon, and Ekishnugal in Ur. Both the Eanna and the Ebabbar used intermediaries to lease out the land and collected rent in kind. The Ebabbar temple can be said by the later years of Nabonidus's reign in the mid-fifth century BCE to have been collecting produce on roughly 412.5–537.5 hectares of date groves and 1250 hectares of barley fields—the two together totaling a little less than 6 sq. miles of arable land.¹³ The Eanna produced a date crop equivalent to 100–125 typical households in Sippar.¹⁴ Both temples, according to these documents, were engaged in moneylending and in trade for commodities that they themselves did not produce.¹⁵ Yet the holdings of neither were overwhelmingly large, given the modest size of their yields

Economic Growth (ed. Michael Jursa; vol. 377 of *Alter Orient und Altes Testament*; Münster: Ugarit-Verlag, 2010), 419–28, 435–37. In addition to endowments, the Eanna appears to have actively purchased land and confiscated plots from its debtors (*ibid.*, 423). Cereal production was the mainstay though date cultivation was also one of its pursuits (*ibid.*, 436).

¹³ Jursa, *Aspects of the Economic History of Babylonia*, 357.

¹⁴ *Ibid.*, 441.

¹⁵ Muhammed Dandamayev, "An Age of Privatization in Ancient Mesopotamia," in *Privatization in the Ancient Near East and Classical World* (ed. Michael Hudson and Baruch A. Levine; vol. 5 of Peabody Museum Bulletin; Cambridge, MA: Peabody Museum of Archaeology and Ethnology, 1996), 199–201, 208; "State and Temple in Babylonia in the First Millennium B.C.," in *State and Temple Economy in the Ancient Near East: Proceedings of the International Conference Organized by the Katholieke Universiteit Leuven from the 10th to the 14th of April 1978* (ed. Edward Lipiński; vol. 6 of *Orientalia Lovaniensia Analecta*; Leuven: Departement Oriëntalistiek, 1979), 589. While temple assets would have primarily been devoted to caring for and feeding the gods and supporting the temple personnel, both cultic and otherwise, Mesopotamian temples also used their holdings to help take care of more vulnerable elements in society such as the poor and indigent, the cripple, the widow, and the orphan. These individuals could give themselves over voluntarily or be given as votive offerings by persons of means to temple estates. In his study of the institution of the *arua* ("given ex voto") in Mesopotamia (particularly of Ur III, 21st–20th centuries BCE), I.J. Gelb has concluded that persons who could afford to give away labor or other gifts to temples appear to have done so regularly, while the poor would have given away women, children, and other slaves out of necessity. The destitute could thus have found at least basic sustenance as servants of a temple estate. See "The Arua Institution," *Revue d'assyriologie et d'archéologie orientale* 66, no. 1 (1972), 1–32, esp. 5–10; see also Renger, "Interaction of Temple, Palace, and 'Private Enterprise,'" 254.

and the dispersed nature of their holdings.¹⁶ Prebend markets were another way in which Babylonian temples were embedded in their regional economies.¹⁷ Judeans who were exiled from their homeland to Babylon after the destruction of Jerusalem in 586 BCE would most certainly have grown familiar with this category of land. In the region of Bir-ili, descendants of Judean deportees from Gezer lived near temple estates of the Ebabbar but were required to pay little more than tithes to it, the estates themselves rented out to agricultural entrepreneurs.¹⁸

It was not just in Mesopotamia that temples held significant tracts of land. They were major players in the real estate markets of the ancient Egyptian and Hittite empires as well. The temple of Ptah at Memphis held 2538 hectares, or 9.4 sq. miles of land,

¹⁶ As Michael Jursa summarizes, "In short: the importance of the temples within the Neo-Babylonian economy in general and with respect to agriculture in particular is undeniable, but the sources clearly exclude ascribing paramount importance to this sector of the economy"; *Aspects of the Economic History of Babylonia*, 441–42.

¹⁷ The system of prebends and prebendary rights in Babylonia of the first millennium BCE has received a fair amount of attention in scholarship. Bongenaar describes a prebend (*isqu*) as "the right to an income from the temple in return for the performance of services connected with the cult."¹⁷ The services ranged from guarding the temple complex to delivering fish to the sacred precinct. Each prebend notes the profession, the period of service, and the deity or temple for which the service is performed. Scores of them have been found in the various temple archives, particularly at the Eanna temple at Uruk but also at Sippar, Babylon, and Borsippa. For a discussion on the social boundaries regulating prebend circulation, with particular honors (such as the right to enter the temples themselves) going to certain high-ranking clans, see Caroline Waerzeggers, *The Ezida Temple of Borsippa: Priesthood, Cult, Archives* (Achaemenid History 15; Leiden: Nederlands Instituut voor het Nabije Oosten, 2010), 77–109; see also Reinhard Pirngruber and Caroline Waerzeggers, "Prebend Prices in First-Millennium B.C. Babylonia," *Journal of Cuneiform Studies* 63 (2011). On the archive of the Nappāḫu family at Babylon, which belonged to the class of temple prebendary holders in the sixth and fifth centuries BCE, see Heather D. Baker, *The Archive of the Nappāḫu Family* (Archiv für Orientforschung, Beiheft 30; Wien: Institut für Orientalistik der Universität Wien, 2004), esp. 1–2, 40–46. On Ebabbar's prebendary system, see A. C. V. M. Bongenaar, *The Neo-Babylonian Ebabbar Temple at Sippar: Its Administration and Its Prosopography* (Uitgaven van het Nederlands Historisch-Archaeologisch Instituut te Istanbul 80; Istanbul: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1997), 140–46.

¹⁸ Jursa, *Aspects of the Economic History of Babylonia*, 329.

during the reign of Ramses III (1186–1155 BCE).¹⁹ The Great Papyrus Harris indicates that Ramses III donated to Egyptian temples during his reign an area of roughly 300,000 hectares, or 1150 sq. miles; this is perhaps an idealized figure but it does indicate the relative status of the beneficiaries. The estates of Amun at Karnak received most of the land; the mortuary temple of Ramesses III himself too was a major recipient.²⁰ Albrecht Alt has examined evidence suggesting that Egyptian temples in the southern coast of Palestine were landholders and operated their own temple economies there.²¹ Among the salient features of the Hittite priesthood was the working of lands in the possession of the local deity, as well as the diffusion of priests among various cultic centers within the empire, each conceived of as a city of the gods and each with significant tracts of temple-owned land.²²

¹⁹ Dorothy J. Thompson, *Memphis under the Ptolemies* (Princeton, N.J.: Princeton University Press, 2012), 72.

²⁰ Jac J. Janssen, "The Role of the Temple in the Egyptian Economy during the New Kingdom," in *State and Temple Economy in the Ancient Near East: Proceedings of the International Conference Organized by the Katholieke Universiteit Leuven from the 10th to the 14th of April 1978* (ed. Edward Lipiński; vol. 6 of *Orientalia Lovaniensia Analecta*; Leuven: Departement Oriëntalistiek, 1979), 505–15, esp. 511. Other mortuary temples were prominent holders of land; see B. J. J. Haring, *Divine Households: Administrative and Economic Aspects of the New Kingdom Royal Memorial Temples in Western Thebes* (Leiden: Nederlands Instituut voor het Nabije Oosten, 1997).

²¹ A. Alt, "Ägyptische Tempel in Palästina und die Landnahme der Philister," *Zeitschrift des Deutschen Palästina-Vereins* 67, no. 1 (1944), 1–20; on his theory that Philistines were liberated from Egyptian rule by being conscribed for service in these temples, see §1.1.2.

²² Ada Taggar-Cohen, "Covenant Priesthood: Cross-cultural Legal and Religious Aspects of Biblical and Hittite Priesthood," in *Levites and Priests in Biblical History and Tradition* (ed. Mark A. Leuchter and Jeremy M. Hutton; vol. 9 of *Ancient Israel and Its Literature*; Atlanta: Society of Biblical Literature, 2011), 20–21, n. 42. Taggar-Cohen's work on the Hittite priesthood has identified points of comparison between the Israelite and Hittite priesthoods, arguing that the "covenant" concept in Israelite religion is best likened to the administrative appointment of Hittite priests, which like the covenant between Yahweh and Israel, carried an expectation of total loyalty; see *ibid.*, 23–24; see also Ada Taggar-Cohen, *Hittite Priesthood* (Texte der Hethiter 26; Heidelberg: Universitätsverlag Winter, 2006), esp. 435–46.

The palace and temple were interconnected in ancient Egypt and Mesopotamia, with the king often giving instructions to the temple administrators on how to manage payments to personnel and ration sacred revenues. In Mesopotamia, Rachel Clay has argued for heightened administrative involvement in temple lands from as early as Sumer onwards.²³ Maria Ellis notes instances of kings in the Old Akkadian period distributing temple land to their followers.²⁴ Muhammad Dandamayev brings evidence for the phenomenon in Babylonia of the first millennium BCE.²⁵ B. J. Haring has challenged older views that see the management of the landed assets of mortuary temples of New Kingdom Egypt as a branch of the royal government or the responsibility of its treasurers. On the contrary, he writes that the "resources of Egyptian temples served mainly for their own maintenance, but their position as important landholders and producers also brought its public responsibilities."²⁶

Nevertheless, certainly by the Persian period it is clear that the imperial apparatus was fitted with administrators seeking revenues from temple estates. At Uruk, archival evidence from the temple of Eanna from the Neo-Babylonian-Persian transition provides details on the involvement of royal authorities in temple affairs and the use of the temple assets for the benefit of the empire. Under Nabonidus a special royal commissioner was appointed to oversee the administration of the temple

²³ "The Tenure of Land in Babylonia and Assyria," *University of London Institute of Archaeology, Occasional Papers* 1 (1938), 13, 29.

²⁴ *Agriculture and the State in Ancient Mesopotamia*, 3, n. 7.

²⁵ "State and Temple in Babylonia," 591–592. As Dandamayev notes, there were instances in which Nabonidus himself leased temple land to individuals.

²⁶ Haring, *Divine Households*, 396.

economy, with the improvement of agricultural profitability being a key interest. Also established under Nabonidus was a system of contracting temple lands to chief farmers—referred to in the texts as *rab sūti* or *ša muhhi sūti* and often in modern scholarship as the *fermier générale* or *Generalpächter*—who could then allocate lands to the highest bidders and would commit to delivering a certain quantity of the produce to the temple.²⁷ A similar position (the *ša muhhi ešrī*) oversaw the leasing of the right to collect the tithes.²⁸ Both of these officials would have run operations resembling tax farming. They were obligated to pay the temple a fixed amount annually, in silver or commodities, and would have managed presumably extensive networks of lower ranking officials who had bid for the right to collect revenues from temple land or private land. These revenues would have been dedicated to sacred purposes after levies were taken by the imperial authorities.

The system was initially adopted by Cyrus and Cambyses but was apparently annulled at some point during the reign of Darius, when the temple-land administration was fully reclaimed by the Eanna priesthood. During this period the Neo-Babylonian and Persian imperial regime exacted levies from and required assessments of temple properties in a manner no different from private lands, though in some instances it

²⁷ For a general discussion on the position, see Michael Jursa's comprehensive study *Die Landwirtschaft in Sippar in neubabylonischer Zeit* (Archiv für Orientforschung, Beiheft 25; Wien: Institut für Orientalistik der Universität Wien, 1995), 85–116. For a summary of prosopographical data, see Bongenaar, *The Neo-Babylonian Ebabbar Temple*, 428–29.

²⁸ Jursa, *Die Landwirtschaft in Sippar*, 81–84, 191–97; Bongenaar, *The Neo-Babylonian Ebabbar Temple*, 429–33.

could grant special concessions.²⁹ An official at Ebabbara managed a special tax meant to supply animals for sacrifices on behalf of the king; even the temple's own flocks and herds were subject to the tax.³⁰ While at Uruk and Sippar the archival material becomes less useful on the question after the reigns of Darius I and Xerxes I, at Nippur the Murašû texts include evidence from the reigns of later Achaemenid kings of continued extraction from temple revenues in the interests of the royal coffers.³¹ The secularization of the management of temple land by Persian authorities suits evidence that Babylonian temple land was expropriated by them.³² Dandamayev has argued that the Achaemenids strove to reduce the incomes of the temples without offending the local populace, pointing to efforts by Cambyses in Egypt to curb the flow of gifts into the Egyptian temples.³³ The institution by the Ptolemies of the *syntaxis*—a regular cash grant to Egyptian temples—was probably a direct consequence of the fact the landholdings of

²⁹ Pierre Briant, *From Cyrus to Alexander: A History of the Persian Empire* (trans. Peter T. Daniels; Winona Lake, IN: Eisenbrauns, 2002), 74–76, 491–93, 891. Briant points out, for example, that the temple could supply herds and even archers to help with matters of royal defense (*ibid.*, 74); and notes that imperial concessions could often follow local custom, as in the case of Darius's insistence on the protection of fiscal immunity for the "sacred gardeners" at the temple of Apollo at Aulai in southwest Asia Minor, an instance recalling the granting of tax immunity by Artaxerxes I to the priests and Levites at Jerusalem; see Ezra 7:24; *ibid.*, 492–93; and below, §2.5.

³⁰ Muhammed Dandamayev, "The Neo-Babylonian *rab šibtî*," in *Assyriologica et Semitica. Festschrift für Joachim Oelsner* (ed. Joachim Marzahn and Hans Neumann; vol. 252 of *Alter Orient und Altes Testament*; Münster: Ugarit-Verlag, 2000), 29–31.

³¹ The "king's harvest" from the "land of Bel" is part of the rent received from one temple landlord; and the "king's share" in another; for sources and discussion, see Stolper, *Entrepreneurs and Empire*, 42–44, esp. 43, n. 29.

³² Joachim Oelsner, "Krisenerscheinungen im Achaimenidenreich im 5. und 4. Jahrhundert v.u.Z.," in *Hellenische Poleis II: Krise—Wandlung—Wirkung* (ed. Elisabeth Charlotte Welskopf; Berlin: Akademie-Verlag, 1973), 1059–60; Stolper, *Entrepreneurs and Empire*, 44, n. 30.

³³ Dandamayev, "State and Temple in Babylonia," 596.

temples were diminished somewhat by the Persian and Hellenistic period.³⁴ The Ptolemies did appoint special officials to oversee temple finances, such as the individual by the name of Milon who was commissioned with that objective for the temples of Edfu in Upper Egypt in 225–222 BCE, the final years of the reign of Ptolemy III.³⁵ Temple landholdings were thus of continued interest to the imperial regimes of the Near East through the first millennium BCE.

The Hellenistic colonizers of Egypt and the Near East would certainly have been familiar with the divine ownership of land, for the phenomenon was a common one in Greek land tenure practices of the Classical and Hellenistic periods.³⁶ The most well-

³⁴ Thompson, *Memphis*, 71–72; J.G. Manning, *Land and Power in Ptolemaic Egypt: The Structure of Land Tenure* (Cambridge: Cambridge University Press, 2003), 237–38. On Ptolemaic support of its local temples and cult, including the granting of land, see §4.2.4. On temple land in general in Ptolemaic Egypt, see Andrew Monson, *From the Ptolemies to the Romans: Political and Economic Change in Egypt* (Cambridge; New York: Cambridge University Press, 2012), 77–78; W. Clarysse, "Egyptian Estate-Holders in the Ptolemaic Period," in *State and Temple Economy in the Ancient Near East: Proceedings of the International Conference Organized by the Katholieke Universiteit Leuven from the 10th to the 14th of April 1978* (ed. Edward Lipiński; vol. 6 of *Orientalia Lovaniensia Analecta*; Leuven: Departement Oriëntalistiek, 1979), 731–43, esp. 735–37.

³⁵ Milon and his supervisor Euphronius were meant to resolve financial problems of the priests and the temple; his archive is rare because it was found in an excavation (at Elephantine in 1906). The receipts of the archives show the considerable incomes for the temple from rent payments—though it is impossible to know what they totaled—in addition to its profits from weaving activities, its mummification business, and freewill offerings. See Manning, *Land and Power*, 83–85. Willy Clarysse has argued that these Ptolemaic officials were brought in temporarily to sort out affairs, while the permanently stationed official there overseeing financial matters was the high priest himself; "The Archive of the Praktor Milon," in *Edfu, an Egyptian Provincial Capital in the Ptolemaic Period* (ed. Katelijn Vandorpe and Willy Clarysse; Brussel: Koninklijke Vlaamse Academie van België voor Wetenschappen en Kunsten, 2003), 21–22.

³⁶ Two recent books on the topic are of note: Nikolaos Papazarkadas, *Sacred and Public Land in Ancient Athens* (Oxford Classical Monographs; Oxford; New York: Oxford University Press, 2011); and Marietta Horster, *Landbesitz griechischer Heiligtümer in archaischer und klassischer Zeit* (Religionsgeschichtliche Versuche und Vorarbeiten 53; Berlin; New York: De Gruyter, 2004). Also noteworthy are Signe Isager, "Sacred and Profane Ownership of Land," in *Agriculture in Ancient Greece. Proceedings of the 7th International Symposium at the Swedish Institute at Athens, 16–17 May 1990* (ed. Berit Wells; vol. 42 of *Skrifter utgivna av Svenska institutet i Athen*; Stockholm: Svenska Institutet, 1992), 119–22; and Alison Burford, *Land and Labor in the Greek World* (Ancient Society and History; Baltimore; London: Johns Hopkins University Press, 1993), 21–26, 49–55, 180, 217.

documented case regards the land owned by Apollo on the island of Delos, which was being leased out and cultivated intensively from the time of the earliest extant records in the mid-fifth century BCE.³⁷ When a tenant took over a piece of Apollo's land, the documents mention buildings, vines, fruit-trees, and other features of the property that were regularly inspected by officials of Apollo's temple on the island. The *Hiera Syggraphē* of 300 BCE details the leasing of Apollo's land, stating the tenant and the duration of the lease, among other things.³⁸ Rent payments at Delos were devoted entirely to sacred purposes, joining other sanctuary income from taxes and interest payments on loans to cities. With this revenue the temple to Apollo on Delos could fund the *Delia* and its routine expenses.

Aristotle's *Athenaion Politeia* 47.4–5 concerns the collection of lease payments on sacred Athenian land and the recording thereof for the public records.³⁹ In fourth-century BCE Athens, the ancestral sacrifices appear to have been entirely funded by the rent payments of sacred land.⁴⁰ In addition to divinely owned real estate managed by the Greek polis, there were lands associated with tribes, demes, phratries, gene, and orgeones. These were usually rented out and their revenues devoted to sacred purposes,

³⁷ John Harvey Kent, "The Temple Estates of Delos, Rheneia, and Mykonos," *Hesperia* 17, no. 4 (1948), 243–338; Véronique Chankowski, *Athènes et Délos à l'époque classique: recherches sur l'administration du sanctuaire d'Apollon délien* (Bibliothèque des écoles françaises d'Athènes et de Rome 331; Athènes: Ecole française d'Athènes, 2008), 279–95; Horster, *Landbesitz griechischer Heiligtümer*, 167–72; Papazarkadas, *Sacred and Public Land*, 59–60, 294–95.

³⁸ Kent, "The Temple Estates of Delos, Rheneia, and Mykonos," 267–85.

³⁹ Papazarkadas, *Sacred and Public Land*, 51–75. For a study of sacred land rented out in northern Attica, see Michael H. Jameson, "The Leasing of Land in Rhamnous," *Hesperia Supplements* 19 (1982), 66–74.

⁴⁰ Vincent J. Rosivach, *The System of Public Sacrifice in Fourth-Century Athens* (American Classical Studies 34; Atlanta, Ga.: Scholars Press, 1994), 121–27.

though their status as sacred is hard to determine.⁴¹ Nikolaos Papazarkadas concludes that roughly 4% of arable Greek land was considered sacred, which is to say divinely owned and managed by the polis as such.⁴²

In addition to productive sacred properties, there were sacrosanct or explicitly uncultivable ones as well. Perhaps the best-known case is the land sacred to Apollo on the plain of Krisa/Kirrha at Delphi, but there the god's land was to be left uncultivated according to the terms of a decision enforced periodically and protected by the Amphiktyonic Law of 380.⁴³ There were occasional disagreements at Delphi over whether the land should be leased out for cultivation or used for pasture. Obviously the situation was quite different from the intensive exploitation of sacred land at Delos. The protection of land as sacrosanct in the Greek sphere is also evidenced in a tract of

⁴¹ Papazarkadas writes, "Produce from lands in the form of rentals appears to have subsidized the cultic activity of a series of public or semi-public groups throughout the Classical period—indeed in certain cases even in the early Hellenistic era—although the evidence comes mainly from the fourth century. Lacking the multitude of resources of the polis and/or the political strength to raise income otherwise, these associations probably relied more heavily on land for the coverage of their expenditure than did the central administration. The degree of reliance was, however, dependent upon the unique historical background of each separate group. Similarly unique were the exact administrative schemes deployed by individual groups in land management, and singling out common traits should be perceived as a modern classificatory device rather than as an actual thread connecting the groups in question"; *Sacred and Public Land*, 240.

⁴² *Ibid.*, 92–98, esp. 97.

⁴³ For an extensive treatment of the subject, see Denis Rousset, *Le territoire de Delphes et la terre d'Apollon* (Bibliothèque des écoles françaises d'Athènes et de Rome 310; Athènes: Ecole française d'Athènes, 2002), esp. 283–91; see also Papazarkadas, *Sacred and Public Land*, 11–13, 244–59; Walter Burkert, "Greek Temple-Builders: Who, Where and Why?," in *The Role of Religion in the Early Greek Polis: Proceedings of the Third International Seminar on Ancient Greek Cult, Organized by the Swedish Institute at Athens, 16–18 October 1992* (ed. Robin Hägg; vol. 14 of *Skrifter utgivna av Svenska institutet i Athen*; Stockholm: Paul Åströms, 1996), 28–29. Apollo's holdings at Delphi also included a considerable number of sacred animals. In 275 BCE, Apollo was gifted 50 oxen from a Lakedaimonian village, probably added to others in his possession at Delphi. In 117/6 the Roman Senate requested that the Amphiktyonians, upon complaints of abuse and neglect, look into Apollo's income from his flocks. See Signe Isager, "Sacred Animals in Classical and Hellenistic Greece," in *Economics of Cult in the Ancient Greek World: Proceedings of the Uppsala Symposium 1990* (ed. Tullia Linders and Brita Alroth; vol. 21 of *Boreas: Uppsala Studies in Ancient Mediterranean and Near Eastern Civilizations*; Uppsala; Stockholm: S. Academiae Ubsaliensis; Almqvist & Wiksell, 1992), 15–19.

uncultivated land between Attica and Megarid called the Sacred Orgas and elsewhere in the Mediterranean region.⁴⁴ Timothy Howe has argued recently that uncultivable lands could be used to settle disputes over border territories between political communities. The declaration that land is to be left uncultivated and dedicated to a local deity becomes an assertion of dominance and rights to the area.⁴⁵

With regard to temple properties in ancient Greece, Moses Finley claimed that "the so-called temple funds were deme funds, of course, and the administrative technique, common in Athens and elsewhere, of handling such moneys through the temple had no specific significance, legally or otherwise."⁴⁶ The statement has, according to Papazarkadas, "cast a long shadow" on scholarship and unnecessarily blurred the line between "secular" and "sacred" finances in the Greek polis.⁴⁷ Signe Isager had begun to question Finley's assumptions in the early 1990s and a strong argument against him has recently been put forward in Papazarkadas's book on the subject.⁴⁸ Papazarkadas recognizes two major misconceptions in scholarship on Greek sacred land: one, that it is marked by its inalienability, a confusion he sees as arising in no small part from the fact

⁴⁴ Papazarkadas, *Sacred and Public Land*, 244–59; Horden and Purcell, *The Corrupting Sea*, 428.

⁴⁵ Timothy Howe, *Pastoral Politics: Animals, Agriculture, and Society in Ancient Greece* (Publications of the Association of Ancient Historians 9; Claremont, Calif.: Regina Books, 2008), 88–92. See also Jeremy McInerney's argument that the sanctification of land in secluded areas was a means "to render wilderness safe and to allow its integration into the culture of the polis"; "On the Border: Sacred Land and the Margins of the Community," in *City, Countryside, and the Spatial Organization of Value in Classical Antiquity* (ed. Ralph M. Rosen and Ineke Sluiter; vol. 279 of *Mnemosyne, Supplement*; Leiden; Boston: Brill, 2006), 32–59, quote on 56.

⁴⁶ *Studies in Land and Credit in Ancient Athens, 500–200 B.C. The Horos Inscriptions* (New Brunswick, N.J.: Rutgers University Press, 1952), 95.

⁴⁷ Papazarkadas, *Sacred and Public Land*, 4; see *ibid.*, 4–8, for a summary of views.

⁴⁸ Isager, "Sacred and Profane Ownership of Land," 119–22; Papazarkadas, *Sacred and Public Land*, esp. 1–15, 237–43.

that it is often referred to by the term *temenos*, which can connote an inalienable sacred precinct as well as a sacred arable field; and two, following Isager, that Finley was wrong to deny the distinction between sacred and secular spheres in the ancient Greek economy. The Greeks would have been familiar with the special category of assets designated exclusively for the sustenance of the cult, including religious festivals or events related to communal groups.⁴⁹ It is true that in certain cases the distinction is difficult to maintain, but generally public officials would have been well aware of the special protections due to sacred assets and worked to protect them for the welfare of the public.

Beate Dignas has posed a challenge similar to that of Papazarkadas in her work on sacred land in Asia Minor in the Hellenistic and Roman periods.⁵⁰ The major body of evidence shedding light on the question is a series of "diachronic dossiers" primarily from the Roman period in Caria. These documents asserted various temples' ancient rights to sacred lands and were engraved in stone and prominently displayed in temples. In one such dossier the Zeus temple at Labraunda records a dispute between its high priest and the nearby town of Mylasa during the reign of Seleucus II (246–225

⁴⁹ With regard to money the separation between sacred and secular is becoming ever more clear as well; *ibid.*, 11, n. 51. The terminological difference in Greek documents involves things referred to as *ιερόν* versus *ὄσιον* (*ibid.*, 75–76, n. 256). See *ibid.*, 139–146, for a discussion of the complicated case of deme landholdings and whether a distinction between sacred and secular is meaningful with respect to them. For orgeonic groups leasing land to fund cultic activity, see *ibid.*, 191; and for other religious associations doing the same, see *ibid.*, 209–10.

⁵⁰ *Economy of the Sacred*.

BCE), whereby the polis is accused of misappropriating lands that rightfully belong to the temple.⁵¹ Similar disputes are recorded at the nearby temple at Sinuri.⁵²

Dignas uses this evidence, as well as an inscription from the north Syrian site of Baetokaike recording a gift of land by a certain Antiochus (probably one of the late second-century BCE Seleucid monarchs),⁵³ to argue for a tripartite structure in Greek and Roman Asia Minor: cult, polis, and ruler. "I want to show," Dignas writes, "that a society without explicit claims for a distinction between religious and secular power may well encounter situations in which those two emerge as independent entities and even clash."⁵⁴ Elsewhere she claims that "Without assuming a strict polarity between the sacred and the profane world, it becomes clear that the power of religion never allows for a complete blur between 'church and state'—not even in antiquity."⁵⁵ She argues for the "economy of the sacred": a separate realm of economic activity occupied by Greek sanctuaries and existing, for the most part, independently from the other social and political affiliations and obligations of the polis.⁵⁶ One can reconstruct similar arrangements between imperial regimes and empowered priesthoods in other hierocratic regimes of Asia Minor, including the territories around the temple cities of

⁵¹ Ibid., 59–66, 204–17; on Labraunda, see also Signe Isager, "Kings and Gods in the Seleucid Empire: A Question of Landed Property in Asia Minor," in *Religion and Religious Practice in the Seleucid Kingdom* (ed. Per Bilde, et al.; vol. 1 of *Studies in Hellenistic Civilization*; Aarhus: Aarhus University Press, 1990), 84–88. Isager thinks that the difference between the so-called "temple states" and other political arrangements such as city-states and monarchies was not pronounced (ibid., 88).

⁵² Dignas, *Economy of the Sacred*, 100–1.

⁵³ Ibid., 74–84.

⁵⁴ Ibid., 2.

⁵⁵ Ibid., v–vi.

⁵⁶ For a summary of her argument, see ibid., 271–78.

Cappadocian Komana, Pontic Komana, Zela, Venasa, Olba, and Pessinus.⁵⁷ The temple to Atargatis at Bambyke/Hierapolis in northern Syria is another of the group.⁵⁸

The phenomenon of sanctuary ownership of land was evidenced as well in the Roman sphere, albeit to a limited extent. One of Campania's most venerable sanctuaries, the temple of Diana Tifatina, was endowed with a large tract of land in 83 BCE by Sulla as a show of gratitude for his victory over C. Norbanus, but as Jesper Carlsen notes, the instance is a rare case of temple land in a Roman context.⁵⁹ Diana Tifatina's land was not leased out but worked by slaves managed by a bailiff, similar to the normal arrangement of *villae rusticae* with absentee landlords. In southern Italy private landowners at some point slowly encroached on the sacred lands of Dionysus and Athena at Heraclea. The lands had also been badly neglected. The boundary lines were reaffirmed and new

⁵⁷ Michael I. Rostovtzeff, *The Social and Economic History of the Hellenistic World* (Oxford: Clarendon Press, 1959), 503–7, nn. 279–83; Horden and Purcell, *The Corrupting Sea*, 429–30. Dignas summarizes the state of research into these "temple states" as follows: "For a long time scholars assumed that vast territories of Asia Minor had consisted of temple-states until the Hellenistic rulers sought to diminish sacred land and took away the priests' traditional economic and political power. It was taken for granted that the kings secularized the property and authority of the cults systematically, that colonies were founded on these territories, and that sanctuaries were attacked violently. Recent scholarship has abandoned these assumptions; the old view has given way to the idea that the rulers made ad hoc decisions about the cults on the basis of their immediate political, military, or economic interests." *Economy of the Sacred*, 36.

⁵⁸ Lucian's *De Dea Syria*, a second-century CE description of the cult of Atargatis, written in the style of Herodotus, is the most important source on this temple. Lucian's work describes the founding of the temple to Artagatis, the two enormous phalli in its courtyard, the sacred tame animals in the temple yard, the *galli* (eunuch priests who self-castrated, like in the cult of Cybele), pilgrimage, purification, and the custom of young girls and boys sacrificing their hair and depositing it in the sanctuary. See Per Bilde, "Atargatis/Dea Syria: Hellenization of Her Cult in the Hellenistic-Roman Period?," in *Religion and Religious Practice in the Seleucid Kingdom* (ed. Per Bilde, et al.; vol. 1 of *Studies in Hellenistic Civilization*; Aarhus: Aarhus University Press, 1990), 151–87, esp. 162–66.

⁵⁹ Jesper Carlsen, "CIL X 8217 and the Question of Temple Land in Roman Italy," in *Landuse in the Roman Empire* (ed. Jesper Carlsen, et al. *Analecta Romana Instituti Danici Supplementum XXII*; Rome: "L'Erma" di Bretschneider, 1994), 9–13.

markers were put into place; the land was also improved so as to be more productive for the cult.⁶⁰ The Vestal Virgins of Rome were also in possession of landed assets.⁶¹

Thus while in the ancient Near Eastern context, recent scholarship has argued that the extent of temple landholdings and their influence on regional economies had been overvalued in earlier scholarship, in the Greco-Roman sphere the trend has been precisely the opposite. There research has worked to demarcate the sacred as its own economic entity, landholdings included. These were more than a branch of the polis administrative apparatus, but a universally recognized category of land given its own regulations and protections. The end result is that in both East and West we see a roughly similar category of sacred land emerging on historical record.⁶² Though the profits from this land could be drawn upon by royal and imperial regimes, and in some instances the land itself could take on sacrosanct and thus uncultivable status, its typical *raison d'être* was for the financial sustainability of the cult to which it was attached.

Incidentally, the phenomenon would continue into Late Antiquity and through to the modern era. Ecclesiastical authorities from the time of Constantine onward

⁶⁰ Burford, *Land and Labor*, 24, n. 22.

⁶¹ Robin Lorsch Wildfang, *Rome's Vestal Virgins: A Study of Rome's Vestal Priestesses in the Late Republic and Early Empire* (London; New York: Routledge, 2006), 72, n. 32.

⁶² For a critique of the traditional two-fold categorization of ancient economies into the ideal-types of the Greco-Roman world and the Near Eastern/Egyptian world, see Ian Morris and J.G. Manning, "The Economic Sociology of the Ancient Mediterranean World," in *The Handbook of Economic Sociology* (ed. Neil J. Smelser and Richard Swedberg; Princeton; New York: Princeton University Press; Russell Sage Foundation, 2005), 145. On the questioning of any strong boundaries between regions in the Mediterranean basin, including the Near East, see Horden and Purcell, *The Corrupting Sea*, 9–26.

benefited from large tracts of land.⁶³ One ecclesiastical estate has been excavated at Shelomi in western Galilee; it was inhabited in the fifth–seventh centuries CE and produced an array of Mediterranean crops including grain, olives, grapes, and apples.⁶⁴ Judean desert monasteries were regularly endowed with gardens and orchards for the cultivation of crops used to enhance the monks' diets but also perhaps for sale in local markets.⁶⁵ Land in the region of Tyre, for instance, produced annual revenue of about 1,500 *solidi* and in Antioch of 572 *solidi*. Constantine presented the entire island of Cordionon near Tarsus, along with its revenue of 800 *solidi*, to the see of Peter; the gifting of an entire island for sacred purposes recalls of course of the ownership of Delos by Apollo cited above.⁶⁶ The Islamic Near East has also produced evidence for the phenomenon.⁶⁷ Nowadays the major world religions, particularly the Catholic church,

⁶³ Michael Decker, *Tilling the Hateful Earth: Agricultural Production and Trade in the Late Antique East* (Oxford Studies in Byzantium; Oxford; New York: Oxford University Press, 2009), 48–51; Peter Brown, *Through the Eye of a Needle: Wealth, the Fall of Rome, and the Making of Christianity in the West, 350–550 AD* (Princeton: Princeton University Press, 2012), 237–40, 469–75; A. H. M. Jones, *The Later Roman Empire, 284–602: A Social Economic and Administrative Survey* (Norman: University of Oklahoma Press, 1964), 732–33.

⁶⁴ Claudine M. Dauphin, "A Byzantine Ecclesiastical Farm at Shelomi," in *Ancient Churches Revealed* (ed. Yoram Tsafrir; Jerusalem: Israel Exploration Society, 1993), 43–48; Decker, *Tilling the Hateful Earth*, 49, n. 68.

⁶⁵ Yizhar Hirschfeld, *The Judean Desert Monasteries in the Byzantine Period* (New Haven: Yale University Press, 1992), 200–204. The agricultural fields in the bed of Wadi el-Ghar were likely used for planting olive trees; the industrial-size olive press excavated at the associated site of Khirbet ed-Deir suggests a use beyond consumption by the forty or fifty monks who lived at the site and could reflect production for market sale; see Decker, *Tilling the Hateful Earth*, 50.

⁶⁶ For the landed gifts (among others) from Constantine to the see of Peter, see Raymond Davis, *The Book of Pontiffs (Liber Pontificalis). The Ancient Biographies of the First Ninety Roman Bishops to AD 715* (Translated Texts for Historians, Latin Series 5; Liverpool: Liverpool University Press, 1989), 19–21.

⁶⁷ Ann Lambton has discussed the category of charitable *ouqāf* in pre-modern Persia, noting that they were usually donated for the upkeep of shrines and religious schools or the financial support of certain religious figures; *Landlord and Peasant in Persia: A Study of Land Tenure and Land Revenue Administration* (London; New York: Oxford University Press, 1953), 230–37, esp. 233. The land could be worked directly by the beneficiary or, more often, leased; in the latter case, the terms would be beneficial to the lessee. In certain cases only part of one's estate would be constituted into charitable *ouqāf*.

are among the main landholders across the globe, though generally speaking these are no longer productive properties.⁶⁸ But interestingly, of the major world religions, it is modern Judaism that is not marked by significant assets in land, its only real estate holdings consisting of the modest urban and suburban acreage on which synagogues now stand.⁶⁹ The roots of Judaism's difference in this regard just may stretch back into its earliest centuries on the world stage.

1.1.2 Sacred Landholdings and "Temple Land" in Judea and the Jewish Context

The fact is that the issue of sacred landholdings of the early Jewish cult has hardly been addressed. To the best of my knowledge, there has never been a monograph or even a long article on the subject for any period in the history of the religion. For the Iron Age, it comes up in passing in a few studies on the ancient Judean economy and land tenure practices.⁷⁰ But there are copious studies on the Iron Age temple cult and priesthood that

⁶⁸ Nowadays the Catholic Church is the third largest individual landowner on earth, enjoying legal claim to 177 million acres at an estimated value of \$1.7 trillion; in New York the church is the second largest individual landowner with assets worth \$20–50 million. Kevin Cahill, *Who Owns the World: The Hidden Facts behind Landownership* (Edinburgh; London: Mainstream Publishing, 2006), 35, 38–40, 77–78, 117–18. As Kevin Cahill notes, the land is held now by the church not "to assert the core principle of monarchy" but merely for the support of the Church and its priests, sisters, and brothers. On the "huge swathes of landed property" of the Greek Orthodox church, a matter of some controversy when Greek politicians have tried to expropriate them, see Papazarkadas, *Sacred and Public Land*, 8, n. 38. Islam, Buddhism, and Hinduism also hold significant assets in land. Of the eastern religions, land endowments are still a common feature of religious life and piety. Cahill estimates that as much of 5% of Indian land, or 15 million acres, is in the form of Hindu endowments or land owned by Hindu temples; *Who Owns the World*, 123–32.

⁶⁹ *Ibid.*, 103, 500.

⁷⁰ See most recently, Marty E. Stevens, *Temples, Tithes, and Taxes: The Temple and the Economic Life of Ancient Israel* (Peabody, Mass.: Hendrickson Publishers, 2006), 82–85. Stevens fails to reach definitive conclusions in her brief study of the topic, though in these few pages has carried us far beyond the total neglect of the issue in other analyses of the cultic institutions of the Israelites. In the end, she concludes that the "cumulative biblical evidence does not allow unequivocal statements regarding landownership by the Jerusalem temple" but seems to be favorably disposed to the idea when she writes in the next sentence that "it may be

overlook it entirely.⁷¹ Those that do address it inevitably infer from its ubiquity in other areas of the Near East that the Iron Age temples in the Land of Israel were also landholders.⁷² Douglas Knight has made precisely this inference in a recent book on Israelite legal systems. He writes:

Judging from the situation in other ancient Southwest Asian areas, we can assume that substantial tracts of land were also owned by the temples. These holdings provided income and resources needed for the operation and maintenance of the

reasonable to infer that the temple held land"; *ibid.*, 85. Weinberg contrasts the pre-exilic situation with the post-exilic, the former likely including temple land and the latter not at all; *The Citizen-Temple Community* (Journal for the Study of the Old Testament 151; Sheffield: JSOT Press, 1992), 94–98, 103. Henrey mentions the possibility of temple lands associated with the old Levitical cities; "Land Tenure in the Old Testament," *Palestine Exploration Quarterly* (1954), 13–15.

⁷¹ Most notable in this regard is the absence in Menahem Haran's magisterial work, *Temples and Temple-Service in Ancient Israel: An Inquiry into the Character of Cult Phenomena and the Historical Setting of the Priestly School* (Oxford: Clarendon Press, 1977), which barely relates to the regulations of Lev 27, though he would do so elsewhere (see §3.2.3) and would also in my opinion further the discussion on the Israelite and early Jewish notion of divine ownership of the Land of Israel, as I will discuss shortly. Ulrike Dahm pays attention to the history of the priesthood and the temple and festival rites rather than its role in land tenure in *Opferkult und Priestertum in Alt-Israel: ein kultur- und religionswissenschaftlicher Beitrag* (Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 327; Berlin: W. de Gruyter, 2003). A similar disregard for the village-level interactions and economic realities with respect to land and the temple institution is apparent in Aelred Cody, *A History of Old Testament Priesthood* (Rome: Pontifical Biblical Institute, 1969). Gary Anderson is interested only in movable offerings rather than the consecration of real estate in *Sacrifices and Offerings in Ancient Israel: Studies in Their Social and Political Importance* (Harvard Semitic Monographs 41; Atlanta: Scholars Press, 1987). Ziony Zevit focuses more on the architectural layout of Israelite shrines rather than their impact on the countryside in *The Religions of Ancient Israel: A Synthesis of Parallaxic Approaches* (London; New York: Continuum, 2001), esp. 123–266. The magnum opus on the Jerusalem temple by Th. A. Busink is similarly focused on the architectural appearance and cult reality of the sanctuary itself; *Der Tempel von Jerusalem von Salomo bis Herodes. Band I. Der Tempel Salomos* (Studia Francisci Scholten Memoriae Dicata 3; Leiden: Brill, 1970); *Band II: Von Ezechiel bis Middot* (Leiden: Brill, 1980). The question of temple land is unaddressed in Oded Borowski's discussion of land tenure in *Agriculture in Iron Age Israel* (Winona Lake, Ind.: Eisenbrauns, 1987), 21–30, though he does recognize the existence of landholding by priests. Morris Silver similarly overlooks the issue in his treatment of the temple's role and of agricultural practices in the Iron Age economy; *Prophets and Markets: The Political Economy of Ancient Israel* (Social Dimensions of Economics; Boston: Kluwer-Nijhoff, 1983), 19–25, 67. John Lundquist's book on the temple in Jerusalem is about the symbolic nature through history and into modernity and its role and meaning in Judaism, Christianity, and Islam; *The Temple of Jerusalem: Past, Present, and Future* (Westport, CT; London: Praeger, 2008).

⁷² She opens her discussion of the topic with the assertion that "all major temples in Mesopotamia owned land and controlled its production. In some cases, temples controlled vast landed estates"; *Temples, Tithes, and Taxes*, 82; Weinberg too begins his discussion of the matter with a similar observation; *The Citizen-Temple Community*, 95.

temples as well as for the support of the priests, other cultic officiants, laborers, and slaves. The temples acquired this land either through gifts or grants from the king or through financial dealings similar to those of the large landowners. And as with the previous two categories [royal land and large private estates], the temples also depended on tenant farmers, hired laborers, and slaves to work the land and manage their herds of sheep, goats, and cattle.⁷³

Knight provides no evidence from within the texts or artifacts of ancient Israel to support the inference. The fact remains that while various sources of the Hebrew Bible refer to the marking of land as sacred, some for its exploitation for fundraising purposes as we shall explore in this monograph, it never speaks of the management or leasing of temple land for the purposes of generating revenues for Yahweh. In fact, the Hebrew Bible lacks a basic vocabulary for rent capitalism of any sort—"let," "lease," "rent," and "tenant," all being words absent from the biblical Hebrew lexicon, as Walter Houston has observed.⁷⁴ Indebted to Ronald Simkins's category of patronage as a guiding social norm in the power relations among the landed and non-landed classes of monarchic Israel, Houston recognizes the problem of credit as being addressed within extended families or clan-like circles of patrons and clients.⁷⁵ The centrality of village communes rooted in kinship ties and espousing an ethic of solidarity with regard to indebtedness in times of crisis is a major thesis of Phillip Guillaume's important monograph on land and credit in

⁷³ *Law, Power, and Justice in Ancient Israel* (Library of Ancient Israel; Louisville, KY: Westminster John Knox Press, 2011), 146. On the shrines located within ancient Israel and Judah; see *ibid.*, 227–29; see also Zevit, *Religions of Ancient Israel*, 81–122.

⁷⁴ *Contending for Justice: Ideologies and Theologies of Social Justice in the Old Testament* (Library of Hebrew Bible/Old Testament Studies 428; London; New York: T&T Clark, 2006), 21–25; see below §§4.1, 5.3.2.

⁷⁵ *Ibid.*, 47–51. See Ronald A. Simkins, "Patronage and the Political Economy of Monarchic Israel," in *The Social World of the Hebrew Bible: Twenty-Five Years of the Social Sciences in the Academy* (ed. Athalya Brenner and Stephen L. Cook; vol. 87 of *Semeia*; Atlanta, GA: Society of Biblical Literature, 1999), 123–44.

ancient Israel.⁷⁶ So the very notion of sprawling agricultural estates as marking the land tenure system of Iron Age Israel is being challenged nowadays, further calling into question the use of Mesopotamian landholders—temples included—as useful comparanda for the period. One can hardly assume that the Jerusalem temple at the end of the Iron Age was profiting from landholdings just because regional temples in other lands were doing so.

Actual internal evidence drawn upon by scholars for the holding of plots by Yahwistic shrines in the Iron Age is intriguing, though hardly compelling. Joel Weinberg has pointed to three instances in which patriarchs in the Hebrew Bible are said to have purchased plots or otherwise lay claim to sites that would become sacred, anticipating perhaps the existence there of sanctuary-owned agricultural plots.⁷⁷ Before setting up an altar at Shechem, Jacob pitches his tent there and purchases the plot from the children of

⁷⁶ *Land, Credit and Crisis: Agrarian Finance in the Hebrew Bible* (BibleWorld; Sheffield; Oakville, CT: Equinox, 2012). Drawing extensively on Ottoman historical sources that shed light on local land tenure practices in the pre-modern and early modern eras, Guillaume reinterprets biblical passages to show that communal farming was commonplace in the region in antiquity (ibid., 152, 164–65). He compares the ubiquitous arrangements of communal (*musha'*) land in pre-Ottoman Palestine with land tenure arrangements in biblical Israel, attested primarily through anecdotal references to dividing land by measuring rope (e.g., Mic 2:5, Ps 16:6, Ps 105:11). He argues that the Hebrew Bible's vision of the tribal allotment of the Land of Canaan is rooted in this village-level system of communal land ownership, where plots would be assigned to clans and re-allotted periodically, as was customarily in pre-Ottoman *musha'* systems (ibid., 42–53). He claims that small farms enjoyed considerable economic advantages over larger estates, who faced risks particularly as providers of credit; and that the Jubilee and Sabbatical year concepts were practicable policies meant in no small part to free labor for land reclamation and public-works projects (ibid., 234–39). On the latter he makes the interesting argument that the Jubilee would have been largely irrelevant to farm loans given that farmers would have usually dealt in very short-term contracts. On his assertion that theologically oriented writings on land tenure arrangements in ancient Israel and Second Temple Judea have been beleaguered by assumptions of the "tyranny of land ownership," see ibid., 13–17, 111–13, 247–49. On his critique of the use of archaeology to claim growing inequality between an embittered landless class and a landed class controlling ever-growing *latifundia*, see ibid., 150.

⁷⁷ Weinberg, *The Citizen-Temple Community*, 95–96.

Hamor (Gen 33:18–20) in seeming affirmation of the ancient legal claim by Yahwists to it. A description of the pitching of a tent appears before Abram constructs an altar at Bethel (Gen 12:6–8), perhaps this too a literary *topos* signifying cult ownership of plots at the site. The purchase by David of the threshing floor of Arauna (2 Sam 24:18–23) for the site of the construction of the first temple to Yahweh at Jerusalem according to Weinberg was for a price far too large for a plot accommodating the sanctuary alone and may have included as well fields or groves around the temple.⁷⁸ This avenue of inquiry is an interesting one but cannot prove the existence of this category of land in an Iron Age setting.

More compelling is the concept of Levitical *migrāšîm*. These were pasturelands or open areas for the keeping of livestock held by those of the sacred tribe of Levi. They are described as having been located around the walled settlements or urban quarters allotted to the tribe during the mythic division of the Land of Canaan (Josh 21:1–40; Lev 25:34).⁷⁹ Since many scholars have seen these "Levitical cities" on the countryside of monarchical Judah as holdovers of old temple cities before the Deuteronomic reforms, the pasturelands surrounding them would naturally have been associated with the shrines themselves.⁸⁰ Marty Stevens has pointed out that animal sacrifices brought by

⁷⁸ When the Benjaminites lay in wait in the vineyards of Shiloh for the girls they would take as their wives in Judg 21:19–21, Weinberg cautiously suggests that these were the vineyards of the sanctuary there, given that the event takes place during an annual feast of Yahweh; *ibid.*, 95.

⁷⁹ For a discussion of these *migrāšîm*, see §2.3.

⁸⁰ On the shrines' lands, see Henrey, "Land Tenure," 13–15. On the association in scholarship between defunct shrines and the Levitical cities, see Benjamin Mazar, "The Cities of the Priests and the Levites," *Supplements to Vetus Testamentum* 7 (1957), 193–205; Albrecht Alt, "Festungen und Levitenorte im Lande

priests on behalf of others (Lev 4:14) imply too that priests were holding and pasturing their own flocks, which to her suggests the existence of temple land.⁸¹ She also connects this phenomenon with the portrayal of a sacred district of land surrounding the idealized temple of future times in Ezek 40–48, which may "still reflect the authentic custom of temple landownership."⁸² Menahem Haran recognizes the relationship between the Levitical *migrāšîm* and the temple's sacred district in Ezekiel's vision too.⁸³

The connection between the Levitical cities and Ezekiel is an important one and I will explore it in greater depth below, but let me point out that Haran has also shown that many of these Levitical cities were located at places for which there is no evidence at all of an earlier shrine—and other early shrines made defunct with the Deuteronomic reforms contain no Levitical cities.⁸⁴ In a landmark study on the topic, Naadav Naaman has argued that the Levitical cities were introduced for administrative and religious purposes in the reign of Josiah and then expanded to 48 in the book of Joshua in order that they fill the entire utopian borders of the Land of Israel.⁸⁵ In other words, their correspondence with the old temple cities is in doubt, not to mention the connection between their *migrāšîm* and temple land.

Juda," in *Kleine Schriften zur Geschichte des Volkes Israel* (München: Beck'sche Verlagsbuchhandlung, 1953), 305–15; Weinberg, *The Citizen-Temple Community*, 97. Haran takes issue with the assumption that the Levitical cities were all located on old temple cities, now defunct with the Deuteronomic reforms; *Temples and Temple-Service*, 119–21.

⁸¹ *Temples, Tithes, and Taxes*, 83–84.

⁸² *Ibid.*, 84.

⁸³ Haran, *Temples and Temple-Service*, 125–27.

⁸⁴ *Ibid.*, 119–21.

⁸⁵ Nadav Naaman, *Borders and Districts in Biblical Historiography: Seven Studies in Biblical Geographic Lists* (Jerusalem Biblical Studies 4; Jerusalem: Simor, 1986), 203–36.

One should consider the fact that a central element of the overarching narrative of the Torah is the notion that Yahweh is the true owner of the Land of Israel. The element is expressed most straightforwardly in the Holiness Code, a late legal compendium following the Priestly Source and perhaps the product of the very priests responsible for the redaction of the Torah as a whole in the Judean highlands in the sixth or fifth centuries BCE.⁸⁶ According to the narrative of the Torah, Yahweh promises progeny and land to the forefathers of Israel then frees them from bondage in Egypt in order to settle them in his own land in Canaan. The fact that Yahweh is constructed in this narrative as landowner imbues the land with sanctity and provides the rationale and justification for observing certain commandments given in the Torah's legal codes.

Accordingly, his devotees who live on his land are to scrupulously protect its holiness by observing cultic and moral statutes but also land tenure regulations. No arable plots are to be worked in the sabbatical year (Lev 25:2–7) and all land sales are to expire in the Jubilee year. All ancestral holdings are to automatically return to their legal heirs at the end of every Jubilee or fifty-year cycle (25:8–17). Furthermore, agricultural dues from the field, orchard, flock, and herd are due to Yahweh's priests (Num 18:11–20; Deut 18:3–5). The rhetoric of Yahweh-ownership thus works to promote a certain moral and religious system and to ensure the proper functioning of the cult. It is at the heart of the concept of the Holy Land, a point that has been made by many who have examined

⁸⁶ For more on the Holiness School and its relationship to the redaction of the Torah, see §3.1.

the role of land in biblical theology.⁸⁷ Verses often invoked as encapsulating the ideology are the following in Lev 25:23–24, spoken by Yahweh as legislator:

The land must not be sold beyond reclaim, for the land is mine; you are but strangers resident with me. Throughout the land that you hold, you must provide for the redemption of the land.

וְהָאָרֶץ לֹא תִמְכַּר לְצִמְתָּת כִּי לִי הָאָרֶץ כִּי
גֵרִים וְתוֹשְׁבִים אַתֶּם עַמְדֵי. וּבְכָל אֶרֶץ
אֲחֻזַּתְכֶם גְּאֻלָּה תִתְּנוּ לְאֶרֶץ.

While the Holiness Code articulates the ideology most fully and fleshes it out legislatively, the idea is not limited to this source alone.⁸⁸ The evolution and spiritualization of this land theology by diaspora Jews during and after the Second Temple period and by the early Jesus movement has also been explored in multiple studies.⁸⁹

⁸⁷ W. D. Davies, *The Gospel and the Land. Early Christianity and Jewish Territorial Doctrine* (Berkeley: University of California Press, 1974), 24–35; Edmond Jacob, "Les trois racines d'une théologie de la "terre" dans l'Ancient Testament," *Revue d'histoire et de philosophie religieuses* 55 (1975), 469–80; *The Territorial Dimension of Judaism* (Berkeley: University of California Press, 1982), 17–18; Walter Brueggemann, *The Land: Place as Gift, Promise, and Challenge in Biblical Faith* (Philadelphia: Fortress Press, 1977), 47–53; Norman C. Habel, *The Land is Mine: Six Biblical Land Ideologies* (Overtures to Biblical Theology; Minneapolis: Fortress Press, 1995), 36–53; Christopher J. H. Wright, *God's People in God's Land: Family, Land, and Property in the Old Testament* (Grand Rapids, Mich.; Exeter, England: W.B. Eerdmans Pub. Co.; Paternoster Press, 1990), 10–13; Jan Joosten, *People and Land in the Holiness Code: An Exegetical Study of the Ideational Framework of the Law in Leviticus 17–26* (Supplements to Vetus Testamentum 67; Leiden; New York: E.J. Brill, 1996), 137–92; Philippe Guillaume, *Land and Calendar: The Priestly Document from Genesis 1 to Joshua 18* (Library of Hebrew Bible/Old Testament Studies 391; New York: T & T Clark, 2009), 102–22; Ellen F. Davis, *Scripture, Culture, and Agriculture: An Agrarian Reading of the Bible* (New York: Cambridge University Press, 2009), 60; David Frankel, *The Land of Canaan and the Destiny of Israel: Theologies of Territory in the Hebrew Bible* (Siphrut: Literature and Theology of the Hebrew Scriptures 4; Winona Lake, Ind.: Eisenbrauns, 2011), 10–12, 397.

⁸⁸ The Song of the Sea (Exod 15:1–18) reads, "In your love you lead the people you redeemed; in your strength you guide them to your holy abode." Psalm 68:1–17 reads, "God restores the lonely to their homes, sets free the imprisoned, safe and sound...O God, when you went at the head of your army, when you marched through the desert, Sela. The earth trembled, the sky rained because of God...When your land languished, you sustained it. Your tribe dwells there..." For other sources, see Moshe Weinfeld, *Social Justice in Ancient Israel and in the Ancient Near East* (Minneapolis; Jerusalem: Fortress Press; Magnes, 1995), 237–39.

⁸⁹ The main work on the subject is Davies, *Gospel and the Land*, who charts the spiritualization in early Christianity of the Land of Israel and its temple into symbols of eternal life and of an eschatological society.

Among this scholarship on land theology, most helpful are the observations by Moshe Weinfeld and Joel Weinberg that similar notions of divine ownership of land are witnessed in the temple estates of neighboring cultures of the ancient world.⁹⁰ Tenants on such sacred lands, Weinfeld notes, are often granted special privileges including freedom from military and corvée conscription; their exemption from royal service is justified by their religious service. Albrecht Alt had argued that many Philistines were freed from royal labor and assigned to service in Egyptian temples in the south of

As compared to Judaism, Davies sees Christianity as fundamentally non-geographic. Interestingly, the same move has been charted by Betsy Halpern Amaru in the works of Philo and Josephus, who both are shown to have a certain discomfort with biblical land theology; "Land Theology in Philo and Josephus," in *The Land of Israel: Jewish Perspectives* (ed. Lawrence A. Hoffman; Notre Dame: University of Notre Dame Press, 1986), 65–93. For her discussion of Josephus and Philo and her charting of eschatological approaches to land in *Jubilees*, *Testament of Moses*, and Pseudo-Philo, see *Rewriting the Bible: Land and Covenant in Post-Biblical Jewish Literature* (Valley Forge, PA: Trinity Press International, 1994). For a tempering of W.D. Davies's argument that Jesus rejected territorial Judaism, see Karen J. Wenell, *Jesus and Land: Sacred and Social Space in Second Temple Judaism* (Library of Historical Jesus Studies; Library of New Testament Studies 334; London: T & T Clark, 2007). Wennell forwards the position that Jesus did in fact draw on the biblical land promise but did so as part of a new structure where those of low social status and without significant property would join together as equals in a new Holy Land, the sanctity of the land free of the purity concerns of Sadducees and Pharisees and the land itself no longer owned by a select few. In one sense her study is a sustained look at Matt 5:5 (and Ps 37:11 from which it borrows): "Blessed are the meek, for they will inherit the land"; see *ibid.*, 142–43. On continued sensitivity to the plight of the Land of Israel among rabbinic circles in Palestine and the eventual constructing of an alternative Land in Babylonia among sages living there, see Isaiah Gafni, *Land, Center and Diaspora: Jewish Constructs in Late Antiquity* (Journal for the Study of the Pseudepigrapha Supplement Series 21; Sheffield: Sheffield Academic Press, 1997), esp. 58–78, 96–117. Two recent studies have as a main subtext the current conflict in Israel-Palestine and seek to reframe biblical points-of-view on the Holy Land concept; see Gary M. Burge, *Jesus and the Land: The New Testament Challenge to 'Holy Land' Theology* (Grand Rapids, Mich.: Baker Academic, 2010); W. Eugene March, *God's Land on Loan: Israel, Palestine, and the World* (Louisville: Westminster John Knox Press, 2007). Burge argues that "thinking Christianly" about the land must embrace a rejection of traditional "Jewish territoriality" and assert that "God is everywhere but ultimately cannot be located anywhere"; see *ibid.*, esp. 125–31 and quote on 130. March's work is more overtly political but less indebted to Christian supercessionism; it discusses the biblical rejection of true land ownership to argue against fetishizing land ownership with respect to Israel-Palestine; see *ibid.*, 63–84.

⁹⁰ Weinfeld, *Social Justice*, 231–47; Weinberg, *The Citizen-Temple Community*, 92–104.

Palestine under this very pretense.⁹¹ With regard to the inspiration the Torah takes from the practice, Weinfeld writes:

Hence, the redemption of the people and its being planted in the holy mountain or the holy inheritance is based upon the model of liberation of the inhabitants from the yoke of kings and their transference to the holy inheritance, where they are subject to divine rule alone. Their land cannot be transferred to others, as they themselves dwell upon it as residents and strangers. It is also impossible to enslave them, as they are servants of God alone.⁹²

This argument is a significant step forward in exploring the cultural and institutional realities lying behind the narrative framework of the Torah. These realities are regularly overlooked in the land theology studies cited above. Cultural interaction with both the Neo-Babylonian and Persian empires in the sixth–fifth centuries BCE, a period of heightened literary activity among the Judean priests and scribes, could have been instrumental in providing exposure to this ancient religious institution. Exiled devotees and cultic officials of Yahweh would have confronted vast tracts of land owned by foreign gods in Babylonia. Similar encounters could have occurred in the Persian homeland, particularly if we give any weight to Weinberg's notion of a citizen-temple community in Jerusalem inspired by similar Achaemenid regional arrangements.⁹³ There is no good reason to assume that the literati working for the restoration of Jerusalem were confronted with the issue of old temple lands of their Iron Age forebears. Thus,

⁹¹ Alt, "Ägyptische Tempel in Palästina," 1–20.

⁹² Weinfeld, *Social Justice*, 241.

⁹³ See above; for a discussion of Weinberg's position and an argument for its general validity, with reservations, see Jean Louis Ska, *Introduction to Reading the Pentateuch* (Winona Lake, Indiana: Eisenbrauns, 2006), 226–27.

when the Torah portrays the Land of Israel as Yahweh's own possession in a manner recalling the divine estates in Near Eastern empires, there is every reason to assume that the inspiration comes from without rather than within.

While Weinfeld and Weinberg both have pointed to temple estates as the source of inspiration for the "land is mine" concept of biblical theology, they do not consider evidence from the Hebrew source material for the conferral of ownership rights or at least usufruct of agricultural plots to the cult of Yahweh in the legislation of Lev 27:16–24, 28.⁹⁴ In other words, they have shown that this category of sacred land exists in biblical rhetoric, but do not consider evidence that it actually existed in the lived experience of Yahwists. How is one to harmonize, for example, the notion that Yahweh is the owner of the entire Land of Israel with Lev 27's regulations regarding the consecration to him of fields and agricultural plots? Is their status as Yahweh's possession not already established by his theoretical ownership of the entire Land of Israel? Clearly we have in Lev 27 a category of land approximating the very same type of cult-managed land under the pretense of divine ownership that we see elsewhere in the region. And yet it occurs in a setting already under the nominal ownership of Yahweh and imbued with sanctity as a result. How is one to reconcile the "land is mine" theology of the Hebrew Bible, particularly the Holiness School's conferral of nominal land ownership to Yahweh in Lev 25, with the field consecrations mechanisms of Lev 27,

⁹⁴ Weinberg does see the Iron Age temple in Jerusalem owning land but quite curiously overlooks the legislation in Lev 27 and makes no mention of it in the articles collected into his book; see *The Citizen-Temple Community*, 94–97.

which confer actual ownership to Yahweh? The question in my view has not adequately been dealt with in scholarship, particularly considering that both chapters ostensibly derive from the same Holiness School.

In addition to exploitable properties in the hands of the cult of Yahweh, there is evidence for the marking of space as sacrosanct—entirely off limits to human use for agricultural purposes or otherwise. The numerous references and laws relating to the marking of persons and property as *ḥērem* ("eternally banned," "sacrosanct"), particularly in the Deuteronomistic accounts of war but also on the homefront, could have resulted in the application of sacrosanct, uncultivable, and unlivable status to plots of land in ancient Israel. Despite copious studies of the biblical *ḥērem*, the issue of the institution's impact on the marking of space has been left virtually untouched in published works on land management by the temple and cult of Yahweh and I hope to encourage a discussion of it here. The only reference to it I could find is a discussion by Moshe Benovitz, who connects the *tēl 'ōlām* ("eternal ruin") of the condemned *ḥērem* city in Deut 13:17 with the *ḥērem* field consecrated voluntarily in Lev 27:28.⁹⁵ He writes:

Land devoted permanently to the Lord is not merely the property of the Temple treasury. It attains the status of *herem*, the desolate land upon which the ruins of the *herem* cities once stood. This contagious land is not to be cultivated by the priests or anyone else.⁹⁶

⁹⁵ *Kol Nidre: Studies in the Development of Rabbinic Votive Institutions* (Brown Judaic Studies 315; Atlanta: Scholars Press, 1998), 85.

⁹⁶ *Ibid.*

In order to reconcile the tension between the untouchable status of *ḥērem* land according to the Deuteronomic perspective and its conferral to the priest as his personal property in Lev 27:28, Benovitz suggests later scribal tampering with the latter text to harmonize it with Num 18:14's clear granting of all things *ḥērem* to priests.⁹⁷ As I hope to demonstrate, there is within these biblical sources an irreconcilable tension on the status and exploitability of *ḥērem* and it anticipates an ongoing disagreement that would surface in the Qumran literature and in rabbinic teachings as well. This is all part of an important yet understudied aspect of *ḥērem* as it relates to its application outside of the battlefield and specifically as part of the Jewish sacred economy.

As for the question of landholdings of the Jewish cult in the Second Temple period, a brief article by Joseph Blenkinsopp on the Persian era and a longer one by Zeev Safrai on the Early Roman period are, to the best of my knowledge, the only significant studies that have been published on the subject.⁹⁸ As in the pre-exilic period, works on the institutional realities of the religious cult, priesthood, and their sacred finances typically mention nothing on sacred landholdings.⁹⁹ Included among the latter is Jack

⁹⁷ Ibid., 85–86.

⁹⁸ Joseph Blenkinsopp, "Did the Second Jerusalemite Temple Possess Land?," *Transeuphratène* 21 (2001), 61–68; Zeev Safrai, "The Agrarian Structure in Palestine in the Time of the Second Temple, Mishnah and Talmud," in *The Rural Landscape of Ancient Israel* (ed. Aren M. Maier, et al.; vol. 1121 of BAR International Series; Oxford, England: British Archaeological Reports, 2003), 114–17.

⁹⁹ The following discussions on sacred finances in the Second Temple period overlook the aspect of landholdings: Shemuel Safrai, "Religion in Everyday Life," in *The Jewish People in the First Century: Historical Geography, Political History, Social, Cultural and Religious Life and Institutions* (ed. Shemuel Safrai, et al.; vol. 2 of *Compendia Rerum Judaicarum ad Novum Testamentum*; Assen: Van Gorcum, 1976), 817–28; Aharon Oppenheimer, *The 'Am Ha-Aretz: A Study in the Social History of the Jewish People in the Hellenistic-Roman Period* (Arbeiten zur Literatur und Geschichte des hellenistischen Judentums 8; trans. I.H. Levine; Leiden: E.J. Brill, 1977), 29–51; Emil Schürer et al., *The History of the Jewish People in the Age of Jesus Christ (175 B.C.-*

Pastor's *Land and Economy in Ancient Palestine* (1997), still the definitive volume on land tenure practices of the region in antiquity, which barely considers landholdings for the benefit of the Jewish cult in Palestine.¹⁰⁰ An even more assertive dismissal has been articulated by Shemuel Safrai, who writes the following about the temple in the Early Roman period, "The sources do not contain the slightest suggestion that the Temple owned either slaves, houses, fields or any property whose revenues went to the Temple, as was not unusual in other ancient civilizations."¹⁰¹ His son Zeev Safrai would argue precisely the opposite, as I will note shortly. Joel Weinberg too stated that his model of a citizen-temple community in Persian Yehud differed from similar arrangements in the Achaemenid sphere in its lack of incorporated sacred landholdings.¹⁰²

Joseph Blenkinsopp's article on the question is devoted almost exclusively to the single verse in Ezra 10:8 calling for the imposition of *ḥērem* status of the property (*rēkûš*)

A.D. 135), Volume II, Revised and Edited (Edinburgh: T&T Clark, 1979), 257–74; E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (London: SCM Press, 1992), 146–90; Schaper, *Priester und Leviten*, 149–50; Francis Schmidt, *How the Temple Thinks: Identity and Social Cohesion in Ancient Judaism* (The Biblical Seminar 78; trans. J. Edward Crowley; Sheffield: Sheffield Academic Press, 2001), 191–244; Timothy Wardle, *The Jerusalem Temple and Early Christian Identity* (Wissenschaftliche Untersuchungen zum Neuen Testament 291; Tübingen: Mohr Siebeck, 2010), 23–27.

¹⁰⁰ *Land and Economy in Ancient Palestine* (London; New York: Routledge, 1997), 32. In his discussion of whether Judea in the early Hellenistic period can be compared to the "temple states" of Asia Minor and the Seleucid realm, he concludes that the comparison is inapt given the various indicators that Judea was not treated as sacred land. He writes: "I fail to find any proof that the Temple in Jerusalem 'owned' the territory of Judea, unless we consider the biblical expressions of God's ultimate ownership of the Land of Israel as an expression of the Temple's ownership of the land by extension. This latter possibility seems a forced interpretation of the scriptures." As far as I can tell, this is the full extent of Pastor's consideration of sacred landholdings in his book. He may be correct that the nominal ownership of the Land of Israel by God does not translate to holding rights approximating ownership. But there is no justification, as I hope to demonstrate in this study, in overlooking evidence that the Jewish cult appears to have in fact enjoyed profits from sacred plots throughout the Second Temple period. Perhaps the biblical rhetoric of divine ownership of the Land of Israel caused Pastor to turn a blind eye to this category of land.

¹⁰¹ "The Temple," 879.

¹⁰² *The Citizen-Temple Community*, 103–4.

of anyone who fails to come to a national assembly in Jerusalem.¹⁰³ Blenkinsopp concludes that this decree in Ezra 10:8 reflects the practice of the temple marking confiscations as sacred and collecting landed assets from them.¹⁰⁴ Yet this is based on the debatable assumptions that the term *rēkûš* can refer to landed property and that Ezra's decree is not merely using a verb form related to the root *hērem* to connote the utter or total destruction of the truant's property, as prophetic and Deuteronomistic speech is want to do.¹⁰⁵ In my opinion Blenkinsopp has touched on an important avenue of inquiry nonetheless. He does not explore in his article evidence suggesting that persons in the Second Temple period were donating property—land included—for sacred purposes by marking it as *hērem*. If it turns out that the temple in Ezra's day was indeed collecting land by judicial *hērem* decrees, the practice would apparently not last particularly long. Later sources mentioning the institution recognize it as the marking of *hērem* property as a means of gifting assets to priests, a practice still underexplored.¹⁰⁶

The most detailed study of the question of temple-owned land in any period is that by Zeev Safrai.¹⁰⁷ He too begins the discussion with a brief survey of lands owned or managed by sanctuaries and churches in the ancient world and then prefaces his

¹⁰³ "Did the Second Jerusalemite Temple Possess Land?," 61–68.

¹⁰⁴ *Ibid.*, 67–68. Stevens too mentions the possibility; *Temples, Tithes, and Taxes*, 83.

¹⁰⁵ On the valences of the term, see §7.1.

¹⁰⁶ Benovitz's analysis of the institution in the Second Temple period focuses on its use as a form of self-deprivation; *Kol Nidre*, 102–5.

¹⁰⁷ Safrai, "The Agrarian Structure," 115–26, an apparent update to his earlier book, *The Economy of Roman Palestine* (London; New York: Routledge, 1994). An abridged Hebrew-language version of Safrai's discussion in "The Agrarian Structure" appears in Shmuel Safrai and Ze'ev Safrai, *Tractate Skolim (Moed E) with Historical and Sociological Commentary* (Mishnat Eretz Israel; Jerusalem: E.M. Liphshitz, 2009) [Hebrew], 12–16. Interestingly, the father had argued precisely the opposite in "Religion in Everyday Life," 817, as I noted above.

consideration of the question for Second Temple Judea with the caveat that any determination of their extent is "extremely difficult."¹⁰⁸ The evidence he draws upon to make the case for their existence is entirely devoted to rabbinic materials. The Mishnah and other early rabbinic teachings are familiar with the sub-category of landholdings as one type of *heqdēš* ("consecrated property") and include a series of teachings on them, particularly in *m. 'Arakin* 6–8 and *m. Me'ilah* 3, but also in other various teachings of Mishnah and in parallel Tannaitic teachings in Tosefta, halakhic midrash, and Talmudic *baraitot*.

As I will discuss in the coming chapters, these teachings refer to the temple putting up for auction consecrated land that had been pledged as security on a loan and then was rendered inaccessible to the creditor given its sacred status (e.g., *m. 'Arakin* 6:2, 8:2–8:3) and to the seizing by temple authorities of the property of one who owes money to the temple (e.g., *m. 'Arakin* 6:3). They include a discussion of the status of agricultural derivatives of consecrated trees and fields, whether the produce growing from such endowments should be given the same sanctity protections that the tree or plant itself is given (e.g., *m. Me'ilah* 3:6–8). They ensure the owner's right to purchase back a field from temple property whenever he so desires (e.g., *m. 'Arakin* 8:1). The Mishnah is also careful to distinguish teachings that are not pure exegesis of Lev 27:16–24 by prefacing them with the statement that consecration occurs "when the Jubilee is not [observed]" (*m. 'Arakin* 8:1), its exegetical commentary of the Lev 27 regulations having appeared just

¹⁰⁸ Ibid., 114.

beforehand and applicable to some future time when the Jubilee will be reinstated (*m. 'Arakin* 7:1–5). Safrai assumes that these teachings preserve earlier Pharisaic halakhah, following the classic position that Tannaitic tradition developed directly out of Pharisaic teachings from before the destruction of the temple in 70 CE.¹⁰⁹ Having summarized the Tannaitic tradition on consecrated fields, he writes:

All of these possibilities are in accordance with the Pharisaic *halakhah*. There is no certainty, however, that this was the sole reigning *halakhah*. The views held by other sects have not been determined, nor has the extent to which they could influence Temple practice. Furthermore, all the *halakhot* quoted from Rabbinic sources are later formulations, and we cannot be sure that they had already been accepted when the Temple still stood. It is plausible that the Temple leadership wished to purchase lands, and it has not been determined to what degree it was limited by these *halakhot*, which are familiar exclusively from later literature. Moreover, the *halakhah* does not specify a time limit for the redemption of the consecrated field, so the Temple treasurer could delay the redemption indefinitely, until the advent of the Messiah. We may therefore conclude that the Biblical law, and later the Talmudic *halakhah*, attempt to limit the possibilities of land purchases by the Temple. In practice, however, opportunities for receiving private lands on behalf of the Temple remained, and the Temple was not forbidden to purchase lands and to maintain possession. In antiquity, the temples were among the major landowners, and it could therefore be expected that the Temple in Jerusalem, which was especially wealthy, would also own lands.¹¹⁰

Safrai then weaves together two arguments in his study of the topic. First, he points to well-watered oasis of Jericho as an area containing consecrated fields, based on a Tannaitic tradition involving caprification branches attached to sycamore trees consecrated to the temple at Jericho (*m. Pesahim* 4:8; *t. Pesahim* 3:19)¹¹¹; a *baraita* holding that half of the priestly watches went to Jericho to provide water and food for their

¹⁰⁹ See §1.3.

¹¹⁰ *Ibid.*, 115.

¹¹¹ See §6.4.

brethren in Jerusalem (*b. Ta'anit* 27a); and the discovery at Jericho of a Persian-period YHD seal bearing the name אורי (Uriah/Ario), which happens to be the same name of a priest whose son Meremoth is said in *Ezra* 8:33 and *Neh* 3:3, 21 to have been charged with weighing the silver, gold, and other vessels in the temple.¹¹² The latter association suggested to Nahman Avigad that a temple estate was located at Jericho; but he would later admit there was no way to confirm the identification of this אורי with the father of the temple official.¹¹³ Oded Lipschits and David Vanderhooft have noted that the name is quite common and could have referred to any number of persons.¹¹⁴

As for the *baraita* on the priestly watches, Safrai interprets it to mean that during a division's service at the altar in Jerusalem, some of the priests of that division "would go to the Jericho region to work on the temple estates."¹¹⁵ Extensive archaeological work at Jericho has shown it to have been a center of royal estates for the Hasmonean and Herodian dynasties, intensively cultivated and quite profitable.¹¹⁶ This is a far a more likely explanation for the presence there of agricultural products serving the temple cult,

¹¹² *Ibid.*, 115–16.

¹¹³ Nahman Avigad, "A New Class of Yehud Stamps," *Israel Exploration Journal* 7 (1957), 149–51; Nahman Avigad, *Bullae and Seals from a Post-Exilic Judaeon Archive* (Qedem 4; Jerusalem: Hebrew University Institute of Archaeology, 1976), 22.

¹¹⁴ *The Yehud Stamp Impressions: A Corpus of Inscribed Impressions from the Persian and Hellenistic Periods in Judah* (Winona Lake, Indiana: Eisenbrauns, 2011), 108.

¹¹⁵ Safrai, "The Agrarian Structure," 116.

¹¹⁶ Netzer, *Architecture of Herod*, 42–80.

as Joshua Schwartz has argued.¹¹⁷ One needs better evidence for the existence of temple estates as an institution in Judea before Safrai's idea can be upheld.

A second hypothesis proffered by Safrai involves an explanation regarding the *absence* of temple estates from the relatively extensive source material of the Second Temple period. He writes:

It may reasonably be assumed that if the Temple owned lands, then upon the Hasmoneans' ascent to power, the priestly and royal authorities in Judea would have been united, and the properties of the Temple would have been identified, at least partially, with all the properties of the kingdom. This process may have begun as early as in the Persian period, when the province of YHD was granted extensive autonomy.¹¹⁸

A very similar argument is made in passing by Shimon Applebaum in his study on Hasmonean taxation and management practices.¹¹⁹ There Applebaum argues that the Hasmoneans replaced the imperial tax previously paid to the Seleucids with a *dekate* on all land, a secular tithe meant for state needs. He concludes that all military holdings, royal estates, and temple lands inherited by the Hasmoneans would have been subject to this tithe, but notes:

Under the Hasmonaeans, however, the difference between the last two categories [royal and temple] would have been entirely theoretical, because the Jewish high priests now combined theocratic functions with secular government, and as we have observed elsewhere, Jewish records of the first and second centuries CE contain a

¹¹⁷ "On Priests and Jericho in the Second Temple Period," *The Jewish Quarterly Review* 79, no. 1 (1988). Schwartz also argues that the *baraita* in *b. Ta'anit* 27a reflects a Hasmonean policy meant to regulate priests and incorporate them into their royal administration.

¹¹⁸ Safrai, "The Agrarian Structure," 116.

¹¹⁹ "The Hasmoneans—Logistics, Taxation, Constitution," in *Judaea in Hellenistic and Roman Times: Historical and Archaeological Essays* (ed. Shimon Applebaum; vol. 40 of *Studies in Judaism in Late Antiquity*; Leiden; New York: Brill, 1989), 9–29.

number of references to Temple estates. It therefore becomes very probable that the δεκάτη was paid by Jewish military settlers and tenants of Temple and 'royal' land equally.¹²⁰

The idea that the Hasmoneans absorbed temple estates is tempting given the extensive holdings they and the Herodians after them would possess in the region.¹²¹ But Safrai's argument that this absorption can explain the absence of temple lands on the historical record is unsatisfactory. What then are we to make of the Tannaitic teachings on the matter, which Safrai himself recognizes as the main body of evidence suggesting that this category of property existed at all when the temple stood? Are we to understand them to preserve teachings from even before the Hasmonean period, which is to say, a period predating them by some 300 years? This hardly seems likely. Either Safrai's and Applebaum's notion of Hasmonean absorption of temple lands is false, the rabbinic traditions on them entirely imaginary, or lands themselves re-consecrated as such at some point between the Hasmonean period and the formation of Tannaitic law. The problem goes unaddressed in the previous studies on the topic.

To summarize, scholarship on the question of landholdings of the cult of Yahweh and the Second Temple Jewish cult exhibits a number of trends. It has yet to uncover compelling evidence for the holding of land by the Iron Age temple in Jerusalem or any other Yahwistic temple, for that matter. It has not adequately addressed the seeming

¹²⁰ Ibid., 22. I have yet to find where Applebaum elsewhere refers to temple estates but we can assume the first–second century CE source material he mentions consists of the same Tannaitic material quoted by Ze'ev Safrai.

¹²¹ See §5.1.

contradiction between the idea that the Land of Israel is sacred because it is Yahweh's property and the actual practice—as it emerges from Lev 27—of declaring plots within that land sacred and dedicated to Yahweh. And, as I have just noted, the idea of a widespread Hasmonean incorporation of temple lands—an act that in practical terms would have erased their special status as such—has not been reconciled with the considerable number of rabbinic teachings on the matter of consecrated landholdings.

To these observations let me also add that scholarship on the issue suffers generally from an absence of studies on the middle centuries of the Second Temple period. Evidence on the matter from Jewish source material in Greek and from the Dead Sea Scrolls has been entirely overlooked. Similarly, evidence on Jewish landholdings in Egypt has not yet been given attention in the published material.

The topic of the Jewish sacred economy and its impact on land tenure practices is in my opinion an overlooked aspect of the embeddedness of economic activities on the countryside in the religious institutions centered in Jerusalem.¹²² It has gone

¹²² For the Second Temple period, I will note two important studies on the Jerusalem pilgrimage economy, a central aspect of its temple's impact on the region: Shemuel Safrai, *Pilgrimage to Jerusalem in the Second Temple Period* (Tel Aviv: Am Ha-Sefer, 1965) [Hebrew]; Goodman, "Pilgrimage Economy of Jerusalem," 68–76. But studies on the "sacred economy" in Israelite and Jewish life have focused on periods coming before or after it. Worthy of note on the former is Roland Boer, "The Sacred Economy of Ancient 'Israel'," *Scandinavian Journal of the Old Testament* 21, no. 1 (2007), 29–48, whose idea of a sacred economy is rooted in Marx's and Engel's notion of the Asiatic Mode of Production, a "strong-state" model holding that all collection and redistribution of productive resources was under the control of the central institutions of palace and temple. Boer sees ancient Israel as having revolved around a similar economy, specifically of the type where the local deity controls the allocation of resources. He speaks of village communes and a temple-city complex, the latter indebted to Weinberg's model in *The Citizen-Temple Community*. But Boer's wholesale adoption of the now highly suspect model of the Asiatic Mode of Production for understanding the ancient Near East calls his notion of the sacred economy into question. That model is shown to have been over-reliant on temple archives and owing much to early- and mid-twentieth century fascination with big government; see

understudied perhaps because the source material relevant to the subject is sparse and spread across the sub-disciplines of Hebrew Bible, Second Temple Judaism, Dead Sea Scrolls, and Rabbinics. One may also speculate that the topic strays somewhat from the traditional interests of scholars who study Israelite and early Jewish religion. James Watts has argued recently that the academic field has long been plagued by distaste for theocracy and hierocracy and as a result fallen short in its treatment of the priesthood and its literature and institutions.¹²³ To be sure, scholarship has in many ways moved past Julius Wellhausen's classic hypothesis on priestly Second Temple Judaism as a degenerate form of classic Israelite religion.¹²⁴ The Judean hierocracy is now recognized

above, §1.1.1. For the rabbinic period, see Safrai, *The Economy of Roman Palestine*, 304–21. Safrai has discussed the rabbis' preference for a closed economy discouraging commerce and promoting polycropping in each household. See also Jacob Neusner, *The Economics of the Mishnah* (Chicago Studies in the History of Judaism; Chicago: University of Chicago Press, 1990). Neusner sees the rabbis' teachings as promoting a utopian economic system where all aspects of the economy are sanctified by observance of religious norms and priests and the poor lay an enormous claim on collective resources.

¹²³ The result, according to Watts, is a tendency among scholars to celebrate the prophets and kings of Israel's history and overlook its priests; "The Torah as the Rhetoric of Priesthood," in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (ed. Gary N. Knoppers and Bernard M. Levinson; Winona Lake, Indiana: Eisenbrauns, 2007), 319, 325–28, nn. 13, 18, 19; *Ritual and Rhetoric in Leviticus: From Sacrifice to Scripture* (Cambridge; New York: Cambridge University Press, 2007), 154–61; see also a similar argument, with blame placed on Protestant thought, in Richard D. Nelson, *Raising Up a Faithful Priest: Community and Priesthood in Biblical Theology* (Louisville, Kentucky: Westminster/John Knox Press, 1993), 101–5. As Watts points out, attempts to rehabilitate the reputation of the priestly writings have included dating them to the monarchic period, "so that they are represented as part of the mainstream of Israel's history rather than appearing as a supplement to it"; or transforming their message "into something more palatable, such as advice for religious leaders or spiritual allegories or theological analogies"; *Ritual and Rhetoric*, 160. In fact, the legitimization of the religious and political claims of the Aaronide priesthood in Judea and Samaria is, to Watts, the original function of the Torah. The newly formed program unit at the Society of Biblical Literature, "Priests and Levites in History and Tradition," is a locus of scholarship shedding light on the priesthood; see the recently published compilation of essays emerging from it, Mark A. Leuchter and Jeremy M. Hutton, eds., *Levites and Priests in Biblical History and Tradition* (Ancient Israel and Its Literature 9; Atlanta: Society of Biblical Literature, 2011); and *ibid.*, 2–5, for a summary of the history of research and references.

¹²⁴ Wellhausen's classic thesis on Torah formation held that the authors of its final stratum and its redactors were Second Temple Jerusalemite priests promoting an overly ritualistic, degenerate form of the religion of

as the locus for extraordinarily diverse and rich literary output. The Dead Sea Scrolls and archaeological remains from the late Second Temple period have helped demonstrate the extent to which the priestly disposition had a hold on Jewish religious life through to the end of the Second Temple period. E.P. Sanders has articulated a forceful and convincing critique of earlier models in scholarship that have highlighted too eagerly the moral failings of the Jerusalem temple and its priesthood and presented its sources of revenue as an added burden on an overly taxed population in the time of Jesus.¹²⁵ But much work is left to be done.

I see the study of sacred landholdings as a potentially fruitful avenue of inquiry on the role of the Jewish cult and priesthood outside of the temple and in the towns, villages, and farms of the hinterland. The centrality of landed property to the ancient economy can hardly be overstated. In classical antiquity in the ancient Mediterranean

the great prophets of Israel. The thesis was likely colored by his own negative views of institutionalized religion in Catholicism and Judaism; the discourse reaches a particularly disapproving note regarding the "Mosaic theocracy" of the post-exilic period in the final pages of his magnum opus; see *Prolegomena* ([S.I.]: Bibliobazaar, 2007), 420–24; see also John Barton, "Wellhausen's *Prolegomena to the History of Israel*: Influences and Effects," in *Text and Experience: Towards a Cultural Exegesis of the Bible* (ed. Daniel L. Smith-Christopher; vol. 35 of *Biblical Seminar*; Sheffield: Sheffield Academic Press, 1995), 316–29; and Watts, *Ritual and Rhetoric*, 158–59.

¹²⁵ E.P. Sanders writes that the "overwhelming impression from ancient literature is that most first-century Jews, who believed in the Bible, respected the temple and the priesthood and willingly made the required gifts and offerings"; *Judaism: Practice and Belief*, 52. The conviction of the Jews to defend their temple against desecration and their willingness to die for Jerusalem in the war with Rome is further evidence to Sanders of their overall favorable disposition toward the temple establishment (*ibid.*, 153–54). Nor can we assume that the tax burden of supporting the temple cult and its officials was too great to be manageable or even possible. E.P. Sanders has devoted considerable effort in overturning earlier assumptions of an overly burdensome taxation liability for average Judeans in the late Second Temple period (*ibid.*, 90, 157–67). His analysis of what a typical poor farmer would have to pay the local authorities suggests to him a tax burden in the Early Roman period of around 30% of total annual income, including all priestly dues, local taxes, and Roman taxes (*ibid.*, 167–69).

world economic spheres of activity were largely tied to landed assets. The importance of land to biblical and early Jewish theology is without question. It was a major aspect of the typical family's patrimonial holdings in a period of history before economies were fully monetized and self-subsistence was a regular feature of the everyday life of many on the countryside. Its use in the religious sphere can thus be an instructive case-study.

1.2 Summary of Contents

While this study seeks to illuminate one aspect of ancient Judaism's temple economy and its impact on social, economic, and cultural life in Judea and beyond, the source material on which it relies sets it apart from typical studies on the matter in other regions. The extant documentation of the Jewish religious institutions of antiquity is of course extraordinarily rich in its narrative, legal, and philosophical texts. Artifacts and architectural remains from everyday life in the Land of Israel have also been extensively documented. But lacking among this corpus are inventory lists of dedications, revenues, expenditures, and general documentation of the flow of goods and services through its sanctuaries of the sort that we see elsewhere.¹²⁶ These have been essential bodies of data for above-cited studies on the subject for Mesopotamia, Egypt, Asia Minor, and Greece. In the case of Judea, we are severely inhibited if not prevented altogether from reaching conclusions on the productivity and pricing of sacred assets, not to mention fluctuations on the matter over time or their relationship to other regional economic systems.

¹²⁶ On two Persian-period documents recording what appear to be inventories of shekel donations, one to the temple to Yahweh in Elephantine and another to that in Jerusalem, see §4.3.

What the Jewish source material does contain on the subject are texts from the prophetic, legal, historical, and scholastic spheres commenting on and regulating the practice. These can indeed be mined for clues on the institutional realities lying behind the marking of arable plots as sacred for religious purposes. But they can also provide a glimpse into ideological predispositions among early Jews toward sacred holdings as a feature of their life and economy, attitudes on the nature of the temple to Yahweh as an honored and influential institution in their society, and efforts to uphold that honor by virtue of material gifts. Since sacred lands were a regular feature of non-Jewish cultic life in the ancient world, particularly the religions of the great Eastern kingdoms, it can also be an opportunity to examine Jewish attitudes to institutional realities of foreigners. The Jewish texts also provide us with instances of what can only be described as the misuse or even abuse of the consecration mechanism—as a tool of dispossession and a loophole allowing for crimes of fraud. These embedded cultural norms are more difficult to ascertain from economic documents such as sanctuary inventory lists and land conveyance receipts.

The textual sources generally fall into three groups: (1) biblical texts redacted into the scriptural canon in the early Second Temple period, specifically Ezekiel's Temple Vision of 40–48 and Lev 27; (2) various source material from the mid-second century BCE onward, including fragmentary legal or halakhic texts from the Dead Sea Scrolls, namely a portion of the Damascus Document preserved in several manuscripts and of 4Q251; and miscellaneous sources in Philo, Josephus, and New Testament; and (3)

Tannaitic teachings used to enlighten the discussion and provide broader perspective for the sources from the Second Temple period proper, a decision whose methodological justification I attempt to provide below. The six substantive chapters of the dissertation includes a systematic analysis of texts taken from the first of those above groups, namely, documents whose dating is generally accepted as pre-rabbinic, in roughly chronological order. The material covered in these chapters and their relevance to the topic can be summarized as follows:

A utopian vision at the end of the book of Ezekiel discusses a sacred land endowment as part of a reform program for the Jerusalem temple and its economy (Chapter 2). A legislative addendum to the book of Leviticus presents regulations on the proper use of arable land as a means of dedicating assets from the farm (Chapter 3). A description by the Jewish historian Josephus of the founding of a schismatic Jewish temple in Egypt delegitimizes the cult of sacrifice there by calling attention to the impurity of its land endowment; a similar perspective emerges in 1 Maccabees from its literary use of the gifting of the Ptolemais hinterland to the Jerusalem temple (Chapter 4). A legal section of the Damascus Document is concerned with the consecration of property as an act of fraud (Chapter 5). A teaching quoted by the apostle Paul appears to be related to a proto-rabbinic stance on field consecrations; it comes as a preface to his famous olive tree allegory and can shed new light on it (Chapter 6). A halakhic text (4Q251) from the Qumran repository reasserts the priesthood's claim to a specific type of sacred land donation and works to uphold its sanctity (Chapter 7). After drawing

conclusions on these individual topics I will put forward a final summary and synthesis of the project (Chapter 8).

1.3 Methodological Issues and Limitations

With respect to the dating and use of the biblical and early Jewish sources, let me underscore some assumptions I make about them. The first is that the priestly perspective reflected in Lev 27, as well as the cultural practice of field consecrations to which it responds, could have reached back well into the Iron Age and need not be limited to the period of the document's composition at the dawn of the Second Temple period. In this regard I take seriously evidence gathered by scholars who argue for a pre-exilic dating of the priestly writings of the Hebrew Bible, including the activity of the Holiness School to which Lev 27 is ideologically connected.¹²⁷ For this reason I found it methodologically justifiable to consider shekel standards in use in the pre-exilic Judahite monarchy when investigating the pricing mechanism and redemption fees of Lev 27. And also for this reason I examined the priestly settlement patterns of the same period when considering the book of Ezekiel's vision of a sacred district for priests and Levites encompassing the future temple.

¹²⁷ Even scholars who understand the priestly writings of the Torah to pre-date the exile recognize the Holiness Code's dependence on it, see Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary* (The Anchor Bible 3; New York: Doubleday, 1991), 3–13; Israel Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress Press, 1995), 200–204. For linguistic evidence showing the indebtedness of the priestly writings of the Torah to Iron Age language and cult reality, see Avi Hurvitz, "Dating the Priestly Source in Light of the Historical Study of Biblical Hebrew. A Century after Wellhausen," *Zeitschrift für die Alttestamentliche Wissenschaft* 100 (1988), 88–100.

Yet while keeping an eye to earlier cultural practices from the world of the Israelites I see both these biblical documents as the textual products of a nascent Judaism. Both were composed in a period of radical transition after the fall of the monarchy and as plans were likely underway (or were recently completed) for a new temple in Jerusalem.¹²⁸ I understand them to be part of a core canon of scripture that was redacted, preserved, disseminated, and taught in the era.¹²⁹ I thus compare Ezekiel's system of financial support for the cult with what we know from other evidence of the Persian temple economy on the assumption that Judean literati of the Persian period were reading the book of Ezekiel and perhaps applying its message in a practical sense to matters of policy.¹³⁰ Similarly, I assume that the idealistic message of the Holiness School with regard to land tenure can be constructively considered against the backdrop of the priesthood and temple in the Persian province of Yehud, precisely one of the

¹²⁸ On the date of composition of the documents to likely the sixth century BCE but perhaps the fifth, see §§2.1, 3.1.

¹²⁹ On the "core canon" model for understanding the canonization of scripture and on a mid-sixth century date as the most likely period for the emergence of such a canon, see Stephen B. Chapman, *The Law and the Prophets: A Study in Old Testament Canon Formation* (Forschungen zum Alten Testament 27; Tübingen: Mohr Siebeck, 2000), esp. 254, 285; "The Canon Debate: What It Is and Why It Matters," *Journal of Theological Interpretation* 4, no. 2 (2010), 279–87. Also in regard to the redaction and dissemination of scripture in this early period of Judaism, see Ska, *Reading the Pentateuch*, 185–87; Megan Bishop Moore and Brad E. Kelle, *Biblical History and Israel's Past: The Changing Study of the Bible and History* (Grand Rapids, Mich.: William B. Eerdmans, 2011), 451–58. On the early roots of scholastic interest in scripture as a form of uncovering revelation, in a new iteration of prophetic activity, see Michael Fishbane, "From Scribalism to Rabbinism: Perspectives on the Emergence of Classical Judaism," in *The Garments of Torah: Essays in Biblical Hermeneutics* (Bloomington, Ind.: Indiana University Press, 1989), 64–90. For a range of discussions on the specific topic of Torah formation, see Gary N. Knoppers and Bernard M. Levinson, eds., *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (Winona Lake, Indiana: Eisenbrauns, 2007). For a discussion of and rebuttals to the "Persian authorization theory" for its composition, see Ska, *Reading the Pentateuch*, 219–29.

¹³⁰ On the prophetic book as a distinct literary genre in the Persian period, see Ehud Ben Zvi, "The Concept of Prophetic Books and Its Historical Setting," in *The Production of Prophecy: Constructing Prophecy and Prophets in Yehud* (ed. Diana V. Edelman and Ehud Ben Zvi; London; Oakville, Conn.: Equinox, 2009), 73–95.

institutional environments in which it would have been most intensively studied.¹³¹ I

also keep in mind that these texts would have been central to the Mt. Gerizim priesthood of the era.¹³²

These documents are disseminating particular messages about early Jewish sacred institutions and their roles in the economy. The messages that would change as the readerships did. I hope to chart this change with regard to sacred landholdings. Once we arrive at a proper contextual reading of the biblical texts on the subject, we can then appreciate how later thinkers were interpreting them to suit their own ideas about landholding by the temple and priests, whether they be the authors of the Damascus Document, the halakhists behind 4Q251, or the Tannaitic rabbis quoted in Mishnah and elsewhere. A similar evolution is apparent upon a close text-critical analysis of the extant versions on the sacred land endowment in the book of Ezekiel.

¹³¹ I find the following remarks by James Watts particularly apt: "Whatever their date of composition, the Torah's Priestly texts functioned with far greater rhetorical power in the Persian and Hellenistic periods than they ever had previously, because they functioned increasingly as scripture. The reason for their growing authority was precisely the fact that the Torah did express the voice of the Aaronide priests who controlled both the Jerusalem and Samaritan temples and sponsored the scriptures that authorized these temples' rituals"; *Ritual and Rhetoric*, 148–50.

¹³² On the Torah as a "compromise text" between Judean and Samaritan tradition is reflected in the inclusion of both Jerusalem traditions (Gen 14 and 22) and Ebal/Gerizim traditions (Deut 27), as well as the vague language "the place that Yahweh will choose" throughout Deuteronomy (e.g., 12:5, 11; 14:24; 15:20; 16:6; 17:8, 18:6), see Reinhard Pummer, "The Samaritans and Their Pentateuch," in *The Pentateuch as Torah: New Models for Understanding Its Promulgation and Acceptance* (ed. Gary N. Knoppers and Bernard M. Levinson; Winona Lake, Indiana: Eisenbrauns, 2007), 264–65. On the possibility that a hexateuch edition as well was geared toward a pan-Yahwistic community, including Samaria, with the inclusion of the covenant ceremony at Shechem in Josh 24, see Christophe Nihan, "The Torah between Samaria and Judah: Shechem and Gerizim in Deuteronomy and Joshua," *ibid.* 187–223, esp. 223. The split in the proto-Masoretic and Samaritan versions of the Torah did not occur until at least the second century BCE; see Esther Eshel and Hanan Eshel, "Dating the Samaritan Pentateuch's Compilation in Light of the Qumran Biblical Scrolls," in *Emanuel: Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov* (ed. Shalom M. Paul, et al.; vol. 94 of *Vetus Testamentum Supplement Series*; Leiden; Boston: Brill, 2003), 215–40, esp. 239; Pummer, "Samaritans and Their Pentateuch," 242–46.

A second main issue involves my use of Tannaitic materials in a study focused on Second Temple period. As part of my research for this project, I have combed through Mishnah (*m.*), Tosefta (*t.*), *baraitot*¹³³ in both the Jerusalem Talmud (*y.*) and the Babylonian Talmud (*b.*), and early Midrash in search of material relevant to my subject of inquiry but have not used any of the texts I uncovered as a primary focus of analysis. In other words, I have not built any of the chapters around a rabbinic text. Rather I have preferred to give voice foremost to texts that were composed within my period of inquiry—two of the Qumran repository, in particular, as fragmentary as they may be, and one consisting of a single half-verse from the book of Romans. Since the earliest of the Tannaitic traditions were codified in Mishnah ca. 200 CE, well over a century after the temple's demise, I would be hard pressed to justify their wholesale adoption as historical evidence on the realities of life while the temple still stood. It is true that an inordinately large percentage of the Mishnah is devoted to matters of priestly law and temple cult, but scholars tend to view this fact as part of the rabbis' attempt at establishing preeminence in a post-temple world.¹³⁴ The rabbis saw themselves as the

¹³³ These refer to external statements brought on Tannaitic authority. On the possibility that these *baraitot* could in fact have been invented or fashioned by later tradition, see Shamma Friedman, "Uncovering Literary Dependencies in the Talmudic Corpus," in *The Synoptic Problem in Rabbinic Literature* (ed. Shaye J. D. Cohen; vol. 326 of Brown Judaic Studies; Providence, RI: Brown Judaic Studies, 2000), 35–60.

¹³⁴ See most recently Naftali S. Cohn, *The Memory of the Temple and the Making of the Rabbis* (Divinations: Rereading Late Ancient Religion; Philadelphia: University of Pennsylvania Press, 2013). Cohn has focused specifically on the fashioning of sacred space within the temple compound and the sages' role in the Sanhedrin, concluding that both were the result of rabbinic posturing in a post-temple environment. He writes, "I argue that the most compelling and fruitful explanation for why the rabbis who created the Mishnah focused to such a great extent on the Temple in the Mishnah is that the Temple and its ritual were useful to them in their own time, in the late second and early third centuries...My contention is that in writing or talking about the Temple and its rituals, the rabbis who created the Mishnah were arguing for

new authorities of Judaism, even on the then-defunct temple institution that had previously been the dominion of the priestly class.

Nevertheless, Chapters 5–7 of this dissertation draw heavily on the teachings of Tannaitic sages and present multiple arguments constructed around a comparison of them with Qumranic halakhah. Some of the conclusions I draw from these comparisons strike me as historically meaningful, which is to say, relatable to actual disagreements from the period of the temple. In other words, I am not elucidating difference for its own sake.

I justify this methodology on the assumption that Tannaitic tradition is in no small part composed of a huge body of old oral tradition reaching back well into the days of the Second Temple and including among other things halakhah from priestly circles.¹³⁵ Generally speaking, however, these pre-70 sages can be identified with the

their own authority over post-destruction Judaeen law and ritual practice. They were asserting that their own tradition was correct and that all Judaeans should follow their dictates." See also Alan J. Avery-Peck, "The Division of Agriculture and Second Century Judaism: The Holiness of the Devastated Land," in *The Mishnah in Contemporary Perspective* (ed. Alan J. Avery-Peck and Jacob Neusner; vol. 65 of Handbook of Oriental Studies; Leiden; Boston; Köln: Brill, 2002), 41–90. On the view that rabbinic interest in temple matters was a massive compilation project lasting for generations and responding to the profound crises of the wars with Rome, see Jacob Neusner, "Map without Territory: Mishnah's System of Sacrifice and Sanctuary," *History of Religions* 19, no. 2 (1979), 103–27. For studies holding that certain Mishnaic rituals were in essence rabbinic inventions, see Charlotte Elisheva Fonrobert, "The Political Symbolism of the Eruv," *Jewish Social Studies* 11, no. 3 (2005), 9–35; Ishay Rosen-Zvi, *The Mishnaic Sotah Ritual: Temple, Gender and Midrash* (Supplements to the Journal for the Study of Judaism 160; trans. Orr Scharf; Leiden; Boston: Brill, 2012), esp. 219–223; and see its earlier Hebrew version: Ishay Rosen-Zvi, *The Rite that Was Not: Temple, Midrash and Gender in Tractate Sotah* (Tel Aviv; Jerusalem: Magnes Press, 2008) [Hebrew].

¹³⁵ I use the slightly less specific term "proto-rabbinic" throughout merely because rabbinic tradition included more than just Pharisees. On priestly halakhah within Tannaitic tradition, see Shaye J. D. Cohen, "The Judaeen Legal Tradition and the *Halakhah* of the Mishnah," in *The Cambridge Companion to the Talmud and Rabbinic Literature* (ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee; Cambridge; New York: Cambridge University Press, 2007), 131–34; Catherine Hezser, *The Social Structure of the Rabbinic Movement in Roman Palestine* (Texte und Studien zum antiken Judentum 66; Tübingen: Mohr Siebeck, 1997), 69–74. On the

Pharisees.¹³⁶ By putting the issue of sacred landholdings as it is addressed in Qumranic documents in comparison with Tannaitic tradition—working on the assumption that the latter was anticipated by similar proto-rabbinic teachings—I follow in the footsteps of several recent works doing just the same.¹³⁷ Since Paul himself is thought to have studied among proto-rabbinic circles, his quotation of a principle on consecrated real estate virtually identical to one that would be worked out in tractate *Me'ilah* alone shows the potential antiquity of the latter.

I also refer regularly to Tannaitic halakhah because I recognize that the bulk of Jewish tradition on my subject is contained in it and I wish to inform the reader of it. A

oral culture behind the Tannaitic writings, including its development in a Second Temple period setting, see Martin S. Jaffee, *Torah in the Mouth: Writing and Oral Tradition in Palestinian Judaism, 200 BCE–400 CE* (New York: Oxford University Press, 2001), 15–62; Elizabeth Shanks Alexander, *Transmitting Mishnah: The Shaping Influence of Oral Tradition* (Cambridge: Cambridge University Press, 2006), 9–23; "The Orality of Rabbinic Writing," in *The Cambridge Companion to the Talmud and Rabbinic Literature* (ed. Charlotte Elisheva Fonrobert and Martin S. Jaffee; Cambridge; New York: Cambridge University Press, 2007), 38–57.

¹³⁶ On the Pharisees and their opinions, see Anthony J. Saldarini, *Pharisees, Scribes and Sadducees in Palestinian Society: A Sociological Approach* (Wilmington, Del.: Michael Glazier, 1988), esp. 277–97; Eyal Regev, "The Sadducees, the Pharisees, and the Sacred: Meaning and Ideology in the Halakhic Controversies between the Sadducees and the Pharisees," *Review of Rabbinic Judaism* 9 (2006), 126–40; Sanders, *Judaism: Practice and Belief*, 380–451. On the high degree of variability in origin, historicity, and enforceability of any given piece of Tannaitic legislation, see *ibid.*, 465–72.

¹³⁷ On the development of early Jewish approaches to matters of purity, particularly with regard to corpse impurity, see Vered Noam, *From Qumran to the Rabbinic Revolution: Conceptions of Impurity* (Series of Studies on the Ancient Period; Jerusalem: Yad Izhak Ben-Zvi, 2010) [Hebrew]. On the development of halakhic theory and application, see Aharon Shemesh, *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis* (The Taubman Lectures in Jewish Studies; Berkeley: University of California Press, 2009); Lawrence H. Schiffman, "The Dead Sea Scrolls and Rabbinic Halakhah," in *The Dead Sea Scrolls as Background to Postbiblical Judaism and Early Christianity: Papers from an International Conference at St. Andrews in 2001* (ed. James R. Davila; vol. 46 of Studies on the Texts of the Desert of Judah; Leiden; Boston: Brill, 2003) 27–33; see also various studies in Schiffman's compilation, *Qumran and Jerusalem: Studies in the Dead Sea Scrolls and the History of Judaism* (Grand Rapids: William B. Eerdmans, 2010). On the development of halakhic midrash, see Steven D. Fraade, "Shifting from Priestly to Non-Priestly Legal Authority: A Comparison of the Damascus Document and the Midrash Sifra," *Dead Sea Discoveries* 6 (1999), 109–25; "A New View on Comparative Midrash: From the Dead Sea Scrolls to Midrash of the Sages," in *Higayon L'Yona: New Aspects in the Study of Midrash, Aggadah and Piyut in Honor of Professor Yona Fraenkel* (ed. Joshua Levinson, et al.; Jerusalem: Hebrew University Magnes Press, 2006) [Hebrew], 261–84.

project with a broader scope would provide the proper cultural context in second- and third-century CE Galilee for *m. 'Arakin* 6–8 and *m. Me'ilah* 3, for example, in order to more effectively distinguish rabbinic invention from preserved tradition. For the time being I must confine myself to calling attention to them and discussing them with respect to the earlier material. In my view it would be irresponsible of me to leave the reader in the dark about them, particularly when they could be the products of an oral chain of transmission reaching back to the period of study. I recognize that some may shudder at the sight of long excerpts of Mishnah and Tosefta in discussions on the institutional realities while the temple still stood in Jerusalem.¹³⁸ I stress here my awareness of the methodological problems inherent in such an approach and hope to display that sensitivity in the following pages.¹³⁹

Another issue involves terminology. Whenever possible I have hewn closely to the Hebrew when providing English equivalents. Most notable in this regard is the absence in the ancient Jewish literature of an equivalent to "temple land" or "temple estate." The book of Ezekiel, for instance, speaks of a *těr'umâ* to Yahweh that is to be *qōdeš min hā' āreš* (45:1); the closest parallel I could find in English to that terminology is

¹³⁸ Jacob Neusner has forcefully critiqued the irresponsible use of rabbinic materials as historical evidence, whether for periods before or after 70 CE; see "Rabbinic Sources for Historical Study: A Debate with Ze'ev Safrai," in *Judaism in Late Antiquity, Part Three. Where We Stand: Issues and Debates in Ancient Judaism* (ed. Jacob Neusner and Alan J. Avery-Peck; vol. 40 of *Handbook of Oriental Studies*; Leiden; Boston; Köln: Brill, 1999), 123–42.

¹³⁹ I have hedged somewhat by refraining from using the term "Second Temple Judaism" in the title of the project, preferring instead "Early Judaism" precisely because I refer regularly to Tannaitic teachings, but also rely heavily on texts from the Hebrew Bible whose composition could be entirely before the construction of the post-exilic temple in Jerusalem.

"sacred land endowment," which I have placed in the title of this dissertation. I also see the English word "endowment" as applicable to the gifting of a tract of land by Ptolemaic royalty to Onias IV and his Yahwistic temple at Leontopolis. This was presumably a sizeable gift meant to help with the long-term sustainability of the Oniad cult, and as I argue below, was likely granted the status of sacred land (ἱερὰ γῆ). This too in my opinion would be another instance for which the term "sacred land endowment" is appropriate in the Jewish context.

The book of Leviticus's regulations on field consecrations offer no term for consecrated real estate—referring to the practice merely with *hip̄l* forms of the root *q-d-š* (e.g., 27:16). Rabbinic texts similarly do not provide a distinct form for consecrated real estate or any landed property under the auspices of the temple. We find merely references to a field (שדה; e.g., *m. 'Arakin* 8:1) or to landed property (קרקעות; e.g., *t. Me'ilah* 1:24) within the umbrella category of *heqdāš* ("consecrated property"), a term I will consider shortly. The same indifference to the distinction between real and movable property holds for *hērem* (e.g., *y. Hallah* 60b). The result is that much of my analysis is rooted in legislation that applies to proprietary categories extending beyond land. My consideration of the latter only can verge in places on the arbitrary and is not always justified by the language of the source material. I do my best to keep this mind as I work through the sources.

With regard to my choice of the term "field consecrations" as a guiding concept in the study, I distinguish such donations from endowments mainly because I read most

as having been modest in size and perhaps even quite temporary in nature. The term "field" is not to exclude orchards and groves; it simply follows the language of Lev 27:16, *wə'im miššēdēh 'āḥūzzātô...*, which begins the Torah legislation on the matter and would also serve as the basis for the title of a seminal chapter on the subject in Mishnah, המקדשי (m. 'Arakin 8). The "consecration of agricultural real estate" would be the more precise—albeit unwieldy—description of the practice.

I find the term *ḥērem* to be particularly difficult to translate and leave it transliterated throughout, as have most scholars before me who have worked on the institution. The term *heqdēš* too is problematic because in rabbinic thought it can refer at once to all consecrated properties within the proprietary domain of the temple and in a metonymic sense for the temple as an economic agent. This is most apparent when it appears as the subject of verbs denoting financial transactions, as in the phrase "*heqdēš* has the upper hand" (יד הקדש על העליונה) (e.g., m. *Šeqalim* 4:9, 5:4; t. 'Arakin 4:3), a catchphrase underscoring the rabbis' sense that the temple is to be given special financial privileges.¹⁴⁰ Conceptually the *heqdēš* category has a close parallel in the rabbinic term הפקר (*hepqār*), which denotes ownerless property.¹⁴¹ I could find no use of the term *heqdēš*

¹⁴⁰ In m. *Menaḥot* 13:9, the rabbis rule that in the case of ambiguous vow statements such as "one of my oxen shall be for *heqdēš*," the more valuable product should go to the temple. And in m. *Šeqalim* 5:4, the temple clerk who sold libation tokens was responsible to reimburse the sanctuary with the cash value of the tokens he removed on any given day; should he come up short, he was responsible for the difference, because "*heqdēš* has the upper hand."

¹⁴¹ The word *heqdēš* derives from the transitive-causitive (*hip̄l/hopāl*) of קדש ("to be holy") and is thus best translated as "consecrated"; and הפקר from the transitive-causive of פקר ("to be free"), translatable "ownerless." On both terms as legal concepts, see Isaac Herzog, *The Main Institutions of Jewish Law. Volume I: The Law of Property* (London; New York: Soncino Press, 1965), 287–92, 295–96. For marginal and usually

anywhere in pre-rabbinic texts, including the Dead Sea Scrolls, though it does have a noteworthy antecedent in a peculiar form in 1 Chr 26:28.¹⁴² Theoretically speaking, dedications to the temple through the mechanism of consecration should have become defunct after 70 CE, but the rabbis still faced the issue of persons consecrating coins or other valuables in their day. This implies that the institution of *heqdēš* was very much alive in a post-temple world. The rabbinic solution in such instances was for the *heqdēš* to remain forbidden from use—hidden away, buried, or thrown into the Dead Sea.¹⁴³ Since the term could very well be a rabbinic neologism, albeit one rooted in a practice very much observed in the days of the temple, I refrain from using the term outside the context of rabbinic discourse. And since it carries with it multiple valences of meaning, I have opted to leave it in transliteration here.

unproductive land of a similar "ownerless" status in ancient Greece, see Papazarkadas, *Sacred and Public Land*, 241.

¹⁴² The form in the phrase *wēkōl hahiqdēš Šēmū' ēl* ("and all that Samuel consecrated") approximates the substantive form while remaining verbal; on the usage of the definite article in relative constructions, a late feature of biblical Hebrew, see Bruce K. Waltke and M. O'Connor, *An Introduction to Biblical Hebrew Syntax* (Winona Lake, Ind.: Eisenbrauns, 1990), 339.

¹⁴³ The default position of the Mishnah is that shekels are to be set aside for the temple only when it stands, as in *m. Šeqalim* 8:8. According to rabbinic halakhah, their holy status should stand if they are set aside and they must be hidden away or preferably thrown into the Dead Sea; see *b. 'Arakin* 29a. On a possible coin hoard found along the Dead Sea shoreline and understood to be related to the practice, see Hanan Eshel and Boaz Zissu, "A Note on the Rabbinic Phrase: 'Cast Them into the Dead Sea,'" in *Judea and Samaria Research Studies* (ed. Ya'acov Eshel; Ariel: College of Judea and Samaria, 2003) [Hebrew], 91–96. The proposal has been recently accepted by Jodi Magness, *Stone and Dung, Oil and Spit: Jewish Daily Life in the Time of Jesus* (Grand Rapids: William B. Eerdmans, 2011), 103–6. Cf. Yizhar Hirschfeld and Donald T. Ariel, "A Coin Assemblage from the Reign of Alexander Jannaeus Found on the Shore of the Dead Sea," *Israel Exploration Journal* 55, no. 1 (2005), 72, n. 7. On the argument that a hoard of edibles and valuables from the "Patrician House" at Meiron in the Galilee were declared *heqdēš* property, stored away, and the edibles burnt in the fourth century CE, see Martin Goodman, "The Purpose of Room F," in *Excavations at Ancient Meiron, Upper Galilee, Israel 1971-72, 1974-75, 1977* (ed. Eric M. Meyers, et al.; vol. III of Meiron Excavation Project; Cambridge, Mass: The American Schools of Oriental Research, 1981), 71–72.

A final matter involves my use of the terms "sacred" and the related words "holy," "consecrated," "sanctity," and the like. Without getting into a discussion on the full semantic field and application of these words in biblical and early Jewish thought, let me just note that here too I am mirroring simply the language of *q-d-š* and its derivatives in the texts in question and see the term as used there in a strictly proprietary sense. Property is rendered sacred once it transfers into the possession or proprietary domain of the cult and is now managed by—or its profits now claimable by—the priests or officials in charge of the incorporated assets of the cult of Yahweh. The sacred land and consecrated fields discussed in this project thus derive their sanctity not from being the locus of ritual activity or the venerated site of important events in Israel's past, but from their manner of economic exploitation by the cult. Their products are devoted to sacred purposes and for this reason they carry that status and are protected as such. I happen to think that this is a much-overlooked application of the term in the study of early Jewish life.

Chapter 2. The Sacred Land Endowment in the Temple Vision of the Book of Ezekiel

2.1 Introduction

The Temple Vision of Ezekiel 40–48 is a utopian blueprint for the restoration of the temple and the Land of Israel. It consists of visions on the future temple complex and its measurements (Ezek 40:1–42:20), the return of the glory of Yahweh to the temple (43:1–12), the laws and ordinances in the new temple (43:13–46:24), the life-giving river emerging from the temple (47:1–12), and the boundaries and tribal allotment of the Land of Israel (47:13–48:35).¹ Scholars have posited that much of the Temple Vision did not in fact derive from the prophet but is a later elaboration on an original speech by him—or even a *de novo* composition—carried out by later Ezekelian disciples.² Walther Zimmerli

¹ Rimon Kasher, *Ezekiel: Introduction and Commentary. Volume 2: Chapters 25–48* (Mikra LeYisra'el: A Bible Commentary for Israel; Tel Aviv; Jerusalem: Am Oved Publishers; The Hebrew University Magnes Press, 2004) [Hebrew], 770; Moshe Greenberg, "The Design and Themes of Ezekiel's Program of Restoration," *Interpretation* 38, no. 2 (1984), 189; Walther Zimmerli, *Ezekiel 2: A Commentary on the Book of the Prophet Ezekiel, Chapters 25–48* (Hermeneia; Philadelphia: Fortress Press, 1983), 327–28; Steven Shawn Tuell, *The Law of the Temple in Ezekiel 40–48* (Harvard Semitic Monographs 49; Atlanta: Scholars Press, 1992), 18–20.

² For a summary of the history of research into the Temple Vision of Ezek 40–48 and an extensive bibliography, see Rainer Albertz, *Israel in Exile: The History and Literature of the Sixth Century B.C.E.* (Society of Biblical Literature, Studies in Biblical Literature 3; Leiden; Boston: Brill, 2004), 345–52. For a detailed presentation of hypothesized textual strata and a proposed relative and absolute chronology for them, see Zimmerli, *Ezekiel 2*, 547–53. On the historical context and message of the hypothesized "Ezekiel school" in the exilic period, see Rainer Albertz, *A History of Israelite Religion in the Old Testament Period. Volume II: From the Exile to the Maccabees* (Louisville, KY: Westminster John Knox Press, 1994), 427–36. For a summary of views relating the book to the Persian period, and with a helpful bibliography, see Lester L. Grabbe, *A History of the Jews and Judaism in the Second Temple Period. Volume 1, Yehud: A History of the Persian Province of Judah* (Library of Second Temple Studies 47; London: T&T Clark, 2004), 96–97. For a sustained argument for a date of the Temple Vision to the early Persian period and a comparison of it with priestly writings, see Tuell, *Law of the Temple*, esp. 78–102. For a dating of the prophetic book to the Persian and Hellenistic

suggests a date for the finalization of the vision in the period after the reestablishment of the province of Yehud but before the consecration of the temple in the 530s and 520s BCE.³ This *terminus ante quem* would find further support in the fact that the Temple Vision includes no mention of a high priest, which is already presupposed in Zechariah 3:1, 8.⁴ The work can be viewed as emerging from a period of radical transition as plans for a new temple in Jerusalem were being carried out.

The viewpoint holding that the Temple Vision is in fact the work of the prophet himself does little to change this general historical setting on the eve of the establishment of the new Persian province of Yehud. Rimon Kasher and Moshe Greenberg argued for a "holistic" literary approach to understanding the composition of the prophetic book, following in the footsteps of Yehezkel Kaufmann and generally accepting the book's internal dating of the Temple Vision to the twenty-fifth year of the prophet's exile (573 BCE).⁵ Kasher and Greenberg have both pointed to the literary unity of the book of Ezekiel, as compared to that of Jeremiah and Isaiah, for instance, as

periods, see Jörg Garscha, *Studien zum Ezechielbuch: eine redaktionskritische Untersuchung von Ez 1-39* (Bern: Herbert Lang, 1974).

³ Ezekiel 2, 552–53.

⁴ Albertz, *History of Israelite Religion II*, 612, n. 61. Albertz also notes that Ezek 40–48 avoids the term *melek*, while it is used in Ezek 1–39; *ibid.*, 612 n. 70; and would later argue more specifically for a date somewhere between 545 and 515 BCE given the apparent nearness of temple reconstruction in the perspective of the author(s) of the vision; Albertz, *Israel in Exile*, 352.

⁵ Kasher, *Ezekiel 1*, 27; Moshe Greenberg, *Ezekiel 1–20: A New Translation with Introduction and Commentary* (The Anchor Bible; Garden City, NY: Doubleday & Company, 1983), 8, 12–17; *id.*, "Design and Themes," 181–208; Yehezkel Kaufmann, *The Religion of Israel: From its Beginnings to the Babylonian Exile* (trans. Moshe Greenberg; Chicago: University of Chicago Press, 1960), 426–46, esp. 434, 443. Even among those who advocate a later dating for the vision recognize that some of its verses may derive from an original core spoken by the prophet, though these involve physical dimensions rather than logistical operations; see, e.g., Zimmerli, *Ezekiel 2*, 547–50, who suggests the following as spoken by the prophet: 40:1–37, 47–49, 41:1–4, with some elaborations perhaps coming soon thereafter. None of these texts is relevant to our subject.

evidence for an earlier dating.⁶ But this very feature can play into the hand of those who argue for the formation of the book a generation or two later, as Albertz has recently shown to great effect.⁷ The question therefore of whether the book dates to the first or second half of the sixth century BCE remains very much open to debate.⁸

Yet regardless of the date of composition of the Temple Vision, it functions as an integral part of a work that fits into the specific genre of the prophetic book, which became popular among Judean literati in the exilic and post-exilic periods.⁹ The Temple Vision and its message of salvation for Israel and Jerusalem would then come as a natural continuation of the similar message in Ezek 33–39, offering consolation to its audience after harsh judgments of Judah and Jerusalem (Ezek 1–24) and the nations (Ezek 25–32). The Babylonian destruction of the temple is the hinge on which the entire book turns: it presents the errors of the past leading to the event and then envisions a new system that would prevent it from recurring. Understood in this way, it is hard to

⁶ Kasher, *Ezekiel 1*, 12–19, 86–132; Greenberg, *Ezekiel*, 18–27.

⁷ Albertz, *Israel in Exile*, 345–46, 353–76.

⁸ For an argument on Ezekiel's dependence on Deuteronomy, the Deuteronomistic History, and the Priestly Source of the Torah, see Risa Levitt Kohn, "A Prophet Like Moses? Rethinking Ezekiel's Relationship to the Torah," *Zeitschrift für die alttestamentliche Wissenschaft* 114 (2002), 239–50. For an argument showing dependency of Ezekiel on Lev 26, the speech that appears to have closed the earlier edition of the Holiness Code before the addition of Lev 27, see Jacob Milgrom, "Leviticus 26 and Ezekiel," in *The Quest for Context and Meaning: Studies in Biblical Intertextuality in Honor of James A. Sanders* (ed. Craig A. Evans and Shemaryahu Talmon; vol. 28 of Biblical Interpretation Series; Leiden; New York: Brill, 1997), 57–62. Cf. Wellhausen, *Prolegomena*, 107. For a summary of opinions, see John S. Bergsma, "The Restored Temple as 'Built Jubilee' in Ezekiel 40–48," *Proceedings, Eastern Great Lakes and Midwest Biblical Societies* 24 (2004), 75, n. 5. For the argument that Ezekiel reflects a similar worldview as the priestly writings of the Torah but was composed independent of them, see Menahem Haran, "The Law Code of Ezekiel XL–XLVIII and Its Relation to the Priestly School," *Hebrew Union College Annual* 50 (1980), 45–71.

⁹ On the genre of the prophetic book from a form-critical perspective, see Ben Zvi, "Concept of Prophetic Books," 73–95; "Introduction: Writings, Speeches, and the Prophetic Books," in *Writings and Speech in Israelite and Ancient Near Eastern Prophecy* (ed. Ehud Ben Zvi and Michael H. Floyd; vol. 10 of SBL Symposium Series; Atlanta: Society of Biblical Literature, 2000), 1–30.

overemphasize the significance of the final chapters of the book and the "new constitution" they entail. Just as the narratives of the Torah provide an essential framework for the presentation and legitimization of the legal materials, so too the earlier chapters of Ezekiel are perhaps little more than background material for the reform program of the Temple Vision.¹⁰ The first such offering from the people is the endowment of the area in which they are to reside—"a sacred offering of land"—but much unlike the typical sacred plots of sanctuaries of the ancient world, this endowment is to be explicitly unproductive. Its capital lies not in its ability to sustain the cult but in its symbolic significance as a buffer between priesthood and people. The ideals this vision espouses would prove to be far from reality in the early Second Temple period, when the book of Ezekiel we can assume was beginning to circulate as part of an early canon of prophetic texts. Yet I will argue that its vision on how to sustain the priesthood and altar would appear to take hold in a more permanent way. Moreover, the language it uses to describe the sacred district and its inclusion of the Levites there seem to me to

¹⁰ Working on the assumption that the book was composed in the late sixth century by priestly members of an Ezekiel school, Albertz summarizes the perspective of its authors as follows: "These people, the sons and grandsons of priests who had been deported and had lapsed from royal service, no longer wanted to remain the lackeys of a state cult which had met its end. Rather, freed from all worldly ties and considerations, they wanted to reflect on the quite distinctive professional priestly calling of their family as a basis on which they could make a specific contribution to the formation of a new Israelite society"; *History of Israelite Religion II*, 428. I am also indebted to the kind of "canonical" reading of the book advocated by Brevard Childs, which recognizes the book's concluding Vision as an integral part of the work in its canonical form. He writes, "The canonical form of Ezekiel reflects a delicate theological balance portraying Israel's faith in terms which are both concrete and spiritual, historical and ideal, present and future...The new temple describes in precise architectonic detail an outline of the proper spiritual worship of restored Israel. The promised land of the new creation is divided by boundaries much like the old, but its trees resemble those of Eden. To undercut these elements of acute tension is to lose the unique theological testimony of this prophet's witness"; *Introduction to the Old Testament as Scripture*, 371.

have presented problems to tradents of the proto-Masoretic text and can explain the main problems in the Hebrew text of that section of the book.

2.2 Two Descriptions of the Sacred Land Endowment

2.2.1 The Endowment in a Section on Temple Operations and Personnel

The sacred land endowment is described in two sections of the book. The first (Ezek 45:1–6) appears within a presentation of ordinances regarding the temple's operation and personnel (44:1–46:24), including a list of perquisites for its priesthood (44:28–30). The latter are introduced by the declaration that "This shall be their portion, for I am their portion; and no landholding shall be given them in Israel, for I am their landholding." Their portion will consist of various movable assets such as sacrificial offerings, objects bearing *hērem* (eternally devoted) status,¹¹ the first fruits, the first of the dough, and heave-offerings (*těrûmâ*). But immediately following this listing is the description of a very special type of immovable asset to be conferred to the priesthood, a portion of real estate whose character as unproductive land has already been established by the notice that Yahweh is their portion. The district is described as follows (45:1–6):¹²

(1) When you allot the land as an inheritance, you will contribute as an offering to Yahweh a sacred portion of land, an area 25,000 long and 20,000¹³ wide. It will be sacred in its entire extent.

וּבְהִפְיֹלְכֶם אֶת הָאָרֶץ בְּנַחֲלָה תְּרִימוּ
תְּרוּמָה לַיהוָה קֹדֶשׁ מִן הָאָרֶץ אֶרֶץ
תְּמֻשָׁה וְעֹשְׂרִים אֶלֶף אֶרֶץ וְרֹחֵב עֶשְׂרֵה
[עֹשְׂרִים] אֶלֶף קֹדֶשׁ הוּא בְּכָל גְּבוּלָהּ

¹¹ On the term *hērem*, see §7.1.

¹² Text here and below follows BHS and translation is my adaptation of JPS.

¹³ As I will argue below, the special use of the terminology of *těrûmâ* to describe the land set aside for sacred purposes presented problems to proto-Masoretic scribes who struggled to see the Levites enjoying any benefit from *těrûmâ*. This can explain the discrepancies in the dimensions of the land between the MT and

סָבִיב.

(2) Of it, a square measuring 500 by 500 will be for the sanctuary, with a 50-cubit-wide open space surrounding it. (3) Measure off from this area 25,000 long and 10,000 wide. It will include the sanctuary, the most holy place. (4) This sacred area of land is for the priests, those who serve in the sanctuary and approach Yahweh to minister to him. It will be for them a place for dwellings, and a pastureland for the sanctuary.

יְהִי מִזֶּה אֵל הַקֹּדֶשׁ חֲמִשׁ מֵאוֹת בְּחֲמִשׁ
מֵאוֹת מְרֻבָּע סָבִיב וְחֲמִשִּׁים אַמָּה מְגֻרָשׁ
לוֹ סָבִיב. וּמִן הַמִּדָּה הַזֹּאת תִּמְּוֹד
אֶרֶץ חֲמִשׁ [חֲמִשָּׁה] וְעֶשְׂרִים אֶלֶף וְרֹחֵב
עֲשָׂרֹת אֲלָפִים וּבֹו יְהִי הַמִּקְדָּשׁ קֹדֶשׁ
קֹדְשִׁים. קֹדֶשׁ מִן הָאֶרֶץ הוּא לַכֹּהֲנִים
מְשָׁרְתֵי הַמִּקְדָּשׁ יְהִי הַקְּרָבִים לְיִשְׂרָאֵל
אֵת יְהוָה וְהָיָה לָהֶם מְקוֹם לְבָתִּים וּמִקְדָּשׁ
וּמְגֻרָשׁ [לְמִקְדָּשׁ].

(5) Also [measure off a space] 25,000 long and 10,000 wide for the Levites, the servants of the House; it will be for them as a holding, urban quarters for settlement.

וְחֲמִשָּׁה וְעֶשְׂרִים אֶלֶף אֶרֶץ וְעֲשָׂרֹת
אֲלָפִים רֹחֵב יִהְיֶה [וְהָיָה] לְלוֹיִם מְשָׁרְתֵי
הַבַּיִת לָהֶם לְאַחֲזָה עֲשָׂרִים [עָרִים]
לְשֹׁכֵת [לְשֹׁבְתֵי].

(6) Alongside the sacred offering, you will donate the city's holding, 25,000 long and 5,000 wide. It will belong to the whole House of Israel.

וְאַחֲזֹת הָעִיר תִּתְּנֶנּוּ חֲמִשָּׁת אֲלָפִים רֹחֵב
וְאֶרֶץ חֲמִשָּׁה וְעֶשְׂרִים אֶלֶף לְעִמַּת תְּרוּמַת
הַקֹּדֶשׁ לְכָל בֵּית יִשְׂרָאֵל יְהִי.

After the description of the sacred district and the city land comes the mention of a much larger plot to be set aside for the prince (*nāšî'*). It is to be located on either side of this square and extend on the west to the Mediterranean and on the east to the eastern desert border of the Land of Israel. This would result in a band (25,000 cubits wide) of three types of extra-tribal land—sacred, urban, and royal—reaching across the entire extent of the land from west to east. Later the vision would stipulate that the prince is not only to have highly regulated and thus restricted access to the temple cult (46:2–10)

the LXX: the former consistently describes the *těřúmâ* of land as measuring half the size (25,000 × 10,000) of the latter (25,000 × 20,000). This allows one to associate it exclusively with priests. A late Second Temple period date seems appropriate given the terminus post quem that the translation of the LXX provides for some point in the third to second centuries BCE; see Daniel M. O'Hare, *Have You Seen, Son of Man? A Study in the Translation and Vorlage of LXX Ezekiel 40–48* (Society of Biblical Literature Septuagint and Cognate Studies 57; Leiden; Boston: Brill, 2010), esp. 189–90.

but also no further rights of seizure of private land (46:18).¹⁴ Lest the social and political message underlying this arrangement be lost, the text immediately follows the first description of the sacred district with a reminder that in order to maintain the purity of the temple there must be justice among the princes of Israel and in the marketplace (45:9–12). Land here functions as a buffer from corruption from within the royal house, preventing secular authorities from using their power as an abusive tool of dispossession. "My princes shall no more defraud my people, but shall leave the rest of the land to the several tribes of the House of Israel," cries the prophet in 45:8.

2.2.2 The Endowment in a Section on the Tribal Allotment of the Land

Since the final section of the book of Ezekiel deals with the allotment of the Land of Israel to the tribes (47:13–48:35), there too it was deemed fitting to elucidate this extra-tribal sacred land once more.¹⁵ The allotment of the entire land strives for equality across the tribes, each receiving a band of arable land of equal width and spanning the entire

¹⁴ The separation of the prince and city from the sacred district furthers a program that would overturn the older system in ancient Israel in which temple and palace were politically and economically intertwined; see Lundquist, *Temple of Jerusalem*, 38–43; Brian Boyle, "The Figure of the Nāšī' in Ezekiel's Vision of the New Temple (Ezekiel 40–48)," *Australian Biblical Review* 58 (2010)12–14; Greenberg, "Design and Themes," 199–200.

¹⁵ Moshe Greenberg sees these two versions as necessary for their respective contexts and not reflective of an early and late version with any span of chronological significance separating the two; "Design and Themes," 196–97, 202. While the earlier description was relevant to a section dealing with temple operations, specifically the support of its cultic personnel, this second text is concerned with questions of inalienability and occupation, appearing as it does in a larger pericope (47:13–48:29) on the distribution of the land. The second account is, according to Greenberg, "logically subordinate to the complete scheme of chapter 48; but there is no way of knowing whether in fact the detail came to mind (and pen) first and the whole was spun out of it as a consequence, or vice versa (or another alternative)."

breadth of the Land of Israel.¹⁶ Below the tribe of Judah's holding and above Benjamin's comes the sacred district, appropriately located where Jerusalem would fall on a map. It is described in 48:8–14 as follows:¹⁷

(8) Adjoining the territory of Judah, from the eastern border to the western border, will be the offering you will contribute: 25,000 wide and equal in length to one of the portions from the eastern border to the western border. The sanctuary will be in the middle of it.

ועל גבול יהודה מפאת קדים עד פאת
ימה תהיה התרומה אשר תרימו חמשה
ועשרים אלף רחב וארך כאחד החלקים
מפאת קדימה עד פאת ימה והיה המקדש
בתוכו.

(9) For the LORD, the offering you will contribute will be 25,000 long and 20,000 wide.
(10) And the sacred offering will be for the following:

התרומה אשר תרימו ליהוה ארץ חמשה
ועשרים אלף ורחב עשרת אלפים
[ועשרים אלף]. ולאלה תהיה תרומת
הקדש:

For the priests, [an area of] 25,000 on the north, 10,000 on the west, 10,000 on the east, and 25,000 on the south; the sanctuary of Yahweh will be in the middle of it. (11) The consecrated area will be for the priests from the line of Zadok, who kept my charge and did not go astray from among the people of Israel, as the Levites did. (12) And they will have a special allotment of the offering of land, a most holy place, adjoining the Levites.

לכהנים צפונה חמשה ועשרים אלף וימה
רחב עשרת אלפים וקדימה רחב עשרת
אלפים ונגבה ארץ חמשה ועשרים אלף
והיה מקדש יהוה בתוכו. לכהנים
המקדש מבני צדוק אשר שמרו משמרת
אשר לא תעו בתעות בני ישראל כאשר
תעו הלויים. והיתה להם תרומה
מתרומת הארץ קדש קדשים אל גבול
הלויים.

(13) The Levites will be alongside the priests, [in an area] 25,000 long and 10,000 wide.

והלויים לעמית גבול הכהנים חמשה
ועשרים אלף ארך ורחב עשרת אלפים

The total length [of the sacred portion] will be 25,000 and the width 20,000. (14) They will not sell any part of it. One will not exchange it or

כל ארץ חמשה ועשרים אלף ורחב
עשרת אלפים [ועשרים אלף]. ולא ימכרו
ממנו ולא ימר ולא יעבור [יעביר]

¹⁶ Harold Brodsky, "The Utopian Map in Ezekiel (48:1–35)," *Jewish Bible Quarterly* 34, no. 1 (2006), 21, 24–25. The sense of "fraternal equality" is according to Brodsky a corrective on the more geographically based allocation of Josh 13–19, where certain tribes enjoy much larger territories than others. See also Greenberg, "Design and Themes," 200.

¹⁷ Text follows BHS; translation mine, adapted from JPS. The MT of this and the second description of the sacred district is not without its problems and generally the Greek textual witnesses (LXX) have proven to be the more sensible and reliable; see §2.6.

transfer it. It is prime land, for it is sacred to Yahweh.

רֵאשִׁית הָאָרֶץ כִּי קֹדֶשׁ לַיהוָה.

As in the earlier description, here too one side of the sacred district is reserved for the city and its arable land, whose produce is to be cultivated by persons from all tribes of Israel and used as food for the workers of the city (48:18–19); and on either side of this square extending to the western and eastern borders of the Land is the prince's property (48:21). The inalienability of the sacred district had not been mentioned in the earlier description, but here its sale, exchange, and transfer are now explicitly forbidden. Taken together, the two descriptions can be understood as painting a picture of a sacred district that consists entirely of a built environment. At its center of course was the temple, surrounded on all sides by a residential district for priests and adjacent to a separate plot for the living quarters of the Levites.¹⁸ Bordering it to the south was the city of Jerusalem.¹⁹ The only arable land within the district would have been a relatively

¹⁸ It is not clear whether the northernmost plot in the sacred district was of the priests or the Levites. Relying on the assumption that Ezekiel moves north to south, as he does in the allotment scheme of Ezek 47:13–48:35, Greenberg, Kasher, and Albertz have the priests occupying the northernmost section, which would place the Levites' land as a buffer between the priests and the city; Greenberg, "Design and Themes," 202, n. 37; Kasher, *Ezekiel 2*, 928; Albertz, *Israel in Exile*, 357. Others prefer having the sanctuary and the priests in the middle of the sacred district and placing the Levites to the north; see Walther Eichrodt, *Ezekiel: A Commentary* (The Old Testament Library; Philadelphia: The Westminster Press, 1970), 570; Zimmerli, *Ezekiel 2*, Fig. 7 on 535; and Kalinda Rose Stevenson, *Vision of Transformation: The Territorial Rhetoric of Ezekiel 40–48* (Society of Biblical Literature Dissertation Series 154; Atlanta: Scholars Press, 1996), Fig. 4 on 35.

¹⁹ Though the city land is part of the square land offering (25,000 by 25,000), it is explicitly given profane status (48:15, 20) and is thus not part of the sacred district. The startling ramifications of this ordinance are that the city of Jerusalem itself in Ezekiel's vision is profane and not located within the sacred district. The temple and its officials are to be entirely removed from the city. The separation is affirmed with the closing statement of the entire book, where Jerusalem is renamed *YHWH šāmmâ*, "Yahweh is there," as if one standing in the city were pointing toward the temple and sacred district adjacent to it. See Paul M. Joyce,

small plot set aside for growing the food of the workers in the city. The sustenance of the temple and its officials is to come from the offerings of the people and the prince.

2.3 Levitical Cities and Their *Migrāšîm*: A Model for the Sacred Land Endowment

The Levitical cities of the Deuteronomistic History (Josh 21:1–40) provide a glimpse into the settlement and landholding patterns of the Yahwistic priesthood at the end of the Iron Age. The conquest and land allotment narratives in the book of Joshua lists a full register of 48 cities as the rightful inheritance of the holy tribe of Levi, each city fortified by a wall and endowed with communal pens or pasturelands (*migrāšîm*) for the keeping and grazing of their animals. Of the 48 cities, 13 are given over to Aaronide priests in the tribal areas of Judah, Simeon, and Benjamin, a geographical extent which coincides with more realistic estimates regarding the borders of the Judahite monarchy in the Josianic period of the seventh century BCE.²⁰ Nadav Naaman has argued that these 13 Aaronide cities are the only ones of the 48 that reflect a historical core from that period. The others were added in the Joshua conquest narrative in order that each tribe and geographic region be similarly endowed with settlements of priests and as such should be taken as

"Temple and Worship in Ezekiel 40–48," in *Temple and Worship in Biblical Israel* (ed. John Day; vol. 422 of Library of Hebrew Bible/Old Testament Studies; London; New York: T&T Clark, 2005), 159–60.

²⁰ For archaeologically based estimates leading to a more modest extent of the Josianic kingdom, see Nadav Naaman, "Josiah and the Kingdom of Judah," in *Good Kings and Bad Kings: The Kingdom of Judah in the Seventh Century BCE* (ed. Lester L. Grabbe; vol. 393 of Library of Hebrew Bible/Old Testament Studies; London; New York: T & T Clark International, 2005), 189–247; and Raz Kletter, "Pots and Politics: Material Remains of Late Iron Age Judah in Relation to Its Political Borders," *Bulletin of the American Schools of Oriental Research*, no. 314 (1999), 19–54.

entirely artificial.²¹ Naaman's analysis has offered a convincing blow to scholars who have viewed the Levitical cities as either pure utopia²²—for they would seem to contain some historical elements—or reflective of an administrative system under the Davidic monarchy, as the Chronicler would lead us to believe in its reworking of Josh 21 (1 Chr 6:39–66).²³ It also calls into serious question the significance of the location of many of

²¹ *Borders and Districts*, 203–36. Naaman's study depends on the assumption that the division of the land into twelve tribal allotments expanding over the greater Land of Israel is ahistorical; and that Joshua 21 predates 1 Chronicles 6:39–66. As far as I know the only scholar to assume the reverse chronological relationship between these two texts is Graeme Auld, who sees 1 Chr 6 as not only earlier than Josh 21 but also developing in phases out of a nucleus of 13 Aaronite cities of the tribes of Judah, Simeon, and Benjamin; see "The 'Levitical Cities': Texts and History," in *Joshua Retold: Synoptic Perspectives* (Edinburgh: T & T Clark, 1998), 25–36. Albrecht Alt had already argued for a Josianic date for the Levitical city lists on the basis that hill-country sites are absent from them, perhaps because they had been destroyed by the reform efforts; "Festungen und Levitenorte," 306–15. John Peterson had arrived at a similar date based on archaeological analysis of sites associated with the cities of the list. He did however accept the basic historicity of the Josh 21 account and examined remains from all regions, assuming more extensive borders of the late Judahite monarchy than are commonly accepted by scholars nowadays; "A Topographical Surface Survey of the Levitical 'Cities' of Joshua 21 and I Chronicles 6: Studies on the Levites in Israelite Life and Religion" (Ph.D. Dissertation, Chicago Institute of Advanced Theological Studies and Seabury-Western Theological Seminary, 1977), 714–18.

²¹ *Temples and Temple-Service*, 112–31.

²² Wellhausen saw them as entirely "artificially constructed" and associated with post-exilic Judaism; *Prolegomena*, 153–61. Martin Noth argued for a post-exilic date based among other things on the absence of Levites in Samaria, when none would presumably live there. But he recognized that the cities themselves perhaps originated in the pre-exilic period as a result of the incomplete implementation of the Josianic reform program; Martin Noth, *Das Buch Josua* (Tubingen: J.C.B. Mohr, 1953), 27, 31–32, 100–1. For a recent "minimalist" view of the cities list, understanding them to be entirely a utopian creation, see Mario Liverani, *Israel's History and the History of Israel* (London; Oakville, CT: Equinox, 2005), 337–41, Fig. 58.

²³ In this latter category one can place the views of W.F. Albright, Benjamin Mazar, Yohanan Aharoni, and Zecharia Kallai. Their basic methodology in studying the Levitical cities was to search for a period when all were within early Israelite monarchic territory (according to the self-understanding of the biblical text). Albright arrived at a 10th-century date for the list, following Chronicles, and saw the cities as functioning for "some kind of administrative reorganization of the Israelite confederation"; see *Archaeology and the Religion of Israel. The Ayer Lectures of the Colgate-Rochester Divinity School, 1941* (Baltimore: Johns Hopkins Press, 1942), quote on 123; and "The List of Levitic Cities," in *Louis Ginzberg Jubilee Volume on the Occasion of His Seventieth Birthday* (New York: American Academy for Jewish Research, 1945), 49–73, esp. 55. Mazar follows this dating and understands the cities as part of a royal policy to unite territories that had just been added to the kingdom; "Cities," 193–204. Aharoni agrees with these views and even argues that the institution of Levitical cities must have been abandoned with the split of the kingdom; *The Land of the Bible: A Historical Geography* (trans. A.F. Rainey; Philadelphia: The Westminster Press, 1967), 269–73. For a similar point of view, see two works by Kallai: "The System of Levitic Cities—A Historical-Geographical Study in Biblical Historiography,"

the cities in Josh 21 in border areas, which Jeremy Hutton has linked to the Levitical class's role as "intertribal arbitrators" in the Iron Age. According to Hutton, their neutral genealogical status helps them arbitrate cases that could be particularly fraught in a society where tribal and clan affiliation would have been at the root of debate.²⁴

Scholarship into the Levitical cities has also demonstrated that we are better served to envision them as residential quarters or concentrations of priestly clans and their families in certain cities rather than entire cities occupied solely by priests.²⁵ That such concentrations of priests were by the later part of the Iron Age coming to Jerusalem for altar service and to collect a share of altar meat is demonstrated by the conferral of

Zion 45 (1980) [Hebrew], 13–34; *The Tribes of Israel: A Study in the Historical Geography of the Bible* (trans. Hannah Katzenstein; Jerusalem: Bialik Institute, 1967), 377–403.

²⁴ Hutton's approach is largely ethnographic, seeking parallels between the Iron Age Levitical tribe and the Ahansal tribe of Morocco, also a geographically dispersed clan of cultic officials who ruled in courts and mediated cases of seasonal dispute between sedentary and transhumant populations; "The Levitical Diaspora (I): A Sociological Comparison with Morocco's Ahansal," in *Exploring the Longue Durée: Essays in Honor of Lawrence E. Stager* (ed. J. David Schloen; Winona Lake, Ind.: Eisenbrauns, 2009), 223–34. Lawrence Stager first noted the similarity to the Ahansal tribe; see "The Archaeology of the Family in Ancient Israel," *Bulletin of the American Schools of Oriental Research* 260 (1985), 27. Yet while Hutton would place special importance on the location of the cities in areas on the periphery of arable land, allowing the Levitical tribal members to then mediate between agricultural and semi-nomadic populations, Naaman understands these marginal or border settlements to be literary fictions based on boundary lists of earlier materials (Josh 15:21–62; 18:21–28). It is for this reason, Naaman holds, that they stood on border areas; *Borders and Districts*, 226–27. In his Josianic dating of the Levitical cities, Naaman is indebted to Alt; Alt, "Festungen und Levitenorte," 294–301.

²⁵ *Temples and Temple-Service*, 112–31. Particularly noteworthy is Jeremiah's portrayal of priests of Anathot, his cousins Maaseiah (Jer 35:4) and Zephaniah (e.g., Jer 21:1, 29:25–26), as fully involved in the activities of the Jerusalem temple; Anathot is listed in Josh 21:18 as one of the Aaronide Levitical cities. Baruch Levine has argued for the more limited understanding of the term 'îr in "The Biblical 'Town' as Reality and Typology: Evaluating Biblical References to Towns and Their Functions," in *Urbanization and Land Ownership in the Ancient Near East* (ed. Michael Hudson and Baruch A. Levine; Cambridge, MA: Peabody Museum of Archaeology and Ethnology, Harvard University, 1999), 421–53. We can thus take the mention of Nob, 'îr *hakkōhānîm* ("city of priests"), in 1 Sam 22:19 as referencing little more than a quarter within the city with a critical mass of priests.

precisely that right to them by the Deuteronomistic Code (Deut 18:6–8).²⁶ The picture that emerges is of clans of priests living in towns or fortified settlements and keeping livestock in pens and pasture areas nearby. These priests are not at all presented as cultivating the land, an ideal carrying through multiple sources of the Hebrew Bible and discussed below. Moreover, nothing in Josh 21 or other Deuteronomistic sources explicitly labels these cities as holy to Yahweh or sacred in any way, though that status can be inferred by the designation of some as places of refuge for one who has committed an unintentional homicide and is seeking haven from a blood avenger, a role that was likely previously filled by local shrines that had been abolished with the centralization reforms.²⁷

The sacred district in Ezekiel's Vision—a communal settlement with houses for those serving at the temple and pasture for their flock—draws inspiration from the Levitical cities of the late Iron Age. But Ezekiel centralizes the sacred tribe in one

²⁶ The Deuteronomistic view recognizes no distinction between priest and Levite but rather refers to the entire class as *kōhānīm lēbiyyîm* ("Levitical priests"). In addition to their altar service they would assume responsibilities ruling in certain judicial cases (Deut 17:8–13) and supervising the production, reading, and teaching of the scrolls of the Law (17:18; 31:9–13). On the pre-monarchic origins of the tribe of Levi, see Stephen L. Cook, "Those Stubborn Levites: Overcoming Levitical Disenfranchisement," in *Levites and Priests in Biblical History and Tradition* (ed. Mark A. Leuchter and Jeremy M. Hutton; vol. 9 of *Ancient Israel and Its Literature*; Atlanta: Society of Biblical Literature, 2011), 155, n. 1. On the priestly interests in Deuteronomy, see Eckart Otto, *Das Deuteronomium im Pentateuch und Hexateuch: Studien zur Literaturgeschichte von Pentateuch und Hexateuch im Lichte des Deuteronomiumrahmens* (Tübingen: Mohr Siebeck, 2000), 248–60; G. Ernest Wright, "The Levites in Deuteronomy," *Vetus Testamentum* 4 (1954), 325–30; A.H.J. Gunneweg, *Leviten und Priester. Hauptlinien der Traditionsbildung und Geschichte des israelitisch-jüdischen Kultpersonals* (Forschungen zur Religion und Literatur des Alten und Neuen Testaments 89; Göttingen: Vandenhoeck & Ruprecht, 1965), 126–36.

²⁷ Exod 21:13 identifies the altar at the local sanctuary as the site of refuge. Deut 19:1–7 of the Deuteronomistic Code stipulates that cities should be set apart but does not identify them (that would happen in Deut 4:41–43); Josh 20:1–9 associates them with the Levitical cities. See Auld, "Cities of Refuge," 37–48.

location surrounding the temple. He also makes a distinction between two classes within that tribe, also unknown to the Deuteronomistic History: the Zadokites are to serve at the altar and reside in the area nearest to the temple, while all others of the tribe of Levi are to be in urban quarters in an adjacent area. The position is innovative in its vision of the consolidation of the sacred tribe in one place, a situation that on the one hand seems to reflect the tradition of Yahweh's holy men and their families residing together in discrete communities but on the other overturns the custom that these communities were dispersed on the countryside beyond the religious centers.

The Levitical cities are also mentioned in the Priestly Source (Num 35:1–8) and the Holiness Code (Lev 25:32–34), both of which confer them not to priests with altar rights (*kōhānîm*) but to the secondary class of Levites only (*lēbiyyîm* or *bēnê lēbî*).²⁸ The Holiness Code has houses within the cities returning to the Levites at the Jubilee but the *migrāšîm* labeled as unsellable, "for it is their holding for all time" (Lev 25:34). In both sources all non-Aaronides are to be relegated to a life dispersed on the countryside. It would seem that the Aaronide authors of these writings rejected the integration of non-Aaronides into the cadre of priests holding altar rights and preferred to keep that privilege within the priesthood residing year-round in Jerusalem.²⁹

²⁸ See Gunneweg, *Leviten und Priester*, 138–57.

²⁹ It may be that the non-Aaronides staffed shrines outside the Jerusalem establishment and became disenfranchised with their closing due to cult reforms toward the end of the Iron Age. Wellhausen had posited that Deuteronomy's vision of a unified priesthood after the reforms of Hezekiah and Josiah ultimately failed and led to the demotion of many priests to the secondary "Levite" status; *Prolegomena*, 121–67. There is reason to assume that it had been partially or temporarily successful; see Cook, "Those Stubborn Levites," 162–65. On the origins of the Levites as a religious order dedicated to the maintenance of the tribal

The book of Ezekiel too adopts from this model. In 45:5, it describes the Levites' quarter of the sacred district as meant to consist of *'ārîm lāšebet* ("urban quarters for settlement"), which reflects verbatim the terminology to describe them in Num 35:2. And in 48:14, it prohibits the sale, exchange, or transfer of the sacred district, similar to the special legal status given to it as unsellable land in Lev 25:34. The district has a clear division of altar priest and Levite, as in the priestly writings of the Torah, but differs from them in its centralization of the Levites as well in Jerusalem. It also uses the language of "sons of Zadok" in its conferral of altar rights to the Aaronide line (48:11),

confederation and on the rise of the Zadokite line, see Gunneweg, *Levitens und Priester*, 14–81, 188–204. See also Albertz, *History of Israelite Religion II*, 431; Jon Douglas Levenson, *Theology of the Program of Restoration of Ezekiel 40–48* (Harvard Semitic Monograph Series 10; Missoula, Montana: Scholars Press, 1976), 129–51. Major state-sponsored shrines at Jerusalem in the south (a Zadokite institution) and Dan and Bethel in the north and smaller shrines at sites such as Arad, Beersheba, Geba, Megiddo, and Mizpah (in Benjamin) would likely have been marked by a complex system of rank and offices, one which contrasted the more laissez-faire priestly role at the rural and smaller regional sanctuaries, where laypersons and women may have assumed a more prominent role in the cult of sacrifice, as Susan Ackerman has argued. This hierarchy too could have influenced the organization of space in Ezekiel's vision. See Susan Ackerman, "Who Is Sacrificing at Shiloh? The Priesthoods of Ancient Israel's Regional Sanctuaries," in *Levites and Priests in Biblical History and Tradition* (ed. Mark A. Leuchter and Jeremy M. Hutton; vol. 9 of *Ancient Israel and Its Literature*; Atlanta: Society of Biblical Literature, 2011), esp. 29–30; see also Mark A. Christian, "Middle-Tier Levites and the Plenary Reception of Revelation," *ibid.* esp. 174–75. Yet the heterogeneity in architectural form of the Iron Age shrines suggests, as Ziony Zevit argues, heterogeneity in sacred tradition and personnel; *Religions of Ancient Israel*, 247–66, 652–64.

The conferral of altar rights in hereditary priesthood systems based on clan affiliation is by no means unique to Yahwistic altars of Judea and Samaria. The dynamics within multiple clans vying for service at the altar are reflected, for example, in the archives of the priesthood of the Achaemenid-period Ezida temple at Borsippa in Babylonia; Waerzeggers, *Ezida Temple of Borsippa*, 77–102. There the highest-ranking priests were among the class of "temple-enterers" (*ērib-bīti*), which consisted of multiple clans each holding onto prebends conferring upon them the right to altar service and associated income. Lesser ranking priestly clans were associated with professions in a manner far more specific than the nebulous "Levites" in the Judean context; at Borsippa they consisted of, among other things, brewers, bakers, butchers, and doorkeepers.

which would seem to reflect a further limitation on altar service to a particular subgroup of Aaronides.³⁰

The difference between the Zadokites and the Levites finds physical expression in Ezekiel's description of the land allotment to the altar priests. Their land is referred to both as *qōdeš qādāšîm* ("a most holy [place]") and *těrûmiyyâ mittěrûmat hā' āreš* ("a special allotment of the offering of land"; 48:12). The former is a unique use in the Hebrew Bible of the phrase to refer to something outside of the temple proper; it expands the notion of the glory of God residing only within the sanctuary itself.³¹ The holiness of the priestly portion exceeds that of the land surrounding it by virtue of its proximity to the temple. And the unique biblical form *těrûmiyyâ* is probably erroneously taken as a synonym for *těrûmâ* in all the textual witnesses, leading many to posit that it is a corruption of that word.³² But *těrûmiyyâ* is entirely plausible in biblical Hebrew as a feminine adjective of

³⁰ For a discussion on Ezekiel's terminology, see Haran, *Temples and Temple-Service*, 102–3. Ezekiel himself was apparently a Zadokite, the priestly guild that the biblical narrative portrays as enjoying close ties with the local monarchy in Jerusalem from Davidic times onward, their eponymous patriarch Zadok officiating at the coronation of Solomon himself (1 Kgs 1:39). One can assume that the two categories of priests described in Ezek 40:44–46, one in charge of "the duties of the temple" and the other "the duties of the altar," both claim Zadokite descent. The alternative is that the prophet describes in those verses a category of *kōhānîm* of an intermediate status, perhaps non-Zadokite Aaronides; on the view that 40:44–46 predates the full division between altar priest and Levite, see Zimmerli, *Ezekiel 2*, 549–50 and Rainer Albertz, *A History of Israelite Religion in the Old Testament Period. Volume I: From the Beginnings to the End of the Monarchy* (Louisville, KY: Westminster John Knox Press, 1994), 430.

³¹ Rimmon Kasher, "Anthropomorphism, Holiness and Cult: A New Look at Ezekiel 40–48," *Zeitschrift für die Alttestamentliche Wissenschaft* 110, no. 2 (1998), 201–2, 207; see also Joyce, "Temple and Worship," 156–57.

³² LXX reads ἡ ἀπαρχὴ δεδομένη ἐκ τῶν ἀπαρχῶν τῆς and Targum Jonathan אפרשותא מאפרשות ארעה. BHS follows these traditions as do many commentaries and the King James in its rendering of it as simply "oblation"; see Zimmerli, *Ezekiel 2*, 522–23, who lists several. Zimmerli happens to accept the word as original and glosses it "a particular consecrated area of land." Kasher also accepts its originality; *Ezekiel 2*, 929. NRSV is also in line with this view by giving "a special portion," as is JPS with its gloss "a special reserve."

the class of nouns that add the suffix *-î* to convert a substantive into a modifier.³³ The word would resurface in medieval and pre-modern Jewish writings where it implies a qualitative difference suggesting "exemplary traits" or "the best of" something.³⁴ Since the land in question was almost certainly not arable land, the quality and fertility of the soil could hardly be alluded to. One is better served to understand the term as referring simply to the land being set apart as a special plot from within the sacred district, perhaps elevated physically from the rest. This would suit the larger context 48:12, which emphasizes the special reward of the Zadokite priests over against the Levites.

This distinction is a central message embedded in the book's organization of territory in the sacred district and its reworking of the Levitical cities. It is recalled that in Josh 21, the Levitical cities contained both Aaronides and non-Aaronides. The overriding scheme of "graded holiness" in the territory elevates Zadokite above Levite, Levite above prince, and prince above the lay tribes. This mode of organizing space was meant to negotiate social relationships between groups in society and would continue in the description of the spaces within the Temple precinct itself, each characterized by their degree of holiness, each demarcated by walls and gates, and each accessed by specific individuals in a highly regulated fashion (Ezek 40:48–41:26). The deeper social

³³ Other cases are words such as *'ibriyyâ*, "Judean (f.);" and *mô'ăbiyyâ*, "Moabite (f.);"; A.E. Cowley, *Gesenius' Hebrew Grammar as Edited and Enlarged by the Late E. Kautzsch* (Oxford: Clarendon Press, 1910), 240; Paul Joüon and T. Muraoka, *A Grammar of Biblical Hebrew, Vol. I* (Roma: Editrice Pontificio Istituto Biblio, 1991), 264–65.

³⁴ For example, Rashi uses the plural form of the word to mean "exemplary traits" in his Ecclesiastes commentary (11:3). For a summary of the word in late ancient and medieval Jewish poetry and early modern Hebrew, see Eliezer Ben-Yehuda's particularly thorough entry; *Milon Ha-Lashon Ha-Ivrit* (Berlin: Langenscheidt, 1908–1959) [Hebrew], 7907–8.

messages of this worldview have been explored extensively in scholarship on Ezekiel's Temple Vision.³⁵

To this important and well-studied aspect of Ezekiel's Temple Vision let me add one more: the withdrawal of priests and Levites from the countryside by virtue of their unification in a single place at the sacred district. It is easy to read the fortified temple complex as simply about the protection of sanctity from within, the shielding of the holy institutions from potentially dangerous influences of the broader Jewish public, not to mention the foreign lands lying beyond. But another facet of this arrangement is that it would put a stop to the kinds of village-level interactions between priests and benefactors that could have in the very least been a distraction from service but also may have devolved into unpleasant or even unethical behavior. As I will discuss in the next chapter, an addendum to the book of Leviticus regulates the consecrations of fields to priests (Lev 27:16–24) and places the latter on even ground with the rest of society in regard to landholding rights, even though the priests as economic agents represented

³⁵ Philip Peter Jensen associates the concept of graded holiness with a "strand of exilic and post-exilic Judaism"; *Graded Holiness: A Key to the Priestly Conception of the World* (Journal for the Study of the Old Testament Supplement Series 106; Sheffield: Sheffield Academic Press, 1992), esp. 215 (quote), 218. Kalinda Rose Stevenson sees the book's territoriality as fundamentally about access: the priests enjoy it with respect to the temple, the prince and the rest of Israel does not; *Vision of Transformation*, esp. 11–95. Jonathan Z. Smith sees the vision as a social map of an ideal cultic place, where power hierarchies (prince/priest, priest/Levite, priest/Israel) are built up and maintained. He relates portions of text to distinct social maps (e.g., 40:1–44:3 is Map 1, which delineates the dichotomy between the sacred and profane); *To Take Place: Toward Theory in Ritual* (Chicago Studies in the History of Judaism; Chicago: University of Chicago Press, 1987), 58–60. For a similar reading of Ezekiel 40–48 as mapping social space, see Rachel Havrelock, "The Two Maps of Israel's Land," *Journal of Biblical Literature* 126, no. 4 (2007), 651–55. In a related vein, Susan Niditch understands the vision of the temple in Ezekiel to be a microcosm where the drawing of boundaries between "us" and "them" is an overriding concern, as is the establishment of order among chaos by means of the victory and enthronement motifs; Susan Niditch, "Ezekiel 40–48 in a Visionary Context," *Catholic Biblical Quarterly* 48 (1986), 208–24.

the interests of the divine. That document also necessarily implied the gifting, cultivation, and even sale of arable land to the priesthood as their rightful patrimony and would appear to be a later adaptation of a text originating from an Iron Age context.³⁶

By envisioning a single land endowment and centralizing all members of the tribe of Levi on it, the book of Ezekiel prevents the complex web of interaction between priests and their benefactors in the countryside.³⁷ Support for the priesthood is now to derive entirely from dues of the field, flock, and herd contributed by the entire people and the prince (44:28–30, 45:13–16). The disengagement of the temple institution from village and urban life would centralize its redistributive program and absolve priests and Levites from any involvement in personal self-sufficiency endeavors.

2.4 The Ideals of a Landless Priesthood and a People's *Tērûmâ*

The ethic of a support system for Yahweh's priesthood and altar is espoused in the very language of the land endowment, which is presented as a gift from the entire people of

³⁶ See Chapter 3, especially §3.3.

³⁷ The erasing of social ills could also be indicated in the vision through the specific dimensions given for the size of the temple and the sacred district surrounding it; see Bergsma, "Built Jubilee," 75–85, esp. 78. The dimensions of the district regularly consist of units of measure divisible by 50 (or, in the case of the temple, 25; e.g., 40:13, 15, 21 and *passim* in that chapter), a number recalling the biblical Jubilee of the Holiness Code (Lev 25:8–17). The themes of social justice and economic self-sufficiency at the root of the Jubilee concept could perhaps be alluded to here in these symbolic measurements. The 25,000 x 25,000 measurement for the sacred district, for instance, would be the length of the temple complex (500) multiplied by 50 for the Jubilee. In a study on the geometry of the Temple Vision, Bennett Simon sees these dimensions as "taming the wildness and extravagance" of both human transgression and divine wrath; "Ezekiel's Geometric Vision of the Restored Temple: From the Rod of His Wrath to the Reed of His Measuring," *The Harvard Theological Review* 102, no. 4 (2009), 411–38, esp. 412–13. The symbolism of the system runs deep and carries with it a message of social reform.

Israel. The gift itself is called *těrûmâ*, which in the Hebrew Bible and particularly in priestly writings is used to refer to a generic gift or offering, always in movables (Num 5:9, 18:8; Lev 22:12, 15). Milgrom understands it in priestly terminology to refer to anything dedicated or set aside for the priesthood, the transfer usually taking place outside of the temple premises and without an accompanying rite.³⁸ The process of allotment recalls clan- or village-level divisions in societies where lots or other randomized selection techniques were used for dividing up real estate. Philippe Guillaume's recent study on agrarian finance in the Hebrew Bible has pointed to evidence of the phenomenon in the biblical text.³⁹ This includes not only references to the division of land by measuring rope (e.g., Mic 2:5, Ps 16:6, Ps 105:11) but also the biblical vision of allotting the entire Land of Canaan to the mythic tribes of Israel. Following Anne Kitz, Guillaume understands the tribal allotment of Canaan (as in Num 32) as imposing on the regional level a tenure system that would have been commonplace at the village level. Clans would have periodically divided arable plots amongst themselves, usually marking them off with rope and then after some time

³⁸ In the literature it is often translated "heave offering" based on the word's derivation and the supposition that the original rite involved the heaving or lifting of the offering during its transfer to the priest; see Jacob Milgrom, *Studies in Cultic Theology and Terminology* (Studies in Judaism in Late Antiquity 36; Leiden: E.J. Brill, 1983), 159–70. Cf. the *těnûpâ*, as Milgrom discusses there. The land offering's status as a gift is emphasized in Ezekiel whenever it is mentioned and through a careful use of terminology: the Levitical and non-priestly territories, when referred to alone, are given the status of *'āhûzzâ*, "holding," while the sacred district is regularly referred to as *těrûmat hāqqōdeš*, "sacred offering" (45:6, 7; 48:10, 18, 20, 21).

³⁹ Guillaume, *Land, Credit and Crisis*, 28–55.

redistributing. The relevant comparandum from the Near East is the *musha'* system of communal land ownership that was widespread in pre-Ottoman Palestine.⁴⁰

With respect to the consecration of land, the legislative document Lev 27, whose Iron Age origins will be argued for in the next chapter, addresses a situation in which an individual has set apart real estate for sacred purposes. It must be assumed that this kind of consecration would have occurred upon the decision of the individual or family after the allotment process had taken place at the community level. However, in Ezekiel's Temple Vision the endowment is to be made as part of the allotment process itself, thus including the entire community of Israel and perhaps even encouraging each member of that community to recognize their involvement in the endowment. The message is underscored by the opening word of the pericope: *ûbêhapîlêkem*, "when you (pl.) allot." While sacred land in the ancient world often originated from prominent gifts by kings, governors, and other influential persons in society, Ezekiel has the endowment initiated by the entire people of Israel.⁴¹ Regular sustenance in the form of produce and other gifts in kind is also to come from the people (44:28–30, 45:13–17).

The prince's role in supporting the cult is, in Rainer Albertz's words, as "*primus inter pares* within the lay community."⁴² To be sure, the prince is revered as the primary

⁴⁰ Anne M. Kitz, "Undivided Inheritance and Lot Casting in the Book of Joshua," *Journal of Biblical Literature* 119, no. 4 (2000), 601–18; Guillaume, *Land, Credit and Crisis*, 42–53.

⁴¹ This would contrast the structure and presentation of the tribal allotments, which recall royal land grants of the ancient Near East; see David H. Engelhard, "Ezekiel 47:13–48:29 as Royal Grant," in *"Go to the Land I Will Show You": Studies in Honor of Dwight W. Young* (ed. Joseph E. Coleson and Victor H. Matthews; Winona Lake, IN: Eisenbrauns, 1996), 45–56.

⁴² *Israel in Exile*, 372.

benefactor of the cult. He is by far the largest individual landholder in the vision, his huge tract extending from the sacred district westward to the sea and eastward to the Jordan (Ezek 45:7–10, 46:16–18, 48:21–22). His regular agricultural offerings to Yahweh would thus far exceed those of any given individual in the community of Israel. He is also given the honored role of representing the community and making expiating sacrifices on their behalf (45:17) and of coming closer to the temple than other lay worshippers (46:1–15).⁴³ But he is not the one endowing the temple with a large parcel of land. Perhaps the author(s) of the book feared that a land donation by the prince would come with an expectation of influence within the temple institution. Rather, in this idealized world the donation is from the people, entirely democratized and, as such, entirely anonymous. The dual role of prince and people as cult benefactors is summarized well in the closing statement of the vision's enumeration of priestly dues: "In this contribution, the entire population must join with the prince of Israel" (45:16).

This support system for the cultic personnel also obviates the need for them to pursue self-sufficiency endeavors, which can explain why the sacred district is said in 48:14 to be non-sellable, non-exchangeable, or non-transferable. These stipulations characterize the holdings as entirely unprofitable landed assets, even if their sale would come out of necessity. The marking of the sacred district as sacrosanct also relates to its status as non-arable; cultivation of the land is to be carried out by the people and the

⁴³ On the special status of the prince here, see Boyle, "Figure of the Nāšî'," 1–16. The conferral of honored status to the prince in the vision suits earlier notions in the book of a restored Israel under a Davidic figurehead (e.g., 34:23–30; 37:22–25).

nourishment of the altar is to come entirely from produce emerging from the people's labor. This point of view can explain why the only cultivable land in the sacred district is the city land, which is explicitly stated in 48:18 to be for the workers of the city.⁴⁴ Ezekiel's sacred district is most certainly not temple land of the sort held by large sanctuaries in the ancient Near East and Mediterranean worlds.⁴⁵

By imagining a sacred district in which the temple, priests, and Levites do not hold arable land but rather are sustained by produce brought as offerings from the people, the vision is falling in line with the perspectives of Deuteronomy and the Priestly Source. Both adopt the rhetorical position that all sacred perquisites are to be given over to the tribe of Levi as a form of compensation for being denied by Yahweh a portion of the inherited agricultural land he bequeathed to his people Israel. The Deuteronomic Code stipulates that the Levitical priests "shall live only off Yahweh's offerings by fire as their portion and shall have no portion among their brother tribes: Yahweh is their portion, as he promised them" (Deut 18:1–2; the listing of the priestly

⁴⁴ Since the description of the land offering for the Levites is described as *'āhūzzâ*, Zimmerli reasons that this reflects an innovative viewpoint where the "old, sacred Levitical regulation of non-ownership of land" has been limited to the priests only. He writes that the "regarding of their [the Levites'] share of land as specifically arable land is avoided, though this would be a natural deduction from what is said"; see *Ezekiel* 2, 469. Albertz holds a similar view; *Israel in Exile*, 373. I would beg to differ. The only arable land mentioned in this offering is on the periphery of the city land; one must assume that the Levites are to subsist mainly from products of the earth set aside as tithes (Num 18:21). The term *'āhūzzâ* need not imply arable landholding and can refer also to houses, buildings, and non-arable land; the *migrāšim* of the Levites, for example, are clearly non-arable pasturelands but are referred to as their *'āhūzzâ* in Lev 25:34.

⁴⁵ Rainer Albertz sees the relative autonomy of Babylonian temple centers from the monarchy as a source of inspiration for Ezekiel's Temple Vision and notes that this autonomy was often expressed in Babylon with the holding of vast property in land by temples; *Israel in Exile*, 375–76. Here the model is a radically different one: autonomy is to be achieved by establishing an effective support system from the entire people for the temple, with the prince being the primary giver but just one of many. Autonomy from landholding is never part of the model.

revenues follows in Deut 18:3–8). In the Priestly Source's outlining of the respective sets of dues owed to the Aaronide line of altar priests and to the secondary class of Levites, both groups of individuals are reminded of their denial of an inherited portion of land (Num 18:20, 24), for Yahweh again is said to be their portion and share among the Israelites. In both Deuteronomy and the Priestly Source, the denial of land to the sacerdotal class functions as a rationalization for the payment of agricultural products and other valuables to them while reminding the audience of their vulnerability as a class unable to self-subsist. Ezekiel's reminder in 44:28 that "no landholding shall be given them in Israel, for I am their landholding" falls in line with this perspective. Only the somewhat later Holiness Code—perhaps the latest Pentateuchal stratum and related in content to the legal addendum Lev 27—differs in this perspective in its apparent comfort with the holding of land by the priesthood, as I will discuss later.

This is not to suggest, however, that landlessness was any more than an ideal-type to the authors of the earlier Pentateuchal sources, or that they intended to prohibit the owning of agricultural land among the priesthood, as some have contended.⁴⁶ There are several instances in biblical texts in which priests are landholders and face no condemnation from it from the traditions of these accounts. The high priest Abiathar is told by Solomon upon his banishment to return to his "field" at Anathoth (1 Kgs 2:26) and thus sent back to a life of farming. Amaziah, a high priest at Bethel, is cursed by the

⁴⁶ Jacob Milgrom, *Leviticus 23–27: A New Translation with Introduction and Commentary* (The Anchor Bible 3B; New York: Doubleday, 2001), 2386; Sanders, *Judaism: Practice and Belief*, 146–47; Zimmerli, *Ezekiel 2*, 469.

prophet Amos in reprisal for accusing the prophet of conspiracy and doomed among other things to have his land "divided up with a measuring line" (Amos 7:17).⁴⁷ Even if the prophet is merely using a standard expression for rebuke here, one would expect him to choose another had he lived in a society where priests were forbidden from owning agricultural land. Rather, here the prophet finds it appropriate to tell his audience that this renegade priest will be left without family and landed property. One can conclude from these cases that land ownership among certain prominent priests in the cult of Yahweh was normal and that neither the Deuteronomic nor Priestly Sources of the Torah had an interest in forbidding agricultural land ownership among the priesthood. The refrain of Ezek 44:28, much like that in Num 18:20, 24 and Deut 18:1–2, reflects an ideal meant to free the priesthood from the burden of landholding but does not explicitly prohibit the holding of arable land altogether. It is true that the sacred revenues system of the Torah is set up to provide the basic products of field and farm—including meat, wool, and hides—to the priest, so that in theory even the keeping of animals would have been unnecessary.

In reality, however, there is every reason to assume that in addition to assets they acquired as the result of offerings and donations, including landed properties, Yahwistic priests were engaged in their own self-subsistence endeavors including the cultivation of livestock. These endeavors would have been particularly significant after the

⁴⁷ On the use of ropes to delineate agricultural plots in the ancient Israelite context, see above and Guillaume, *Land, Credit and Crisis*, 42–53.

destruction of the Jerusalem temple in 586 BCE. Though institutionalized Yahweh worship appears to have not ended altogether in the region but rather shifted to the sanctuary at Bethel, the devastation of the war with Babylon and the collapse of the regional economy in the Neo-Babylonian period must have profoundly diminished sacred revenues both at the altar and to priests on the countryside.⁴⁸ Priests may have resorted to agricultural endeavors in the exilic period simply as a means to provide basic support for the household. In a better world, imagines Ezekiel, the priests should be unburdened by these profane self-sufficiency endeavors.

2.5 Reading Ezekiel's Temple Vision in an Early Second Temple Period Context

The notion of a democratized support system for the cult and the withdrawal of priests and Levites from the countryside as part of a much larger vision for the renewed temple appear to have been met with mixed results. Persian support of the reestablishment of the Jewish polity based in Jerusalem and the rebuilding of the sanctuary to Yahweh there did not, by all accounts, include a land endowment for the sanctuary and its priesthood.⁴⁹ Details of Cyrus's financial commitment to the enterprise included the

⁴⁸ On the significance of Bethel as a Yahwistic religious center in the exilic period and an important locus for the collection and dissemination of scripture, see Ernst Axel Knauf, "Bethel: The Israelite Impact on Judean Language and Literature," in *Judah and the Judeans in the Persian Period* (ed. Oded Lipschitz and Manfred Oeming; Winona Lake, Ind.: Eisenbrauns, 2006), 291–350.

⁴⁹ The significance of temple rebuilding to the local economy and the blessing it would bestow upon the people is a central message of the prophecy of Haggai and Zechariah; see Carol L. Meyers and Eric M. Meyers, *Haggai, Zechariah 1–8: A New Translation with Introduction and Commentary* (The Anchor Bible; Garden City, N.Y.: Doubleday, 1987), 37–45. On the economic and demographic situation in this period, see below.

surrender of all Jerusalem-based assets he had seized from Nebuchadnezzar, consisting of 5,400 gold and silver vessels (Ezra 1:7–11; 5:14; 6:5). One could surmise that had a sacred district of the sort imagined in Ezekiel's Temple Vision been a priority, the Judean authorities behind the First Return could have successfully lobbied the Persian emperor for it.

A letter from Darius to a certain Gadatas, perhaps the satrap of Sardis around the early fifth century BCE, asserts the special fiscal immunity to the "sacred gardeners" (*phytourgoi hieroi*) of the temple of Apollo at Aulai in southwest Turkey; Gadatas had subjected them to tribute and forced them to work non-sacred land. As Pierre Briant points out, there is a notable similarity between this kind of ad hoc, region-specific imperial grant to the sacred gardeners of Apollo at Aulai and Artaxerxes I's remittance of any tribute, poll tax, and land tax to the priests and Levites at Jerusalem recorded in Ezra 7:24.⁵⁰ There is not a mention in the latter case of protections given to temple land or efforts taken to keep Yahweh's servants attached to it. All indications suggest that from the perspective of the imperial authorities, the priests and Levites who remained in the land after the Babylonian war or returned out of exile held their own land and were exempt from taxes on it by Artaxerxes's decree. Ezekiel's Temple Vision of a priesthood

⁵⁰ Briant, *From Cyrus to Alexander: A History of the Persian Empire*, 491–93, 584.

entirely supported by the people and free to live year-around in the shadow of the temple was, as other aspects of the vision, far from reality in the Persian period.⁵¹

By the time of the local governor Nehemiah in the mid-fifth century BCE, a significant portion of the priesthood resided in Jerusalem but the others, Levites included, lived "each on his estate" (*'iš bēnaḥālātô*) throughout the towns of Judea (Neh 11:3, 20).⁵² The notice in Neh 10:36 that priests and Levites were to be among those taking responsibility for the supply of first fruits and firstlings necessarily implies land ownership among the priesthood—how else could they donate a portion of their agricultural yield to the sanctuary? Yet this is not to say that the ideal of a landless priesthood, as reflected in Ezek 44:28 and the Pentateuchal texts Num 18:20, 24 and Deut 18:3–5, had fallen entirely by the wayside. In Neh 13:10–14, insufficient tithing is said to have forced the Levites and singers to head back "each to his fields" (v. 10), apparently leaving the temple inadequately staffed as many of its officials were forced to earn a living independent of the sacred revenues. In response Nehemiah improves enforcement of the tithing system and installs several individuals to oversee the proper distribution of the tithe reserves (v. 13). Here Ezekiel's message may have served as a source of inspiration behind the reform, or in the least would have been read as an inspirational

⁵¹ Moshe Greenberg has called the Temple Vision a "dead letter" with regard to its implementation in the Persian period; "Design and Themes," 208.

⁵² On Josephus's embellishment of the account to include the notice that Nehemiah built for the priests and Levites houses and financed the construction himself, see *Ant.* 11.181–83 and §4.2.2 below.

vision in a period of economic hardship and a period of slow growth after prolonged demographic decline.⁵³

Landholding by priests whose affiliation lay with a single sanctuary in the early Second Temple period, whether Jerusalem or Gerizim, necessarily implied a service schedule, allowing the rural priests to tend to their land and property and conduct service in the temple city on a rotating cycle and at festivals. Such a system would patently contradict the centralized settlement of the entire priesthood, as imagined by Ezekiel. There is a hint of a clan-based rotation system as part of the wood-tax for fueling the altar in Neh 10:35, where clans of priests, Levites, and laypeople are to take turns providing the fuel based on lot. The lists of returnees in Ezra and Nehemiah mention five clans of priests totaling 4,289 in number and two of Levites totaling a mere 341 individuals in Ezra and 360 in Nehemiah (Ezra 2:36–42; Neh 7:39–45, 11:10–22, 12:1–26). Clan affiliation could have guaranteed claims to service and thus altar shares; Nehemiah's number of priests, though but a fraction of the 20,000 given by Josephus for the end of the Second Temple period (*C. Ap.* 2.108), is large enough to have required some kind of service rotation.⁵⁴ We can assume it too was arranged by sub-divisions

⁵³ For a recent summary of the newer and more modest demographic estimates for Jerusalem in the Persian period, which seems to have had about 1000 inhabitants, and for Judea, at around 12,000 or slightly more, see Meyers and Chancey, *Alexander to Constantine*, 1–2; Meyers and Burt, "Exile and Return," 220–24. Israel Finkelstein has suggested that just a few hundred persons were living in Persian Jerusalem; see "The Territorial Extent and Demography of Yehud/Judea in the Persian and Early Hellenistic Periods," *Revue Biblique* 117, no. 1 (2010), 44; cf. Oded Lipschits, "Persian Period Finds from Jerusalem: Facts and Interpretations," *Journal of Hebrew Scriptures* 9 (2009), 20.

⁵⁴ Though the Levitical cities of the Iron Age would also imply a service rotation, the only possible reference to it in sources pre-dating Ezra-Nehemiah and Chronicles is in Deut 17:8–9 and it is dubious at best. Those

within each clan, forebears of the 24-clan service rotation system of Chronicles (1 Chr 23:1–26:32).⁵⁵ These clans of priests may have held land communally or as individual families.⁵⁶ Whether they were receiving consecrations in the form of real estate and movables is unknowable given the absence of evidence—the earliest record on the phenomenon of small field consecrations post-dating Lev 27 would come in halakhic materials among the Dead Sea Scrolls.⁵⁷ Their existence was certainly far from the scenario envisioned by Ezekiel.

Nehemiah's temple reform program does reflect a dispersed priesthood but they also extol him as a true patron of the cult, reminiscent of the prince's benefaction in Ezek 45:16–17. His program also helped democratize the cultic support system in the manner espoused by Ezekiel. Most significant in this regard is his expansion of the shekel tax of

verses indicate that a complicated judicial decision brought to the temple will come before the Levitical priests and the judge "who is in office in those days." This wording could of course refer to the fact that judges come and go, nor did judges necessarily need to be priests. See Cook, "Those Stubborn Levites," 159, 167, 169; Grabbe, *History of the Jews* 1, 225–30.

⁵⁵ The Chronicler's system consists of 24 service divisions for both the altar priests and the Levites, each affiliated with a certain clan chief. The clans are said to have descended from Eleazar and Ithamar, the sons of Aaron (1 Chr 24:1–4); the Levites, from Gershon, Kohath, and Merari, the sons of Levi (1 Chr 23:6). The temple musicians are similarly organized into 24 courses (1 Chr 25:1–31). The rotating period of service for both priests and Levites is determined by lot and the names of all 24 clan chiefs and their ordinal number in the rotation are provided in a list (1 Chr 24:7–18). According to this allocation the priests "were to enter the House of the LORD as was laid down by Aaron their father" (1 Chr 24:19); a similar allocation of service was fixed for the Levites (1 Chr 24:31).

⁵⁶ On the possibility that their pasturelands in the Levitical cities were communally held, see Borowski, *Agriculture in Iron Age Israel*, 29–30. In the early Second Temple period the clan as a social unit would continue to be a principle organizing feature of society and the economy, as Joel Weinberg has discussed in "Das *bēit 'ābōt* im 6.–4. Jh. v. u. Z.," *Vetus Testamentum* 23, no. 4 (1973): 400–14. For a general discussion of the clan in ancient Israel and its Near Eastern context, see J. David Schloen, *The House of the Father as Fact and Symbol: Patrimonialism in Ugarit and the Ancient Near East* (Winona Lake, Ind.: Eisenbrauns, 2001). For the relevance of the family unit to the priestly writings of Torah and their understanding of how territory is occupied, see David S. Vanderhooft, "The Israelite *mišpāhâ*, the Priestly Writings, and Changing Valences in Israel's Kinship Terminology," in *Exploring the Longue Durée: Essays in Honor of Lawrence E. Stager* (ed. J. David Schloen; Winona Lake, Ind.: Eisenbrauns, 2009), 485–96.

⁵⁷ See §§5.2, 7.2.

Exod 30:11–16 to an annual obligation of a third of a shekel, presumably per household.⁵⁸ Nothing of Nehemiah's efforts at procuring and consolidating sanctuary wealth suggests that they included efforts to acquire landed property for the temple, which would have helped the sacred institution on the path toward long-term self-sufficiency. The preference appears to have been for it to remain an institution supported by the people, its revenues coming in the form of taxes and offerings in kind from their farms and households.

The modeling of Nehemiah as ideal benefactor of the temple, following in the mold of the prince from Ezekiel, would carry through in a prominent description of euergetism for the benefit of the temple in the Chronicler's history. Expanding upon the brief Deuteronomistic account of the first Passover festival at the now centralized cultic center of Jerusalem (2 Kgs 23:21–23), the Chronicler lists the main offerings brought by the wealthiest of society in order of their prominence (1 Chr 35:7–9): King Josiah first, who is said to have donated 30,000 small cattle and 3,000 large cattle; his officers next, their donations consisting of an undisclosed sum of freewill offerings; the chief priests Hilkiah, Zechariah, and Jehiel third, offering a total of 2,600 small cattle and 300 large cattle to be used as sacrifices; and Levite officers together with the king's brothers last, their gift said to be 5,000 small cattle and 500 large cattle, also as sacrifices. This standard

⁵⁸ This "temple tax" would grow in time into a sizeable source of revenue for the sanctuary and city and later be appropriated by the Roman authorities as the "Jewish tax" after the fall of the temple, though it is uncertain that Nehemiah's tax was a permanent fixture through the Persian and Hellenistic periods. Among the lengthy list of offerings Tobit is said to have brought to Jerusalem during his pilgrimages (Tobit 1:6–8; a useful portrait of the sacred revenue system from the fourth–third centuries BCE), for example, nothing is mentioned of the shekel tax. On the later history of the tax, see §5.3.2 below.

list of royal and priestly benefaction, retrojected onto the reign of Josiah and unattested in the Chronicler's known primary source material from 2 Kgs, is best understood as an authorial elaboration rooted not in late Iron Age history but in the author's sense of what idealized euergetism should look like for his audience: the most powerful and honorable in society give generously to the sanctuary. Curiously, however, the Chronicler places the priests and Levites among them; by his lifetime in the fourth century BCE there were those of the sacred class who had become men of great means, holders of significant herds of livestock and in the very least pastureland, if not arable land as well. The ideal-type in Ezekiel and the Torah of the priest and Levite receiving the products of the land as a gift from the people has been upended by the time of the Chronicler. Now members of the priesthood are among the prominent donors supporting temple operations.

Thus, Ezekiel's vision of a support system for the cult being entirely in the hands of the people and its ruling authorities is only partially reflected in these descriptions in religious benefaction from Nehemiah and Chronicles. On the one hand, the insufficiency of the sacred dues and altar revenues in the post-collapse society of Persian Judea did force many of the priesthood into pursuits beyond service at the altar, landholding among them. The unification of the sacred classes in one place surrounding the temple and free to concentrate on altar service would remain a utopian vision. On the other hand, the value system reflected in Ezekiel, whereby the support system for temple operations is to come from the entire people and its rulers, was bolstered in Nehemiah's establishment of an annual tax in currency for temple operations and his efforts at

reforming the tithing system. Ezekiel had envisioned an endowment of land precisely as an unproductive asset, leaving the people instead to assume the role of the benefactors of the cult and the priesthood entirely free from land cultivation. The value system embedded in his Vision may have carried through into the later part of the Second Temple, when Judean authorities at Jerusalem would reject a lucrative offer of land for the Jerusalem temple from a Seleucid ruler and Josephus would recount the land endowment for the schismatic Jewish temple in Egypt with some derision.⁵⁹

2.6 Alterations to Proto-MT Ezekiel's Description of the Sacred Land Endowment

There are several noteworthy discrepancies across the early textual witnesses of the book of Ezekiel regarding the details of the sacred district. Most of these I believe are related to a level of discomfort with the idea among later tradents of the text. The first worthy of consideration is MT Ezekiel's difficult phrase *miqdāš lammiqdāš* ("a holy abode for the sanctuary") as one of the functions of the priests' allotment of land. The meaning would appear to be a space set apart for the sanctuary and sanctified by its very presence, but this would require the implausible scenario of conferring two different meanings to two words in a row—as alliterative as it may be—while dittography can be ruled out given the presence of the prefixed preposition on the second word. Moreover, other witnesses are more sensible and can help us reconstruct the Hebrew *Vorlage* in the proto-MT.

⁵⁹ See §4.2, esp. §4.2.3.

The LXX understands the phrase as referring explicitly to the priestly dwellings, giving (τόπος εἰς οἴκουσ) ἀφορισμένους τῷ ἁγιασμῷ αὐτῶν, "(a place for dwellings) set apart for their sacred office"), noting that the dwellings are there to serve the priest's holy ministry; this reading accounts more convincingly for the fact that the entire statement seems meant to explain the purpose of the district as land set aside for the priests. Targum Jonathan sees the sacred land as a *kibś' ā lēmaqđěšâ*, "ascent to the sanctuary," perhaps with a ramp or *via sacra* of some sort.

There is nearly a consensus in commentaries, as in BHS, that none of these witnesses is accurate and that the *Vorlage* for *ûmiqdāš lammiqdāš* was actually *ûmigrāš lāmmiqne*, "and a pastureland for livestock."⁶⁰ There is good reason for the change of the first word. The LXX's *aphōrismena* is used to translate the Levitical *migrāšîm* in Joshua 21:13–18, 21, 32; this reflects the ancient translator's awareness of the noun's derivation from the verbal root *g-r-š*, meaning "to drive out, separate out." Reconstructing *migrāš* here also fits the understanding of Targum Jonathan, who imagines the space as an open area leading up to the temple, very close to what Ezekiel describes in 45:2 with the term *migrāš*. Yet the emendation of the second word to *lāmmiqne* ("for livestock") is hardly justified, particularly when there is no textual support for it and when *lammiqdāš* is buttressed by all the witnesses. That this last word of the verse in the MT appears

⁶⁰ See BHS; Eichrodt, *Ezekiel*, 569; Zimmerli, *Ezekiel 2*, 466; Albertz, *Israel in Exile*, 614, n. 89. But cf. Kasher, *Ezekiel 2*, 875, who accepts the MT.

original is supported by the equivalents in both LXX and Targum Jonathan, which each refer to sanctity or the sanctuary here and leave no hint of a mention of livestock.

Given these witnesses, I suggest reconstructing the proto-MT for the end of 45:4 and the *Vorlage* for LXX and Targum Jonathan as having read *ûmigrāš lammiqdāš*, "and a pastureland for the sanctuary." The book of Ezekiel recognizes the standard differentiation in biblical Hebrew terminology between pastureland and arable land, for the city in the vision is given separate dimensions for both in 48:17–18, with the pastureland explicitly referred to as a *migrāš* and the arable land as simply the *nôtār* ("remainder," meant to provide bread for the workers of the city).

The difference between my reading and the common reconstruction is conceptually hardly significant—in both the temple is described as surrounded by non-arable land inhabited by priestly domiciles and by enclosures for the keeping and pasturing of sacred animals.⁶¹ But it would solve the problem of why the prophet Ezekiel could have imagined a pasture next to the temple so similar in appearance to those sacred pastures next to pagan temples, particularly in Egypt.⁶² There appears to have been discomfort among Jewish circles in the later Second Temple period with the idea of a sacred flock and pasture (as well as a sacred grove) lying adjacent to the temple

⁶¹ First-born animals, animals unfit for the altar, animals explicitly designated as a gift for the priest, or tithed animals would have found their way into the holdings of individual priests and thus needed land for pasturage.

⁶² The assumption that the word *migrāš* in the MT has been corrupted to *miqdāš* due to scribal error has some explanatory force, given that the letters *dālet* and *rēš* are easily confused. However, there is other evidence of tampering (see below) in the proto-MT here; moreover, *gîmel* and *qôp* are not at all similar in appearance.

or within the sacred precinct.⁶³ The other textual witnesses address the problem in other ways. The LXX stretches the meaning of *migrāš* into a participle modifying *bāttîm*, which is an unjustifiable but nevertheless clever gloss on the Hebrew of the *Vorlage*. Targum Jonathan neutralizes the concept of a sacred flock by changing the *migrāš* into a ramp or ascent, even though in Ezekiel it usually gives for *migrāš* the Aramaic *rawah*, "pasture area" (48:15, 17). A less potentially contentious option was preferred.

This would not be the only instance of what I see as the intentional alteration of the text in the proto-MT for the purposes of updating and harmonizing it in the later Second Temple period. The most glaring textual problem in MT Ezekiel's description of the sacred land offering involves the dimensions given for it. Basic math dictates that two identically sized parcels of land for priests and Levites, each measuring 25,000 by 10,000, should form a sacred district measuring a total of 25,000 by 20,000. Yet whenever the MT refers to the district as a whole it consistently reduces its size to 25,000 by 10,000, even though this creates irresolvable discrepancies on three occasions in the text (Ezek 45:1, 48:9, 48:13). In two of these (45:1, 48:13) one is best served to automatically follow the LXX, which gives the appropriate number of 20,000 in both. While in 48:9, the nature of the required emendation depends on whether the verse refers to the sacred district or

⁶³ Both Josephus and Philo polemicize against this practice at some length. Philo of Alexandria takes pains to explain why it would be entirely inappropriate for the Jerusalem temple to keep sacred animals and maintain a sacred grove on or near the premises of the complex, as would have been commonplace in pagan temples in his homeland (*Decalogue* 76–80, *Spec. Laws* 1.74–75). Josephus condemns Egyptian animal worship (*C. Ap.* 1.225; 2.66, 81, 86, 128, 140), and in the case of the Yahwistic temple at Leontopolis in Egypt, takes a dismissive tone in his retelling of Oniad's willingness to incorporate the local sacred animals into the Yahwistic cult there, a clear stab at the Oniads and their breakaway temple (*Ant.* 13.66–70). See §4.2.3 below.

to the entire offering of land including the city land: the former would require a figure of 20,000, as above; the latter, 25,000. In any case, the MT is in a general sense nonsensical on the matter of the dimensions and the LXX is to be preferred.⁶⁴

It is tempting to attribute these discrepancies in the MT to scribal error, as Zimmerli has done.⁶⁵ Indeed, the glut of dimensions in Ezek 45 and 48 could leave anyone in a state of confusion.⁶⁶ Yet this hardly can explain the error of the copyist, who did not need to be fully literate to faithfully execute the task at hand, much less engage the text sufficiently to become confused regarding dimensions contained within it. And the alterations to letters required to move from *'ešrîm 'elep* (20,000) to *'ăšeret 'ălāpîm* (10,000) are simply too egregious to be unintentional: the tens number would need to be changed from the masculine plural form to the feminine singular, the respective endings of which look nothing alike and require the addition of an entirely new letter; and the thousands number similarly would need to be pluralized, requiring the addition of two new letters.

In my opinion the change can be ascribed to Ezekiel's use of the terms *těrûmâ* (45:1, 48:9; *těrûmât hā' āreš* in 48:12) and *r' ēšît hā' āreš* (48:14) to describe the endowment.

⁶⁴ The only scholar I could find who argues for the reliability of the MT over against LXX is Kalinda Rose Stevenson, *Vision of Transformation*, 31–32. Her argument is that the 25,000 x 10,000 measurement refers to Yahweh's—i.e., the priests'—portion of land, while the 20,000-wide portion would be the sacred portion (and not Yahweh's). But this would require a non sequitur in 48:13, with the dimensions of the priestly portion being revisited in an unexpected place. It also fails to explain the LXX tradition.

⁶⁵ See, e.g., Zimmerli, *Ezekiel 2*, 523. Kasher too prefers the LXX but does not address the reasoning behind the MT's divergence; Kasher, *Ezekiel 2*, 874.

⁶⁶ Harold Brodsky has argued that those who taught or performed this text in antiquity would have probably used a map as a visual aid as part of the lesson; "Ezekiel's Map of Restoration," in *Land and Community: Geography in Jewish Studies* (ed. Harold Brodsky; vol. 3 of *Studies and Texts in Jewish History and Culture*; Bethesda, Md.: University Press of Maryland, 1997), 17–29.

The *těrûmâ* offering would become by the late Second Temple period a source of revenue exclusively for the priests—never claimable by a Levite—and would by the end of the period be understood as a token gift in kind of wine, oil, wheat, and other products.⁶⁷ Among the various sources of revenue, *těrûmâ* was given a relatively strict status in the teachings of the rabbis and could not be eaten by even family members of altar priests. The phrase *r' ěšît hā' āreš* is a unique phrase in the Hebrew Bible but it calls to mind the first fruits; the term *r' ěšît* is used in several places to describe them (e.g., Exod 23:19, 34:26; Deut 18:4). The first fruits too were gifted to priests, not Levites. And since Ezekiel's *těrûmât hā' āreš* or *r' ěšît hā' āreš* was to include a portion of land held by the Levites, one might think that the prophet was indicating here that the Levites should be entitled to more than their usual perquisite of the first tithe (Num 18:21). In my opinion, at some point in the history of the development of MT Ezekiel emendations were made to the text to resolve this contradiction. By emending all mentions of the total area of the *těrûmât hā' āreš* or *r' ěšît hā' āreš* to 25,000 x 10,000, one could conclude that Ezekiel was referring explicitly to the priests' portion when he used those terms. The original *Vorlage* is best reconstructed from LXX. This phenomenon can be related to examples of intertextual exegesis that Jacob Stromberg has pointed out in the book, to the expansive and exegetical style of the proto-Masoretic scribes who developed the text after the LXX had been created that Emanuel Tov has discussed, and to other instances of

⁶⁷ See §6.2 below.

harmonization required by early rabbinic exegetes who encountered other halakhic difficulties when reading the book of Ezekiel that Marvin Sweeney has observed.⁶⁸

The Greek witnesses are incidentally preferable for 45:5 as well, where the Greek explains the Levites' portion of the sacred district as being πόλεις κατοικεῖν, "urban quarters for settlement" and the MT gives the difficult 'ēsrîm lěšākôt, "twenty chambers." In this case it would appear that the Hebrew *Vorlage* can be confidently reconstructed as 'ārîm lāšebet, as commonly assumed in the scholarly literature.⁶⁹

Real estate set apart for the benefit of temple and priest would in later tradition be referred to using terminology other than *těrûmât hā' āreš* or *r' ēšît hā' āreš*. In the Damascus Document (CD 16:14–17; 4Q271, Frag. 4ii:15–16; 4Q266, Frag. 8ii:1–3), the field

⁶⁸ Jake Stromberg, "Observations on Inner-Scriptural Scribal Expansion in MT Ezekiel," *Vetus Testamentum* 58, no. 1 (2008), 68–86; Emanuel Tov, "Recensional Differences between the MT and LXX of Ezekiel," *Ephemerides Theologicae Lovanienses* 62, no. 1 (1986). Generally the MT of Ezekiel is slightly longer and more expansive than that of LXX, with divergences characterized as instances of slight editing and clarification (ibid., 91–92). For a discussion of similar pluses and glosses in MT (and LXX) in earlier chapters of Ezekiel, see Ashley S. Crane, *Israel's Restoration: A Textual-Comparative Exploration of Ezekiel 36–39* (Supplements to Vetus Testamentum 122; Leiden; Boston: Brill, 2008), 265–270, esp. 269. Among the contradictions between Ezekiel's vision and rabbinic halakhah are the portrayal of steps on the south side of the temple altar (43:17), which are prohibited in Exod 20:33; see Marvin A. Sweeney, "The Problem of Ezekiel in Talmudic Literature," in *After Ezekiel: Essays on the Reception of a Difficult Prophet* (ed. Andrew Mein and Paul M. Joyce; vol. 535 of Library of Hebrew Bible/Old Testament Studies; New York; London: T & T Clark, 2011), 11–23.

⁶⁹ Sic BHS; Eichrodt, *Ezekiel*, 567; Zimmerli, *Ezekiel 2*, 466; Kasher, *Ezekiel 2*, 875. See also O'Hare, *Translation and Vorlage of LXX Ezekiel 40–48*, 89, n. 39 for references; and Albertz, *History of Israelite Religion I*, 614, n. 90. The dual mention of the 'āhuzzā of the Levites alongside the phrase 'ārîm lāšebet, "cities for dwelling," appears in Num 35:2, which in the LXX reads πόλεις κατοικεῖν, nearly identical to the translation given in Ezek 45:5. The same Hebrew phrase 'ārîm lāšebet appears in relation to the Levites in Josh 14:4 and 21:2 and in both the same Greek phrase πόλεις κατοικεῖν appears in the LXX. But Cf. Stevenson, *Vision of Transformation*, 85, again attempting to defend the MT; and Kasher, "Anthropomorphism, Holiness and Cult," 207, who assumes MT to be original. If the MT were original, one might explain the chambers as gatehouses on the Levites' border with the city land, policing the border between the profane world and the outermost realm of the temple; see Michael Konkel, *Architektonik des Heiligen: Studien zur zweiten Tempelvision Ezechiels (Ez 40–48)* (Bonner biblische Beiträge 129; Berlin: Philo Verlagsgesellschaft, 2001), 134–35.

consecrations of Lev 27 are categorized as *nědābôt* ("freewill gifts").⁷⁰ In rabbinic discourse they are referred to as *heqdēš* ("consecrated property") or *hērem* ("devoted property").⁷¹ These later testimonies to field consecrations as an additional mode of support for the priesthood and temple are yet another instance of the failure of Ezekiel's Temple Vision to materialize. The sacred institution appears to have remained at least somewhat engaged in the cultivation of the land.

2.7 Summary

The people's endowment of a sacred plot of land for the temple and its priesthood in Ezek 45:1–6 and 48:8–14 was not at all imagined by the prophet to be about the procurement of revenues for religious purposes. Rather the Temple Vision of Ezekiel envisions a scenario where support for the cult of Yahweh derives entirely from the agricultural products of the tribal plots of the people of Israel and its primary envoy and agent, the prince.

It repurposes the Levitical cities into a centralized residential district in the shadow of the temple and removed from the city of Jerusalem and all towns of the countryside. While families of the tribe of Levi, both of Aaronide and non-Aaronide descent, dwelled in discrete quarters or settlements in monarchic Judah at the end of the Iron Age, in Ezekiel's utopia Yahweh's sacred class are unified in two distinct and adjacent plots: those claiming Zadokite descent receive a prime offering of land

⁷⁰ See §5.2.

⁷¹ See §§5.1, 7.1.

encompassing the sanctuary with pasture and pens for the temple livestock; all others, now called Levites in agreement with the view of the priestly writings of the Torah, are given by Ezekiel a neighboring district for their residences. Like the Levitical cities, these are communal properties recognizing the need for holding livestock donated to priests. Unlike them, they are entirely removed from the towns of the countryside, a model which extricates them from everyday interactions with the laity. It would also free them from the responsibilities of holding land. And it would wipe away the potentially unwieldy, burdensome, or in some cases corrupting transactions with benefactors lying behind the regulations of Lev 27. Of course, the evidence from Nehemiah and Chronicles suggests that in fact many in the priesthood of Persian Judaism were landholders and did live in a dispersed fashion beyond the temple centers at Jerusalem and Gerizim. This aspect of the vision never materialized.

On the other hand, the vision's embrace of a widely diffuse support system for the temple, with maximal participation by the people, is indeed reflected in Nehemiah's establishment of the shekel tax and reform of the tithing system in the middle of the fifth century BCE. I relate this ethic of broad support of the temple from the people to the absence of any evidence for the Jerusalem establishment seeking out or holding significant tracts of land in the Persian period. In the subsequent chapters I will further explore this perspective and attempt to demonstrate a degree of discomfort among Judean literati in the late Second Temple period with the notion of a sacred pasture, which I have suggested here led to the emendation in Ezek 45:4 of the phrase *migrāš*

lammiqdāš, "pastureland for the sanctuary." Moreover, tradents of proto-MT Ezekiel, it would seem, reduced the dimensions of the sacred district so that any instance of the terms *těrûmâ* and *r' ēšît hā' āreš* in the text could be read as referring only to the holding of the priests rather than the Levites, given that *těrûmâ* and first fruits were regular offerings to which Levites had no rightful claim according to scripture. Ezekiel's terminology for sacred real estate would prove to be idiosyncratic given that later Jewish texts on the phenomenon employ the terms *nědābâ*, *heqdēš*, and *hērem* for it. These gifts were explicitly productive assets in land conferred to either the temple or to individual priests and priestly families, quite unlike the unworkable and unsellable sacred district imagined by Ezekiel in his Vision for the temple.

Chapter 3. Field Consecrations in a Legal Addendum to the Book of Leviticus

3.1 Introduction

The final chapter of the Book of Leviticus (Lev 27) is devoted to a presentation of several mechanisms for donating silver currency to the cult of Yahweh. Its formal, casuistic legal style contrasts with the rhetorically forceful chapter that precedes it. That chapter speaks of the promise of reward for obeying Yahweh's laws and the threat of punishment for spurning them and has long been recognized as the original closing speech of the Holiness Code (Lev 17–26) if not of an earlier edition of the entire book.¹ This puts Lev 27 in the role of a discrete, cohesive document added to the book as an appendix. As such, its inclusion in Leviticus can be associated with the final redactional stages of the Torah as a whole, a process carried out by the Yahwistic priestly guild of the Aaronide line active in the Judean and Samaritan highlands in the Neo-Babylonian or early Persian period, probably at some point in the late sixth to mid-fifth centuries BCE.²

¹ For a detailed discussion of the structure of the Holiness Code, see Jacob Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary* (The Anchor Bible 3A; New York: Doubleday, 2000), 1319–25.

² On the view that the Holiness School was not only responsible for appropriating materials of the Priestly Source into the work known as Leviticus but also for redacting the entire Torah, see *ibid.*, 1347, 1439–43; Eckart Otto, "The Holiness Code in Diachrony and Synchrony in the Legal Hermeneutics of the Pentateuch," in *The Strata of the Priestly Writings: Contemporary Debate and Future Directions* (ed. Sarah Schectman and Joel S. Baden; vol. 95 of *Abhandlungen zur Theologie des Alten und Neuen Testaments*; Zürich: Theologischer Verlag Zürich, 2009), 135–56; Knohl, *Sanctuary of Silence*, 101–3. For arguments on why the Holiness Code must post-date the Priestly Source, see Ska, *Reading the Pentateuch*, 152–53. Jeffrey Stackert has argued that the Holiness School redacted Leviticus alone; see "The Holiness Legislation and Its Pentateuchal Sources: Revision, Supplementation, and Replacement," in *The Strata of the Priestly Writings: Contemporary Debate and*

The document itself, however, lacks good internal chronological indicators and is hard to date. Those who prefer a Neo-Babylonian or Persian date based on the degree of monetization of the local economy the document reflects overlook evidence for abundant trade in precious metals in Judean society of the Iron Age IIc (700–586 BCE); the pricing mechanisms of Lev 27 actually are quite well suited to that period, as shown below. Nevertheless, the fact that this rather technical document involving cult fundraising was seen fit for inclusion in the Torah by the provincial authorities of the temple-states of Judah and Samaria in the early Persian period is good evidence that it was being studied and its regulations put to practical use in the everyday religious life of the early Jewish cult.³

The contents of Lev 27 offer a rare glimpse into cult fundraising in the eastern Mediterranean in a period in which the region had not yet seen the widespread use of coinage and was still trading regularly in bullion or in kind. The chapter offers various donation mechanisms, each consisting of the consecration of a type of property to Yahweh, the assessment of the silver value of that property by a priest, and then the payment of that silver value by the owner of the property with a 20% supplement or by

Future Directions (ed. Sarah Schectman and Joel S. Baden; vol. 95 of *Abhandlungen zur Theologie des Alten und Neuen Testaments*; Zürich: Theologischer Verlag Zürich, 2009), 187–201; "Leviticus," in *The Oxford Encyclopedia of the Books of the Bible* (ed. Michael D. Coogan; Oxford; New York: Oxford University Press, 2011), 575–78. Mary Douglas views the inclusion of Lev 27 as a companion piece to Lev 25. That chapter deals with the Jubilee legislation, which helps ensure "that there will be no gross inequality of wealth-holding"; Lev 27 does the same for sacred holdings: "God himself, as a creditor, comes under the power of the Jubilee laws." It also fills out a ring composition for the book by returning to the subject of things consecrated and things belonging to Yahweh, the subject covered with the legislation on sacrificial meats beginning in Chapter 2. Mary Douglas, *Leviticus as Literature* (Oxford: Oxford University Press, 1999), 243–44. But see also James Watts's critique of her structure; Watts, *Ritual and Rhetoric*, 15–27, esp. 22.

³ See §1.3.

another without the supplement. The payment process was referred to as "redemption" (from the root *g'-l*) and seems to have been preferred by the legislators behind Lev 27. Thus in most cases consecration of property meant, in practical terms, the payment of the silver value of that property to the cult. Only in certain cases would the property actually be fully alienated by the donor.

The donation mechanisms of the document correspond to common types of alienable property held in the ancient world—humans (vv. 1–9), animals (vv. 9–12), buildings (vv. 13–15), the usufruct of patrimonial land (vv. 16–21), and the usufruct of purchased land (vv. 22–24). Once any of these property types were voluntarily consecrated to Yahweh, a priest would have quoted a silver valuation to the owner, taking into account the financial standing of the donor as part of the assessment process. Roughly one-third of the document involves landholdings, a remunerative type of property whose market value depended on a dynamic set of factors. The complexities of the specific case of land, as well as ambiguities in the verses relating to it, have led to a general sense of confusion among biblical commentators and in my opinion serious misunderstandings of the text.⁴

⁴ The ambiguities exist even though the document itself appears to have been remarkably stable through antiquity. The only major textual debate for this pericope involves the form *'rkk*, translatable either as "your valuation" or simply "valuation," the latter preferred here; see §2.2 below. The Septuagint and Onqelos differ significantly from the Masoretic Text only with regard to standards and measures, which they update for their respective audiences; see Dirk L. Büchner, "To the Reader of Leuitikon," in *A New English Translation of the Septuagint* (ed. Albert Pietersma and Benjamin G. Wright; New York; Oxford: Oxford University Press, 2007), 82–84; Israel Drazin, *Targum Onkelos to Leviticus. An English Translation of the Text with Analysis and Commentary (Based on the A. Sperber and A. Berliner Editions)* (Denver, Colorado: Center for Judaic Studies, University of Denver; Ktav Publishing House; Society for Targumic Studies, 1994), 244–45.

One main argument I develop regarding the legislation is that it was designed to place limitations on the cult with regard to landholdings. Indebted to the Jubilee concept affirming one's eternal bond to their inherited land, the legislation of Lev 27 maintains this bond even when the land in question has been consecrated to Yahweh.⁵ Two difficult verses have misled the majority of scholars on this matter and the tendency in modern interpretation is to read the field consecration legislation in a manner that confers special privileges to Yahweh as landholder. The opposite appears to be the point of this legislation. The idea that consecrated property gets the upper hand in business transactions is a rabbinic notion that would not find support in Lev 27.

A second argument is that the chapter reflects a system of supplementing the regular perquisites of the priests and is not about funding the temple treasury, as the rabbis and most modern exegetes would understand it. The text emerged from a period

⁵ According to the Jubilee, every sold property is to revert automatically to its patrimonial holders at the end of a fifty-year cycle (Lev 25:8–17). The system reflects a commitment to affirming a family's connection to its patrimonial land, a value not unique to Judean culture. See Weinberg, "Das *bēit 'āḥōt*," 409; Raymond Westbrook, "Redemption of Land," *Israel Law Review* 6 (1971), 367–75. The promotion of an attachment of one's family or clan to its traditional holdings is by no means limited to Judean culture. Ties to one's patrimonial land appear to have been strong across regions of the ancient world. Moses Finley has noted that while there were numerous terms for sellers of other things, there is no distinct terminology for the "seller" or the "broker" of land; *Land and Credit*, 270, n. 46. As Alison Burford has put it: "Land was never on sale enough to become simply a market commodity"; *Land and Labor*, 238, n. 68. Caroline Waerzeggers has examined the Achaemenid-period priesthood at the Ezida temple at Borsippa in Babylonia and concluded that the "emotional value attached to the *bīt-abi* [clan] and its inherited property was strong. The patrimony belonging to the *bīt-abi* could consist of movables, real estate, as well as joint ventures, and the use of the term was therefore not restricted to priestly families as such"; *Ezida Temple of Borsippa*, 82, n. 375; for a general discussion of the priesthood, see *ibid.*, 77–102. Among the institutions of the Ezida temple priesthood meant to strengthen these ties and regulate economic affairs within the clan were the promotion of the redemption of sold properties by members of the larger clan, in a manner reminiscent of redemption law in the Holiness Code (Lev 25:23–24). They also included a distinctive use of kinship terminology among clan members, the practice of adoption of children and the arrangement of marriages within the clan to ensure the proper transfer of prebends; *ibid.*, 83–97.

in which the Yahwistic priesthood had among its ranks landholders and were residing in a dispersed fashion across the countryside. The donative mechanisms of the chapter—field consecrations among them—are then to be read through the lens of village-level relations between priests and benefactors. The holding of consecrated land appears to have been distributed largely if not exclusively as private holdings of the sacred class and not incorporated through the temple institution in this period.⁶

Another argument is that the 20% supplement for redeeming a field was in its original conception not a punishment at all but a means of leveling the original appraisal price, quoted in the holy shekel, with the market price, which would have used a shekel standard that was about 20% heavier. This becomes clear upon consideration of the well-documented corpus of stone scale weights for measuring silver and other commodities in late Iron Age markets and would attest to an original date of composition in that period for this document, before the 20% supplement was being read as a penalty in restitution cases. Another feature of its pricing mechanism—the proviso that every plot with a sowing capacity of a single barrel of seed should be appraised at 50 shekels for the usufruct over 50 years—suggests in my opinion awareness by those who redacted the document into the Torah that it would be applied across a variety of economic contexts and as such would need to be suitably adaptable.

⁶ A mention of the imposition of *ḥērem* status for nonattendance to the national assembly in Ezra 10:8, discussed in an excursus, could attest to the public seizure and consecration of property for particularly severe crimes against Yahweh, though the seized property appears to have been in movables not land.

3.2 Five Types of Field Consecrations

The donation mechanism described in Lev 27:16–21 is rooted in a usufructory property system whereby land sales gave the buyer the crop yields of a plot of land for a period of time. According to the system, regular land conveyances never truly alienated a plot of land from the patrimonial line and were in a sense akin to long-term leases—with payment happening up front rather than in installments, and price calculated according to annual sowing capacity multiplied by years of tenure. While the buyer became for all practical purposes the holder of land, the true owner remained the individual or family who enjoyed inherited or patrimonial rights to it.⁷ From the perspective of the Torah narrative, any patrimonial holding—referred to in the Holiness Code as *'ăḥûzzâ* and elsewhere as *nahālâ*—could be traced back to the allocation of the Land of Israel by Yahweh in mythic history, while in actuality it was probably determined by simple inheritance.⁸ Since patrimonial holdings were often used as securities on loans, default could lead to the permanent seizure of one's inherited plot and to the creation of *latifundia* or extremely large landholdings owned by a select few. The *latifundia* problem appears to have been a feature of Judean society in the Iron Age IIc and was addressed

⁷ On land tenure in ancient Israel, see Borowski, *Agriculture in Iron Age Israel*, 21–26; Houston, *Contending for Justice*, 18–51. For connectedness to inherited land in the classical Greek world, see Burford, *Land and Labor*, 97–98.

⁸ The difference involves one's perspective on who the true owner of the Land of Israel is. The authors of the Holiness Code imagined Yahweh to be the true owner and the people of Israel merely to be holders of Yahweh's possession or *nahālâ*. Hence, even patrimonial land was referred to by them as *'ăḥûzzâ*, "holding." See Milgrom, *Leviticus 23–27*, 2171–73.

by the legislation of the Holiness Code through its creation of the Jubilee, which calls for the return every 50 years of all sold or seized patrimonies to their heirs (Lev 25:25–28).⁹

The regulations involving donations of land to the cult of Yahweh thus distinguish between patrimonial (vv. 16–21) and purchased land (vv. 22–25). Persons had the choice of donating merely the usufruct of their land for a period; or, alternatively, the principle itself by virtue of declaring the land *ḥērem* or eternally holy to Yahweh and thus fully alienating it from their patrimonial holdings.¹⁰ Each of these options is considered in Lev 27, whose sections related to land fall in a long contiguous text followed by a verse dealing with *ḥērem* consecrations of all sorts, including field consecrations. The relevant verses read as follows:¹¹

[Type 1] (16) If anyone consecrates to Yahweh a field of his patrimonial property, appraisal value¹² shall be according to its seed

וְאִם מִשְׂדֵּה אֶחָדָתוֹ יִקְדִּישׁ אִישׁ לַיהוָה וְהָיָה
 עָרְכָדָּ לְפִי זָרְעוֹ זָרַע הַחֹמֶר שְׁעָרִים בְּחִמְשִׁים
 שְׁקָל כֶּסֶף. אִם מִשְׂנֵת הַיָּבֵל יִקְדִּישׁ שְׂדֵהוּ

⁹ See recently Guillaume, *Land, Credit and Crisis*, 193–99, 247–49. Guillaume argues that theologically oriented scholarship on land tenure practices in ancient Israel and Judea overstretch when they see *latifundia* as a persistent and pernicious problem addressed by the authors of biblical texts, including prophetic works. The Jubilee to Guillaume was little more than technicality marking the point when antichretic loans reached maturity. Farmers usually would have been interested in more short-term loans meant to hold them over for a year or two; the 50-year cycle of the Jubilee would have been more relevant to movables and non-arable real estate. The argument is compelling but undervalues in my opinion its use by the Holiness Code as a rhetorical tool in promoting personal economic liberty.

¹⁰ On the term *ḥērem* and its application in biblical and Second Temple literature, see §7.1.

¹¹ Text follows BHS and translation is my adaptation of JPS.

¹² The second-person possessive pronoun on this word is out of place in a chapter otherwise devoid of second-person discourse. The pronoun is also unattested in the ancient textual witnesses of LXX and Onqelos nor does it make grammatical sense on the definite form *hā' erkēkā* in v. 24. Speiser's solution, followed by Levine, is that the form with pronominal suffix became fossilized as the standard noun form; Ephraim A. Speiser, "Leviticus and the Critics," in *Yehezkel Kaufmann Jubilee Volume: Studies in Bible and Jewish Religion Dedicated to Yehezkel Kaufmann on the Occasion of His Seventieth Birthday* (ed. Menahem Haran; Jerusalem: Magnes Press, 1960), 30; Baruch A. Levine, *Leviticus: The Traditional Hebrew Text with the New JPS Translation* (The JPS Torah Commentary; Philadelphia: Jewish Publication Society, 1989), 30, 193. It is a compelling solution. Another view, put forward by Zorell and followed by Milgrom, is that the word should be vocalized *'erkāk*, a noun form that doubles the third radical and is similar to *ša'ānān* ("tranquil")

requirement: 50 shekels of silver for a homer of barley seed. (17) If he consecrates his field as of the Jubilee, it shall change hands at the appraisal value. (18) But if he consecrates his field after the Jubilee, the priest shall calculate the silver according to the years that are left until the Jubilee and the appraisal value shall be reduced.

[Type 2] (19) If the one who consecrated the field is the one who redeems it, he must add to it one-fifth the silver appraisal value and it shall pass to him.

[Type 3] (20) If he does not redeem the field and had sold the field to another, it shall no longer be redeemable [by him¹³]; (21) when the field is released in the Jubilee, it shall be sacred to Yahweh, like the *hērem* field; his patrimonial property becomes the priest's.

[Type 4] (22) If anyone consecrates to Yahweh a field that he purchased, which is not a field of his patrimonial property (23), the priest shall calculate the reduction of the appraisal value to the Jubilee and he [the donor] shall give the appraisal value on that day, a thing sacred to Yahweh. (24) In the Jubilee the field shall return to the one from whom it was purchased, to whom the landed property belongs....

[Type 5] (28) However, anything which a man declares *hērem* for Yahweh of what he owns shall not be sold or redeemed, whether a person, an

קֶעֶרְכָּה יְקוּם. וְאִם אַחֲרַיִם הַיִּבֵּל יִקְדִּישׁ שָׂדֵהוּ וַחֲשָׁב לוֹ הַכֹּהֵן אֶת הַכֶּסֶף עַל פִּי הַשָּׁנִים הַנּוֹתְרוֹת עַד שָׁנַת הַיִּבֵּל וְנִגְרַע מֵעֶרְכָּה.

וְאִם גָּאֵל יִגְאֵל אֶת הַשָּׂדֵה הַמִּקְדָּשׁ אִתּוֹ יוֹסֵף חֲמִשִּׁית כֶּסֶף עֶרְכָּה עָלָיו וְקָם לוֹ.

וְאִם לֹא יִגְאֵל אֶת הַשָּׂדֵה וְאִם מָכַר אֶת הַשָּׂדֵה לְאִישׁ אַחֵר לֹא יִגְאֵל עוֹד. וְהָיָה הַשָּׂדֵה בְּצִאתוֹ בַּיִבֵּל קֹדֶשׁ לַיהוָה כְּשָׂדֵה הַחֵרֵם לַכֹּהֵן תִּהְיֶה אַחֲרָיו.

וְאִם אֶת שָׂדֵה מִקְנֵתוֹ אֲשֶׁר לֹא מִשָּׂדֵה אַחֲרָיו יִקְדִּישׁ לַיהוָה. וַחֲשָׁב לוֹ הַכֹּהֵן אֶת מִכְסַּת הָעֶרְכָּה עַד שָׁנַת הַיִּבֵּל וְנָתַן אֶת הָעֶרְכָּה בַּיּוֹם הַהוּא קֹדֶשׁ לַיהוָה. בְּשָׁנַת הַיִּבֵּל יָשׁוּב הַשָּׂדֵה לְאֲשֶׁר קָנָהוּ מֵאִתּוֹ לְאֲשֶׁר לוֹ אַחֲרַיִם הָאֶרֶץ.

אֲדָּ כָּל תְּרֵם אֲשֶׁר יִתְּרֵם אִישׁ לַיהוָה מִכָּל אֲשֶׁר לוֹ מֵאֲדָם וּבְהֵמָה וּמִשָּׂדֵה אַחֲרָיו לֹא יִמָּכַר וְלֹא יִגְאֵל כָּל תְּרֵם קֹדֶשׁ קֹדְשִׁים הוּא

and *ra' ānān* ("fresh"). Zorell's notion is that the Masoretes mistakenly took the final *kāp* as a second-person masculine singular pronominal suffix, reflective of their tendency to replace older forms of that suffix *āk* with *kā*. See Franz Zorell, "Zur Vokalisation des Wortes עֶרְכָּה in Lev 27 und anderwärts," *Biblica* 26 (1945), 112–14. Zorell's reading was anticipated by Rashbam; see Milgrom, *Leviticus* 23–27, 2369–70. But this reading would require a radically different formulation for the final phrase of v. 18, *wēnigra' mē' erkekā*, with a separable preposition and a noun with the prefixed *hā-*, giving *wēnigra min-hā' erkāk*. Speiser's understanding is in my opinion the preferable one.

¹³ As discussed below, the most likely intention of the legislation is to rule out redemption only for the individual who both consecrated the usufruct value of the field *and* sold the ownership rights to another; others could still redeem the field and thus acquire its usufruct for a period.

animal, or a field of his patrimonial property.
Everything *ḥērem* is a most sacred thing to
Yahweh.

לִיהוָה.

In my view the text is laying out five distinct types of field consecrations,
summarized as follows:

3.2.1 Type 1: Standard Usufruct Consecrations (vv. 16–18)

The consecration to Yahweh of the usufruct of a patrimonial field up to the period of the next Jubilee. The priest calculates the value of the consecration based on the seed capacity of the field multiplied by the number of years left in the Jubilee cycle, in case the donor should wish to reclaim the usufruct of the field. One can assume that the method of calculating the value of the gift would apply to the two other types of usufruct consecrations as well (Types 2, 4). The field returns to the donor at the Jubilee.

3.2.2 Type 2: Usufruct-Based Silver Consecrations (v. 19)

The consecration to Yahweh of the silver value of the usufruct of a patrimonial field plus a 20% supplement. The difference between this and the former gift is that here the property changing hands between the donor and the cult is silver rather than the usufruct of the field. Ostensibly, one could donate the usufruct and then after a period within the same Jubilee cycle "redeem" the field by purchasing its usufruct value back from Yahweh, and as such give first the gift of usufruct (Type 1) followed by the gift of a silver payment (Type 2). The "redemption" and the concomitant silver payment to the cult could have happened immediately following consecration, with the field remaining

in the hands of the donor throughout the process. The supplement was a corrective measure bringing the quoted value of the field's usufruct in line with market prices, as argued below. Redemption of consecrated assets is a thread running through all of the donation mechanisms of Lev 27, connecting it with the Jubilee legislation of Lev 25 and indicating that the authors of Lev 27 was more interested in protecting the individual's right to patrimonial holdings than accumulating land via the consecration mechanism.

3.2.3 Type 3: Deferred Field Consecrations (vv. 20–21)

The consecration to Yahweh of a patrimonial field whose usufruct had already been sold to another. Instead of receiving the field back at the Jubilee, as the Holiness Code dictates (Lev 25:28), the donor who had already alienated the usufruct of his field is no longer interested in holding it as patrimonial land at all. The "deferred consecration" would take effect only at the Jubilee and result in the cult receiving the field. The mechanism leads to the same result as a standard *ḥērem* consecration, which also permanently alienates a field from one's patrimonial holdings by virtue of consecration to Yahweh, though in this type the consecration is forestalled until the expiration of the lease of sale at the Jubilee, at which point the field can pass into the hands of the cult.

This reading follows Haran, who is supported by Milgrom.¹⁴ As far as I can tell all other commentators have misconstrued the scenario in various ways; the problems exist because the subject of *mākar* in v. 20 is not explicit in the text and its tense and

¹⁴ Menahem Haran, "Ārākîm," in *Encyclopaedia Biblica* (Jerusalem: Bialik Institute, 1971) [Hebrew], 393–94; Milgrom, *Leviticus 23–27*, 2385.

sequential relationship to the antecedent *yig'al* are unclear.¹⁵ On the first point, there is no justification in changing the subject in the verb sequence of *yig'al* and *mākar* from owner to sanctuary, as the rabbis and more recently Levine have done, to read the verse as indicating that redemption rights are lost for the donor if the cult should choose to sell the land.¹⁶ This would imply that any standard usufruct consecration brought with it the risk that the cult could put the land on the market and sell its patrimonial rights to another, a situation that would be entirely antithetical to the principles of the Jubilee, which seeks to enhance one's patrimonial rights rather than undermine them. The sale referenced in v. 20 must have been carried out by the donor given the wording of the text.

Similarly, in the context of Lev 27 the only sensible reading is to understand the two conditional (*'im*) clauses in the opening v. 20 as sequential: the donor is both disinterested in redeeming the field *and* had already sold it to another. Were we to understand the second *'im* as disjunctive ("or he had already sold it to another..."), as many have done, the resulting policy would be that redemption by anyone other than

¹⁵ The latter question involves whether the two *'im* ("if") clauses governing v. 20 are to be read as consecutive or disjunctive (i.e., "If he does not redeem the field *and* [subsequently] has sold the field to another..." or "If he does not redeem the field, *or* [alternatively] if he has sold the field to another..."). The multiple readings emerging from any combination of these possibilities have been summarized by Milgrom and Houston; Milgrom, *Leviticus 23–27*, 2383–85; Walter Houston, "Contrast in Tense and Exegesis. The Case of the Field Vowed and Sold, Lev. XXVII 20," *Vetus Testamentum* 49, no. 3 (1999), 416–17.

¹⁶ Levine (*Leviticus*, 196) follows Sifra *Beḥuqotai* 10:12, Rashi, and Rashbam. This view is also reflected in the translations of both JPS ("...if the field is not redeemed, or if it has been sold to someone else, it shall no longer be redeemable") and NRSV ("...if he does not redeem the field, and the land is sold to another, it shall no longer be redeemable."), which introduce an unnecessary passive presumably on the assumption that it is not the donor, but perhaps the sanctuary, who is doing the selling.

the donor would lead to the cult gaining eternal possession of the field.¹⁷ But all indicators suggest that the cult was perfectly fine with persons other than the donor carrying out the redemption: the wording of v. 19 ("If the one who consecrated the field is the one who redeems it...") implies that anyone could assume the role of redeemer, suiting the overall preference of the framers of Lev 27 for silver payment rather than properties in kind¹⁸ and their fundamental assumption that simple land conveyances—consecrations to the cult included—do not abrogate one's claim to their patrimonial land, as laid out in the biblical Jubilee system.¹⁹

Furthermore, the verb *mākar* is best read as a pluperfect action preceding the imperfect form *yig'al*: the sale had happened before the donor consecrated his field.²⁰

The option of reading the conditional clauses as sequential but the tense of *mākar* as a

¹⁷ Two parallel conditions linked disjunctively would call for two imperfect forms, *yig'al* and *yimkōr*; i.e., "If he does not redeem the field, or if he sells the field to another," as pointed out by Milgrom; *Leviticus* 23–27, 2385. But cf. Martin Noth, *Leviticus: A Commentary* (The Old Testament Library; Philadelphia: The Westminster Press, 1977), 206; Gordon J. Wenham, *The Book of Leviticus* (The New International Commentary on the Old Testament; Grand Rapids, Michigan: William B. Eerdmans, 1979), 340; Levine, *Leviticus*, 196; Raymond Westbrook, "Jubilee Laws," in *Property and the Family in Biblical Law* (ed. Raymond Westbrook; vol. 113 of; Sheffield: JSOT Press, 1991), 225; Gershon Brin, *Studies in Biblical Law: From the Hebrew Bible to the Dead Sea Scrolls* (Journal for the Study of the Old Testament. Supplement Series 176; Sheffield: JSOT Press, 1994), 45–46; Houston, "Contrast in Tense and Exegesis," 416–17.

¹⁸ After all, why would the representatives of Yahweh not accept the redemption payment of anyone else but the owner? Redemption by persons other than the seller is highly valued in biblical law (Lev 25:25–28), and more importantly, the main point of the vows and valuations regulations of this entire chapter seems to be the procurement of silver for sacred purposes, for which an array of mechanisms is employed. Thus, the cult of Yahweh would be best served to accept silver redemption payments from whomever.

¹⁹ The foundational policy of the system is to assert that patrimonial rights are never abrogated by a simple conveyance. But the common understanding of the verse (as by the authors mentioned in the note above) is that conveyance in the form of a land donation would be a hybrid-type: the donor abrogates his patrimonial rights to the land by virtue of the consecration, yet retains the right of redemption up to the Jubilee. It is more logical within the confines of the Jubilee system to assume that patrimonial land reverts to its owners at the Jubilee, whether it was sold or consecrated.

²⁰ Haran, "Ārākîm," 394.

simple perfect (rather than a pluperfect) and referring to an effect subsequent to the consecration has led some to posit that the donor is committing fraud by selling a field he has already consecrated to Yahweh.²¹ But this reading fails to explain the appearance of the perfect form among a string of imperfects and converted perfects in the pericope, or the absence of any mention of a punishment for the fraud or restitution to the defrauded buyer.²² None of these options is as compelling as Haran's reading that consecration occurred after the owner had already sold the usufruct value of the field and had no interest in retaining patrimonial rights to it. "Deferred consecration" was a means for one to permanently alienate property within the confines of the Jubilee system. In the standard usufruct consecrations of Type 1, the field would stay a part of a family's patrimony even in the case of non-redemption. Only if the usufruct had already been sold to another prior to the act of consecration would that act result in the field becoming the eternal property of the priest.

3.2.4 Type 4: Usufruct-Based Silver Consecrations of Another's Patrimony (vv. 22–24)

The consecration to Yahweh of the silver value of the usufruct of a purchased field. This is the only available kind of field consecration to one who has purchased the usufruct of someone else's patrimonial land. As reflected in the legislation of the verse, the cult

²¹ J. R. Porter, "Lev XXVII 20: Some Further Considerations," *Vetus Testamentum* 50, no. 4 (2000), 569–71; Noth, *Leviticus*, 206; Westbrook, "Jubilee Laws," 225; Philip D. Stern, *The Biblical Herem: A Window on Israel's Religious Experience* (Brown Judaic Studies 211; Atlanta, Ga.: Scholars Press, 1991), 129.

²² Scholars espousing this view understand the imposition of *ḥērem* status on the field—a means of dispossessing the consecrator of his *ʾāḥūzzâ*—as the punishment involved. But the loss of ownership would be a remarkably light punishment for this kind of fraud against the cult, nor does it take into account the buyer.

shows no interest in enjoying the usufruct for the period of consecration, but rather asks for the silver valuation payment on the very day of consecration. It would also appear to be the case that rights of sale, according to this system of land tenure, remain with whoever holds the patrimonial lease. Only the true owner can decide how the products of his or her field are to be used; should the legislation have allowed the cult the field's usufruct, it would be in violation of this right by assuming a degree of agency that it does not have. The field must stay in the hands of the holder of the usufruct and only silver changes hands. The mechanism differs from Type 2 with regard to the proprietary rights of the donor: here they consist only of usufruct; with Type 2 they are patrimonial rights. In my opinion, these two types of consecrations display the greatest similarity to the various other donation mechanisms in Lev 27, particularly the valuation of persons in vv. 2–8, where only cash and no actual property changes hands.

The scenario has been widely misconstrued. The text (vv. 22–24) is not explicit on who holds the field in the intervening period between the payment of the silver valuation and the Jubilee. Since the last land conveyance mentioned in the text is from donor to cult, scholars almost universally assume that the cult retains possession of the consecrated field in this period.²³ But this would create a most implausible situation. For one, it would imply that the donor is giving the cash value of the field's usufruct *on top of*

²³ Noth, *Leviticus*, 206–7; Levine, *Leviticus*, 197; Erhard S. Gerstenberger, *Leviticus: A Commentary* (The Old Testament Library; Louisville, Kentucky: Westminster John Knox Press, 1996), 445; Milgrom, *Leviticus* 23–27, 2387. To the best of my knowledge, the only commentator espousing the position I advocate is Wenham, *Leviticus*, 341.

the usufruct itself until the Jubilee, a kind of double-offering unprecedented among the donation mechanisms in the document.²⁴ Second, it would also suggest that the holder of a purchased field is expected to give twice as much as a patrimonial landholder, even though in many cases the holders of landed patrimony would be the more affluent in the world of the authors of this document.

The solution advocated by Noth and Milgrom is that the donor was given the option of paying the redemption fee in installments, thereby conferring to the cult of Yahweh the usufruct for the period until which the full redemption fee was paid.²⁵ But this solution is also not without its problems. The verb *nātan* hardly connotes payment in installments, as Milgrom would have it. The only word of the verse that could refer to such installments (*miksâ*) is used here to denote the price reduction in the usufruct value with respect to the Jubilee year. Nor is it clear to me where, among the policy for donations from patrimonial holdings, it is stipulated that payment in installments was customary, as Noth claims. Redemption payment in installments by the one working the land would approximate the very kind of rent capitalism the authors of this document were fighting against by means of the Jubilee system, as the rabbis are careful to point

²⁴ It is true that a special type of twofold or double-value offering is described earlier in the chapter with the case of an animal designated as a sacrificial offering: the donor both sets aside the beast for sacrifice and donates its market value to the cult, and as such gives the animal over to the cult both in cash and in kind (Lev 27:9). But the cases are hardly equivalent, for the beneficiary of the sacrifice is—one can argue—as much the donor as the cult. If a whole-burnt offering, for example, the priests receive only the hide; and in every form of sacrifice the offerer can be seen as acting out of self-interest. In the case of the purchased field, on the other hand, we would have to postulate a double-donation of cash and kind entirely for the benefit of the cult, and only in the case of the purchased field.

²⁵ Noth, *Leviticus*, 206–7; Milgrom, *Leviticus* 23–27, 2387.

out in their commentary on the verse, where they explicitly rule out such an option.²⁶

One should also consider the fact that the Hebrew Bible lacks the language of landlords and renters that would become commonplace in rabbinic materials and one is hard-pressed to even find evidence for these kinds of arrangements before the Hellenistic period, as John Kloppenbergs has noted.²⁷

Finally, the Milgrom and Noth solution would upend the purposes of the donation in the first place, where the donor—at least in theory—becomes a benefactor of the cult rather than one financially indebted to it. It is far more plausible that the field remained in the possession of the donor in the intervening period between the payment of the silver valuation to the cult and the return of the field to its original owners at the Jubilee. Field consecration thus becomes a means of paying silver to the cult and nothing else, with the quantity of silver paid based on the value of the usufruct of the field, as with Type 2 consecrations.

3.2.5 Type 5: Field Consecrations by *Ḥērem* Decree (v. 28)

The *ḥērem* consecration to Yahweh of a patrimonial field. Here the donor is interested in permanently alienating a patrimonial field and does so by declaring it eternally devoted or *ḥērem*, losing all rights of sale or redemption. The only practical difference between Type 3 and Type 5—both of which are gifts of the property's principle rather than its

²⁶ See *m. 'Arakin* 7:1.

²⁷ *The Tenants in the Vineyard: Ideology, Economics, and Agrarian Conflict in Jewish Palestine* (Wissenschaftliche Untersuchungen zum Neuen Testament 195; Tübingen: Mohr Siebeck, 2006), 290–95; see also Houston, *Contending for Justice*, 21–25; and §§4.1, 5.3.2 below.

usufruct—appears to be that here the usufruct has not already been sold to another. It could also be the case that *ḥērem* consecrations were a specific type of gift resulting from the taking of a vow that simply invoked the language of *ḥērem*, as was apparently the custom in ancient Judean society.²⁸

The restrictive adverb *ʾak* begins both this case and the law of the first-born preceding it, underscoring their exceptionality to the usual process.²⁹ The passive formulations *lōʾ yimmākēr* and *lōʾ yiggāʾēl*, as well as the notice that such property is a most holy thing to Yahweh, remind the audience that property carrying *ḥērem* status is no longer sellable or redeemable. It is unsellable because no monetary benefit can ever be enjoyed from *ḥērem* property; irredeemable because the usufruct is also banned, even if one paid the cult of Yahweh for it through the process of redemption; and most holy because the cult now enjoys full patrimonial ownership rights over it as opposed to merely usufruct. Thus the implied agent of both the verbs in the phrase "shall not be sold or redeemed" is to be read as the donor rather than the cult.³⁰

²⁸ See §7.1.

²⁹ The third donation mechanism involving land in Lev 27 is separated somewhat from the other two by the law of the first-born animals. The organization method was apparently to append to the main types of property valuations—human, animal, house, and land—the three special cases of first-born animals (vv. 26–27), *ḥērem* declarations (vv. 28–29), and tithes (vv. 30–33), all followed by a closing verse (v. 34) for the entire book of Leviticus. The first-born animals are exceptional because they are the only category in which a valuation donation is impossible, for persons enjoy no property rights over altar-fit first-born animals according to biblical law; they are entirely under the ownership of the cult of Yahweh. Only blemished animals can be retained by the laity, at the cost of their valuation plus a surcharge, as in the case of the unclean votive animal (vv. 11–13). Declarations of *ḥērem* are also exceptional because they do not at all involve the mechanism of valuation.

³⁰ This reading follows Rashi; see also Menachem Bula, *Sefer Vayikra* (Jerusalem: Mosad ha-Rav Kook, 1992) [Hebrew], 259.

Readings that understand *lō' yimmākēr* as referring to the sanctuary and *lō' yiggā' ēl* as to the donor introduce an unwarranted shift in perspective into the text, though Levine and Milgrom both accept it.³¹ The only person prohibited from selling and redeeming property declared *hērem* is the owner/declarant himself and there is no reason to conclude from this verse that *hērem* properties were inalienable by the cult. As discussed below, the Tannaitic rabbis understood that once in the hands of the cult *hērem* property became the personal holdings of the priests and as such could be freely sold and exchanged.³² There is nothing explicit in these verses or elsewhere (as in Num 18:14 and Ezek 44:29) indicating a different situation in the cultic practices of the authors of the Holiness legislation.

Another aspect of the *hērem* institution is alluded to in these verses and could relate also to the question of sacred landholdings, albeit circuitously. Immediately following this ruling on voluntary *hērem* dedications is the notice in v. 29 that a person declared *hērem* is to be executed. Reading the two verses together leads to an irresolvable

³¹ Levine, *Leviticus*, 199; Milgrom, *Leviticus 23–27*, 2394. Not only is it far more natural to read these two adjacent verbs as having the same subject (property carrying *hērem* status) and implied agent (the owner), but when negated imperfects are used as imperatives in Lev 27 ("it shall not be exchanged" in v. 10; "it shall not be redeemed" in vv. 20 and here in v. 28; "it shall not be ransomed in v. 30") the implied agent is always the donor of the property. In fact, every command in the chapter is oriented toward the donor; even that of *wēnimkar* ("it shall be sold") regarding the blemished, unredeemed first-born in v. 27 appears to relate to the sale by the owner of the animal with the proceeds of the sale going to the cult, as implied by the context. But commentators regularly assume that the cult is doing the selling in v. 27 and the proximity of that form to *lō' yimmākēr* and the fact that the two derive from the same root has understandably led to the confusion. But considered against its more immediate context and the overall perspective of the chapter, which was conceived more as an instructional manual regulating the behavior of donors than priests, the better inference is that owners were the ones expressly forbidden from selling their property once they declared it *hērem*.

³² See §7.2.3. The rabbis would understand *hērem* properties as losing all sanctity and becoming *hūllîn* in every respect once they move into priestly hands.

tension regarding the case of a slave whose owner confers *ḥērem* or irredeemable consecration on him or her: if such a person is to meet certain death according to v. 29, why mention the slave along with the animal and field in v. 28 as properties that cannot be sold or redeemed? These latter stipulations could hardly be relevant to someone who has already met their death. As Milgrom notes, in such a case one would expect the two categories of human and non-human *ḥērem* property to be entirely separated in this legislation, given the radically different outcomes facing each; or, in the least, one could expect the word *ʾak* to appear before v. 29.³³ Furthermore, the repercussions of such a reading—that one could hand over his slave as an eternal offering to Yahweh by having a priest kill him/her—approximate too closely the biblical polemic against human sacrifice to be plausible in this context, even if we assume that the priests had the right of refusal, as Stern suggests.³⁴

Rather, it must be the case that Lev 27:28–29 deal with two different types of *ḥērem*, the first voluntary and the second involuntary. In the first (v. 28) a slave owner is interested in donating his/her slave to the cult and in the second (v. 29) a judicial body has declared a person *ḥērem*, either as a penalty for a grave transgression or in adjudicating a vow. In the latter case, which could apply to a free person as well as a slave, the result is death by execution. The crucial difference in the legal apparatus in effect is signaled by the switch from active voice with the *hip̄l* form *yaḥārim* ("makes

³³ Milgrom, *Leviticus 23–27*, 2396.

³⁴ Stern, *Biblical Herem*, 134.

ḥērem") in v. 28 to the passive voice with the *hopal* form *yohōrām* ("is made *ḥērem*") in v. 29. Incidentally, this is but one of three instances of a *hopal* form of the root *ḥ-r-m* in the Hebrew Bible; in the other two the context is more explicitly an official body marking persons (Exod 22:18) or moveable property (Ezra 10:8) as *ḥērem*. It must be assumed that the legislators behind Lev 27:28–29 were familiar with the technical use of the word *yohōrām* to indicate the ruling of an official judicial body, a usage which maintains a distinction with *hip̄l* forms of the verb, whose meanings appear to have been more figurative and variegated in everyday speech.³⁵ The legislation is thus interested in clarifying this ontological distinction between two apparatuses used for conferring *ḥērem* status.

How could this distinction between two types of *ḥērem* declarations relate to landholding by the cult? The judicial apparatus just elucidated involved the imposition of a *ḥērem* taboo on persons found guilty in a court, leading to execution and perhaps also the confiscation or eternal devotion to Yahweh of their property. Such a verdict in turn could have resulted in the landed property of the executed being referred to as *ḥērem*.

³⁵ See Richard D. Nelson, "Ḥerem and the Deuteronomic Social Conscience," in *Deuteronomy and Deuteronomic Literature: Festschrift C.H.W. Brekelmans* (ed. Marc Vervenne and Johan Lust; vol. CXXXIII of *Bibliotheca Ephemeridum Theologiarum Lovaniensium*; Leuven: Leuven University Press; Uitgeverij Peeters, 1997); Stern, *Biblical Herem*, 89–187; Moshe Greenberg, "Herem," in *Encyclopaedia Judaica, Second Edition, Vol. 9* (ed. Fred Skolnik and Michael Berenbaum; Farmington Hills, MI: Thomson Gale, 2006), 10–13.

3.2.6 Summary

To summarize, the field consecrations of Lev 27 are rooted in two main types of landholding rights—ownership (i.e., patrimonial rights) and usufruct—and each could be donated for sacred purposes. The holder of patrimonial rights could donate the usufruct of the field (Type 1), the silver value of the field with a 20% supplement (Type 2), the patrimonial rights of the field by consecrating it once its usufruct had already been sold to another (Type 3), or the patrimonial rights of the field by declaring it *ḥērem* (Type 5). The holder of usufruct had only the sole option of donating the silver value of its use (Type 4).

A failure to recognize the tense shift to the pluperfect in the verb *mākar* in v. 20 and an unjustified insertion of the temple as the subject of that verb, as based on a rabbinic midrash, are among the things that have led scholars to fail to appreciate the extent to which the field consecrations system is working to place limitations on the cult as a landholder. Field consecration does not result in the loss of patrimonial rights once the temple sells the field, or should redemption never occur. On the contrary, consecration is nullified automatically at the Jubilee unless the donor specifies otherwise.

Similarly, the Type 4 consecration of a purchased field limits the agency of the cult by keeping the rights of sale with the true owner of the land. Such a field transfers only nominally until the redemption payment is made. The cult never holds the field or accepts payment in installments on it, as has been suggested. There is no hint in this

document that the priests were renting out consecrated fields for profit. Rather with Type 4 (as well as Type 2) field consecrations, the act of consecration was but a formality. The field in those cases becomes little more than an instrument for measuring the size of the donation, with nothing but silver changing hands.

3.3 A Supplement to Priestly Perquisites

3.3.1 Priests as the Beneficiaries of Field Consecrations

Though rabbinic tradition would have consecrated fields managed by the temple treasurer and their profits going towards sanctuary expenses, a perspective shared by Baruch Levine, Jacob Milgrom, and others, the internal and external textual evidence shows this view to be unfounded.³⁶ It grants the temple as an institution a greater level of involvement in the everyday management of sacred properties than what appears to have been the case both in the late Iron Age and the Persian period.

A number of indicators bear this out. The foremost of them is the simple fact that, according to the system laid out in Lev 27, an unredeemed consecrated field (Type 1) or a consecrated field that had been sold to another (Type 2) becomes the patrimonial possession of a priest at the end of the Jubilee cycle. Had sanctuary ownership been intended, one would expect the priest who had held the field while it was still

³⁶ Early midrash notes for example that the unnamed agent prevented from selling the consecrated field in Lev 27:28 is the temple treasurer (Sifra, *Behuqotai* 12:4–5), while the language of the verse would imply the subject to be the owner, as argued above. Levine follows this understanding and titles his commentary on the chapter, "Funding the Sanctuary"; *Leviticus*, 192. Milgrom writes: "The answer, of course, is that the field belongs to the sanctuary, but the priest may benefit from its produce"; *Leviticus* 23–27, 2386. For others who view the sanctuary as the beneficiary of this mechanism, see Stevens, *Temples, Tithes, and Taxes*, 83; Blenkinsopp, "Did the Second Jerusalemite Temple Possess Land?," 66; Safrai, "The Agrarian Structure," 114.

redeemable to have needed to either purchase it or give it over the sanctuary holdings, precisely as the rabbis exegete, given their assumption that the sanctuary has assumed possession of the field in these cases.³⁷ On the contrary, the text stresses that the field then becomes part of the priest's personal holdings or *'ăḥûzzâ* (Lev 27:21).

The invoking of the *ḥērem* mechanism in Lev 27 further demonstrates the point. The consistent point of view across multiple biblical and early Jewish sources is that *ḥērem* property is equivalent to a priest's personal property. The aside in v. 21 that an unredeemed field will at the next Jubilee become "holy to Yahweh, like a *ḥērem* field; it becomes the priest's holding" indicates unequivocally that the recipients of *ḥērem* (Type 5) consecrations are to be priests. This status suits the priestly revenues list of Num 18:13–15, which states that "any *ḥērem* in Israel" (Num 18:14) shall become the property of the sons of Aaron; the placement of the latter verse implies that such properties could include produce, humans, animals, and land.³⁸ The priest's claim to *ḥērem* is echoed nearly verbatim in the version of priestly revenues given in the Temple Vision of the book of Ezekiel, which changes simply the pronominal suffix of the possessive construction from the second person to the third ("Any *ḥērem* in Israel shall be theirs"; Ezek 44:29b).³⁹ The *ḥērem* field mentioned in v. 21 most likely anticipates the legislation of v. 28, where one could permanently dedicate their field for sacred purposes by

³⁷ See §5.1.

³⁸ The *ḥērem* law of Num 18:14 is sandwiched between the produce of the land due to the priest (v. 13) and that of livestock (v. 15–18), a fitting placement given the looseness of the category as it applies to movables. Lev 27:21, 28 show that it could apply to land.

³⁹ Whether the *ḥērem* property in Ezek 44:29 can refer to land is in greater doubt; its occurrence just before the description of the sacred district in Ezek 45:1–5 could imply that movables only are intended. See §2.2.1.

declaring it *ḥērem*, and thus for all intents and purposes gift it to a priest. It would be in the very least odd, if not entirely implausible, for this legislation to incorporate donation mechanisms intended for priests with those intended for the temple without explicitly differentiating the two.

Another point involves textual evidence from elsewhere in the biblical corpus. Both Deuteronomy and the Priestly Source have voluntary silver donations and other cash payments regularly becoming the entitlements of individual priests rather than the sanctuary and there is no reason to assume that Lev 27 would differ in any significant way from this system. The Deuteronomic Code is silent on the matter of census payments and valuations, but Deut 18:8 seems to refer to the conferral of voluntary donations to individual priests by their personal benefactors and asserts the right of those priests to hold a private claim over the gifts.⁴⁰ A notice in Deut 23:22–24 on the payment of vows to Yahweh says nothing about the destination of the payments. In the Priestly Source, Num 5:9–10 rules that certain kinds of non-payable restitution payments, as well as all private donations, become the property of the individual priest who receives the money. "Each shall retain his sacred donations (*qōdāššāyw*): each priest shall keep what is given to him" is the general rule (v. 10) that ends the piece of legislation. The law establishes that the act of conveyance itself determines entitlement—

⁴⁰ The verse reads: "They shall receive equal shares of the dues, without regard to his benefactors (*lēbad mimkārāyw*) according to custom ('*al hā' ābôt*)." The second half of the verse is problematic, with both *mimkārāyw* and '*al hā' ābôt* presenting difficulties, the latter perhaps referring to the sale of sacrificial shares and the latter to family possessions, leading to the alternative understanding (as in JPS and NRSV) that the rural Levites are assured equal portions even though they enjoy the income of the sale of patrimonial property.

whoever receives the gift retains it. It thus rules out entitlement by the incorporated assets of the sanctuary or any other potential claimants, such as the group of priests on duty at the time of the receipt of the gift or even the king. These forms of sacred wealth appear to have been diffused across individual holders rather than consolidated in the temple treasury. The Priestly Source does distinguish between incorporated property and individual property of priests with respect to offerings and pieces of sacrificial meat.⁴¹

This crucial distinction between priestly entitlements and incorporated temple entitlements is in my view at the heart of a Deuteronomistic account in 2 Kgs 12 regarding fiscal reforms carried out by King Joash (c. 837–796) to fund much-needed repairs to the Jerusalem sanctuary in his day.⁴² The king first ruled in v. 5 that silver

⁴¹ Among those meant to be distributed equally among the entire cadre of priests on duty are the uncooked meal-offering (Lev 2:8–10; 6:7–9; 7:10) and the breast of the well-being offering (7:28–31). Of those belonging to individual priests are the cooked meal offering (7:9), the hide of the burnt-offering (7:8), the meat of the sin-offering (6:19) and guilt-offering (7:6–7), the right thigh of the well-being offering (7:30–33), and the cakes accompanying the well-being offering of the thanksgiving type (7:14). This is a significantly more complex and formalized system than that described at the smaller sanctuary at Shiloh in the time when it was run by Eli the priest and his sons. Then the custom was for the officiating priest to simply drop in on the meal that followed the sacrifice, stick a fork into the pot of stew, and settle for whichever piece of meat emerged from the pot (1 Sam 2:12–17). The incorporation of the ceremonial raising of the offering at Jerusalem—the *tšnûpâ* ritual as it is called in the Priestly Source—assisted not only in adding spectacle of the cult but also contributed to the formalization of this potentially sensitive topic of distributing sacrificial shares. See Milgrom, *Cultic Theology and Terminology*, 159–70, esp. 168–70. The system assumes a clear distinction between private and group entitlements. In the case of payments of precious metal, as considered in Num 5:9–10, the individual priest need not share any of the proceeds.

⁴² Marvin Sweeney has recently argued for the basic historicity of the reform and sees it as a "sign of national restoration" in the wake of the fall of the house of Omri and the renewed independence of the southern kingdom; *I & II Kings. A Commentary* (The Old Testament Library; Louisville; London: Westminster John Knox Press, 2007), 351. Others have doubted its authenticity and tend to view it as a *de novo* composition from as late as the Second Temple period; Volkmar Fritz, *1 & 2 Kings. A Continental Commentary* (Continental Commentaries: Old Testament; trans. Anselm Hagedorn; Minneapolis: Fortress Press, 2003), 302–4; see also Julius Wellhausen, *Die Composition des Hexateuchs und der historischen Bücher des Alten Testaments* (Berlin: Georg Reimer, 1889), 293–98; Gwilym H. Jones, *1 and 2 Kings, Based on the Revised Standard Version* (Grand

from the valuations of persons (*keseṣ napšôt 'erkô*)—the type of donation outlined in Lev 27:2–8—from the census tax (*keseṣ 'ôbēr 'îš*)⁴³ and from voluntary donations (*kol keseṣ 'ăšer ya'ăleh 'al leb 'îš*) was to be set aside in its entirety for the purposes of the renovation. The revenues are described in v. 6 as having been given over to individual priests by their "acquaintance" (*'îš mē'ēt makkārô*), a reading of the word *m-k-r* implying that social networks helped determine any given priest's holdings in silver. But upon seeing that the temple remained in disrepair despite the decree, Joash called for a financial reform that established a special sanctuary fund for the deposit of these silver revenues (v. 10). The royal scribe and high priest were commissioned to oversee the fund and deliver necessary monies to those overseeing renovation projects (v. 11). Thus Joash diverted all silver payments that once went into the coffers of individual priests, including those from valuations, into a common sanctuary fund. The only exceptions were the silver value of a guilt-offering or a sin-offering; these monies remained in the

Rapids, Mich.; London: W.B. Eerdmans; Marshall, Morgan & Scott, 1984), 487–88. The appearance in v. 11 of the term *kôhēn gādôl* ("high priest"), rather than *kôhēn hārô'š* ("chief priest"; 2 Kgs 25:18; Jer 52:24), is noteworthy but by no means determinative; the "high priest" title would indeed become the common appellation in the Second Temple period, when the office would reach its apogee with regard to political power, but is too generic of a term to be chronologically meaningful. Fritz's claim (*ibid.*) that the king's delegation of authority on temple finances to priestly officials is not suited to the monarchic period is also unconvincing, given the prominence of the king as the primary reformer and decision-maker in the account. The discovery of the so-called "Joash inscription" in 2001—a fragmentary text telling of the very renovations described in 2 Kgs 12—caught the attention of biblical scholars and the mass media alike and seemed to authenticate the account until it was proven to be a forgery; see Frank Moore Cross, "Notes on the Forged Plaque Recording Repairs to the Temple," *Israel Exploration Journal* 53, no. 1 (2003), 119–22; Israel Eph'al, "The 'Jehoash Inscription': A Forgery," *ibid.*, 123–28.

⁴³ See Exod 30:11–16.

hands of the individual priests and would not be deposited in Joash's new sanctuary fund (v. 17).⁴⁴

Thus, after the reform, there would have been a communal fund for sanctuary repairs alongside private funds held by individual priests with cash for sacrifices. In addition one can reconstruct a fund for non-silver valuables that had accumulated in the temple reserves. The narrator is careful to note that only vessels dedicated by former kings and all the gold in the sanctuary—rather than silver from valuation payments, census money, and other voluntary donations—were used to pay off King Hazael of Aram when he marched upon Jerusalem (2 Kgs 12:18–19).⁴⁵ Thus the safety of sacred monies that would usually have been kept with individual priests but were now due to Joash's reforms in the temple treasuries—vulnerable to the machinations of sitting kings and the appetites of invading armies—becomes a central element in the narrative.

Questions of its historicity aside, the account in 2 Kgs 12 suggests widespread awareness

⁴⁴ Incidentally, this policy suits the legislation of Lev 6:19 and 7:6–7, where the meat of those offerings becomes the entitlement of the officiating priest. The evidence here and elsewhere (1 Sam 6 and Lev 5) supports the idea that at least in the First Temple period the guilt- and sin-offering could be given over as a monetary equivalent to the priest. See Jacob Milgrom, "Profane Slaughter and a Formulaic Key to the Composition of Deuteronomy," *Hebrew Union College Annual* 47 (1976), 14–15, 142–43; and Logan S. Wright, "MKR in 2 Kings XII 5-17 and Deuteronomy XVIII 8," *Vetus Testamentum* 39, no. 4 (1989), 445–49, n. 26.

⁴⁵ The notice in v. 14 that this silver could not be used to purchase sacred vessels and other paraphernalia anticipates the hefty payment of temple treasures to Hazael. By juxtaposing these two accounts, the narrator is sending his audience a clear message that their personal donations of silver, including any silver collected as part of a valuation payment, was not at risk of being redirected to tribute payments to foreign empires. There is also a thematic link between these two narratives from the reign of Joash in 2 Kgs 12—one telling of reforms meant to amass sanctuary wealth in the form of silver valuation payments and donations, and the other telling of the protection of the city by means of other funds from the temple coffers. See Ziony Zevit, "Second Kings: Introduction and Annotations," in *The Jewish Study Bible* (ed. Adele Berlin and Marc Zvi Brettler; Oxford: Oxford University Press, 2004), 750.

among its audience that valuation payments regularly went into the private funds of individual priests in the cult of Yahweh.

There is little reason to suppose that the reform was meant to be portrayed as anything but a temporary ad hoc measure to raise funds for a particular renovation project, the hallmark achievement of a king whose piety and reverence for the priesthood is extolled in the account (v. 3).⁴⁶ After the project was completed, valuation payments and other sources of private revenue for priests would presumably have reverted back to them. The narrative does not seek to legitimize the reform for eternity by relating it to the legendary figures of David or Solomon, as the Chronicler is wont to do.⁴⁷ It lacks the markers of aetiologies typical of the Deuteronomistic accounts, such as "until this day" and the like.⁴⁸ Thus to both the Deuteronomistic Historian and the Priestly Source the beneficiaries of valuation payments of the sort in Lev 27 are priests rather than the sanctuary.

3.3.2 The Social Context

The fact that individual priests benefitted from all types of field consecrations in Lev 27 is essential to the question of the circumstances and motives behind consecration. We

⁴⁶ Correspondence in the Assyrian annals between King Esarhaddon (681–669 BCE) and his minister charged with overseeing sanctuaries mentions special measures taken to repair the temples at Uruk and Der; Simo Parpola, *Letters from Assyrian Scholars to the Kings Esarhaddon and Assurbanipal. Part I: Texts* (Alter Orient und Altes Testament 5, 1; Kevelaer: Butzon & Bercker, 1970), 222–24 (no. 277); Victor Hurowitz, "Another Fiscal Practice in the Ancient Near East: 2 Kings 12: 5–17 and a Letter to Esarhaddon (LAS 277)," *Journal of Near Eastern Studies* 45, no. 4 (1986), 289–94. The issues at hand in 2 Kgs 12 would hardly be unique to a particular historical era.

⁴⁷ See, e.g., 1 Chr 26:20–28, 28:11–18 for later temple organization features retrojected onto Davidic history.

⁴⁸ See Jeffrey C. Geoghegan, "'Until This Day' and the Preexilic Redaction of the Deuteronomistic History," *Journal of Biblical Literature* 122, no. 2 (2003), 201–27.

have already encountered two biblical verses (Deut 18:8 and 2 Kgs 12:6) where priests seem to be benefitting from a network of patrons with which they are personally acquainted. With respect to field consecrations, one is tempted therefore to reconstruct motives related to the various spheres of influence of the Yahwistic priesthood in broader society. Their role as teachers of Torah living throughout villages of the countryside already in the pre-exilic period but certainly by the Persian era suggests village-level interaction between the priest and laity where benefactor-beneficiary relationships could have become commonplace.⁴⁹ The well-connected priest or priestly family stood to benefit over against lesser known peers and one can hardly reconstruct significant changes in this dynamic in the transition from Iron Age Israelite religion to Second Temple Judaism.⁵⁰

⁴⁹ On the role of priests and Levites as leaders in Torah reading ceremonies and Torah study, see Christian, "Middle-Tier Levites," 173–98, esp. 195. Christian has reconstructed communal events of "plenary reception," under the Judean religious leadership in the Persian period. These events, of which the Torah-reading ceremony of Neh 8 is a good example, sought to imbue the citizen class with a value system that bridged the proletariat and the elite and enabled anyone to function as a "priest-prophet-citizen." The model for the group, according to Christian, was the "malleable Levite of history and tradition." The idea sounds like a kind of proto-Pharisaism. The paradigmatic priest-scribe of the Second Temple period is the character of Ezra, a priest by birth who was also "a scribe expert in the Teaching of Moses" (Ezra 7:6). Some have claimed that Ezra served as high priest, though the evidence is problematic: 1 Esdras (9:39, 40, 49) refers to him as *archiereus*, but nothing in Ezra-Nehemiah suggests his functioning in this capacity; see Watts, "Torah as the Rhetoric of Priesthood," 323, n. 9. The Chronicler recounts the sending out by King Jehoshaphat a group of named priests and Levites to the countryside of Judah to teach the people Torah (2 Chr 17:7–9). For a discussion on the expanded role of the priesthood into teaching matters in the Persian period, see Meyers and Meyers, *Haggai, Zechariah 1–8*, 194–96.

⁵⁰ On the influence priests in Second Temple society and their use of scripture in propagating and maintaining this influence, see Watts, *Ritual and Rhetoric*, esp. 142–172. Women also in priestly families appear to have been of a higher social status than other women; see Sarah Schectman, "The Social Status of Priestly and Levite Women," in *Levites and Priests in Biblical History and Tradition* (ed. Mark A. Leuchter and Jeremy M. Hutton; vol. 9 of *Ancient Israel and Its Literature*; Atlanta: Society of Biblical Literature, 2011), 83–102.

A landholding priest also stood to benefit perhaps from occasional tax exemptions, such as that granted by the Persian emperor Artaxerxes I in the middle of the fifth century BCE (Ezra 7:24).⁵¹ Persian support for sanctuaries and provincial cults is evidenced not only in their support for the rebuilding of the Yahwistic temples at Jerusalem and Gerizim but also in instances of patronage in other regions, as in Darius I's bestowal of fiscal immunity to the sanctuary of Apollo at Aulai and other perquisites from royalty to priests in the Persepolis fortification tablets.⁵² Field consecrations could have been encouraged as a means for the priesthood to reduce their imperial tax burden.

One should also keep in mind that individuals could have used consecrations as inducements or even bribes for priests, given the power that the priesthood enjoyed in these periods, particularly in the judicial sphere. Their judicial role stretches back into the Iron Age—Deut 17:8–13 has them as among the primary arbiters and protectors of law and order—and is affirmed by the latter prophets, the Chronicler, and later Second

⁵¹ The book of Ezra (4:20, 6:8, 7:24) describes three kinds of taxes paid in the Beyond-the-River satrapy to the Persian royal administration: the *middā/mindā* ("tribute tax"), the *bēlō* ("poll tax"), and the *hālāk* ("land tax"). In addition, we hear in Nehemiah of a tribute tax for the provincial governor (the *leḥem happeḥā*, "bread of the governor"; e.g., 5:14). On the taxation system in Persian Yehud, see Joachim Schaper, "The Jerusalem Temple as an Instrument of the Achaemenid Fiscal Administration," *Vetus Testamentum* 45, no. 4 (1995), 535; and Andre Lemaire, "Administration of Fourth-Century B.C.E. Judah in Light of Epigraphy and Numismatics," in *Judah and the Judeans in the Fourth Century B.C.E.* (ed. Oded Lipschits, et al.; Winona Lake, Ind: Eisenbrauns, 2007), 56–62. On the decree of Artaxerxes, see Sebastian Grätz, *Das Edikt des Artaxerxes: Eine Untersuchung zum religionspolitischen und historischen Umfeld von Esra 7, 12–26* (Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft 337; Berlin; New York: Walter de Gruyter, 2004).

⁵² On the Aulai concessions, see Briant, *From Cyrus to Alexander: A History of the Persian Empire*, 491–93; on the Persepolis tablets, see H.G.M. Williamson, "Ezra and Nehemiah in the Light of the Texts from Persepolis," *Bulletin for Biblical Research* 1 (1991), 50–54.

Temple sources.⁵³ The purveyors of biblical tradition characterize the tribe of Levi as sanctioned to use violence, as Joel Baden has discussed.⁵⁴ This is reflected in the character of their eponymous ancestor, who in the tribal poem of Gen 49 is said, together with his brother Simeon, to "slay men when angry, and maim oxen when pleased" (49:6). The very separation of the tribe of Levi as the clerical order of Yahweh is explained in biblical tradition as the result of their willingness to take arms against and execute the Israelites who have sinned against the divine by worshipping the golden calf (Exod 32). "And Moses said, 'Dedicate yourselves to the LORD this day—for each of you has been against son and brother—that He may stow a blessing upon you today'" (Exod 32:29).⁵⁵ The tradition of priests exacting violent punishment would continue through the Aaronide line of priests. The priest Pinehas, grandson of Aaron, would carry on the tradition of exacting violent punishment when he is said to have driven a spear through

⁵³ See Norbert Lohfink, "Distribution of the Functions of Power: The Laws Concerning Public Offices in Deuteronomy 16:18–18:22," in *A Song of Power and the Power of Song: Essays on the Book of Deuteronomy* (ed. Duane L. Christensen; Winona Lake, Ind.: Eisenbrauns, 1993), 336–54; Meyers and Meyers, *Haggai, Zechariah 1–8*, 25–26, 194–96. Haggai serves as interpreter of priestly purity laws in Hag 2:10; the high priest Joshua is given prerogative over the courts in Zech 3:7. The Chronicler has King David dividing the Levites into various occupations related to their service in the Temple, among them six thousand "officers and magistrates" (1 Chr 23:4); King Jehoshaphat appointing judges from the ranks of priests, Levites, and heads of clans (2 Chr 19:8). Regarding law enforcement, the Chronicler recounts the stationing of an army of priests and Levites from multiple divisions around the temple in the time of the coronation of King Joash, to protect him as he took shelter there (2 Chr 23). "The Levites shall surround the king on every side, every man with his weapons at the ready; and whoever enters the house shall be killed" (2 Chr 23:7). The priestly force eventually executed the deposed Queen Athaliah (2 Chr 23:12–15).

⁵⁴ Joel S. Baden, "The Violent Origins of the Levites: Text and Tradition," in *Levites and Priests in Biblical History and Tradition* (ed. Mark A. Leuchter and Jeremy M. Hutton; vol. 9 of *Ancient Israel and Its Literature*; Atlanta: Society of Biblical Literature, 2011), 103–116.

⁵⁵ *Ibid.*, 109–12.

the bellies of an Israelite man and his Midianite mistress in Num 25:6–13.⁵⁶ In a society where priests could also be adjudicators and armed law enforcers, the potential exists for giving monetary inducements under the guise of consecration.

The bribing of judges and magistrates is condemned already in Deut 16:18–19. Micah 3:11 includes priestly instruction "for a price" among those wrongs leading to the fall of Jerusalem. Ben Sira 35:14 warns against offering God a bribe, "for he will not accept it." The Damascus Document (VI:15) denounces the accumulation of wealth by priests from vows and *hērem* declarations when it speaks of "the wicked defiling wealth through a vow and *hērem*." The Rule of the Community (4Q258 I:12) lists *hērem* declarations together with oaths and vows as things characteristic of those who scorn the Lord's word. The reasons for these condemnations may prove just as variegated as the motivations behind the consecrations of Lev 27, but they do strongly suggest a form of corruption. Having established that priests rather than the temple institution were the beneficiaries of field consecrations and *hērem* declarations, among other free-will offerings, and given the influential role of priests in Judean society, particularly with the establishment of a provincial hierocracy in the early Second Temple period, it is hardly a stretch to imagine situations in which consecrations were little more than bribes. The context can help us appreciate why the legislators behind the field consecrations

⁵⁶ See Michael A. Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford; New York: Clarendon Press; Oxford University Press, 1985), 398; John J. Collins, "The Zeal of Phinehas: The Bible and the Legitimation of Violence," *Journal of Biblical Literature* 122, no. 1 (2003), 3–21; Baden, "Violent Origins," 116.

mechanisms of Lev 27 would find it so important to give no special privileges to the priesthood with regard to land tenure.⁵⁷

Another less than pious motivation behind consecration of this sort, particularly with respect to landed property, involves dispossession. Since land would have been kept within the family as part of one's patrimony, one could cut off one's heirs or other dependents by declaring his or her property consecrated to Yahweh. Such appears to be the concern behind Jesus's statement in Mark 7:9–13 condemning the Pharisees and scribes for allowing persons to renounce all support of their parents by declaring their property "Qorban" (a "sacrifice" or offering to the LORD), which presumably was another type of oath formula resulting in self-imposed dispossession. Alison Burford suggests that in classical Greece less than pious motives for dedicating land to the gods could have included a "wish to reduce the inheritance for a troublesome heir or to diminish one's visible wealth and avoid taxes or public responsibilities incumbent on men of a certain status."⁵⁸

Perhaps these later condemnations of the consecration mechanism in the Dead Sea Scrolls and New Testament have colored scholarly readings of Lev 27, which it is recalled included what in my opinion is a misguided interpretation of vv. 20–21 as

⁵⁷ For an argument encouraging the reading of the book of Leviticus—particularly its seemingly mundane laws on proper cultic observance—as transmitting a deeper system of ethical norms and behaviors related to this sense of personal sanctity, see Antony Cothey, "Ethics and Holiness in the Theology of Leviticus," *Journal for the Study of the Old Testament* 30, no. 2 (2005), 131–51.

⁵⁸ Burford, *Land and Labor*, 53. On the Qorban vow, see §5.3.2.

involving an act of fraud by consecration.⁵⁹ In my opinion, no such fraud is alluded to in the chapter nor does there appear to be any effort to encourage or discourage this form of consecration as one would see in later Jewish sources on the practice.⁶⁰

Similarly there is hardly any reason to suppose that field consecration was necessarily an obligation resulting from the taking of a conditional vow.⁶¹ It is true that the valuation of persons (*'erkēkā nēpāšôt*) in the first section of Lev 27 (vv. 2–8) is framed as a kind of vow ("When anyone explicitly vows to Yahweh the valuation of a human being..."); but it is also true that none of the other donative mechanisms of the chapter is framed in this manner, real estate consecrations included. Rather, the case law regarding the others opens simply with the conditional *wē'im* ("and if..."), suggesting that the legislation of the chapter has been designed to maintain a separation between the *'erkēkā nēpāšôt* vows of vv. 2–8 and the donation mechanisms of the rest of the chapter, as Tony Cartledge has pointed out.⁶² Though the conditional vow could theoretically also have led to gifts of land—the difference being merely that land rather than a person was vowed to Yahweh should the prayer be answered—the field consecrations are presented

⁵⁹ Such is the view advocated in Porter, "Lev XXVII 20: Some Further Considerations," 569–71; Noth, *Leviticus*, 206; Westbrook, "Jubilee Laws," 225; Stern, *Biblical Herem*, 129. See §2.2.3.

⁶⁰ The Tannaitic rabbis appear to be consciously limiting the application of field consecrations in their commentary in *m. 'Arakin*; see §7.2.2.

⁶¹ According to the custom underlying vv. 2–8, one could have appealed to Yahweh by vowing to offer the equivalent of himself, a member of his family, or a servant of his household and then paid the equivalent in silver once the petition was answered; the valuation mechanism would thus come as a kind of escape from an older practice whereby the vowed person would have been sacrificed, as in the case of Jephthah's vow in Judg 11:30–31, 34–40; Tony W. Cartledge, *Vows in the Hebrew Bible and the Ancient Near East* (Journal for the Study of the Old Testament Supplement Series 147; Sheffield: JSOT Press, 1992), 52–53.

⁶² *Ibid.*, 53; Adolf Wendel, *Das israelitisch-jüdische Gelübde* (Berlin: Philo-Verlag, 1931), 23.

as outside this mechanism and as a fully autonomous and willful donation resulting from the personal religiosity of the individual supplicant.⁶³

The consecration could also have come out of necessity. Farmers could have found themselves in dire straits and in need of alienating their assets, most notably as a form of protection against creditors and administrators to which they were indebted. Poor harvests could have exacerbated the problem. Dedication for sacred purposes of oneself or one's property, including any landed assets, could have been a means of escape from the authorities but also a form of entreaty for divine protection in a time of personal hardship, as is attested in ancient Mesopotamia.⁶⁴

All of these reasons can explain the temporary or permanent alienation of one's land by means of consecration (i.e., Type 1, 2, and 5 consecrations), but they do not explain the land valuation donation of Types 2 and 4 above, whereby one is merely using their patrimonial or purchased land as a means to calculate the size of a silver donation or "redemption" payment to the priest. Why go through the process of consecration, valuation, and redemption if the intent was always merely to provide the cult with a donation of silver?

⁶³ The individuality of the vow as an institution in ancient Israel, as well as the relative lack of involvement of religious authorities in the collection of vowed properties, is a major point emerging from Jacques Berlinerblau's study; *The Vow and the 'Popular Religious Groups' of Ancient Israel* (Journal for the Study of the Old Testament Supplement Series 210; Sheffield: Sheffield Academic Press, 1996), 48–112.

⁶⁴ Trigger, *Early Civilizations*, 330.

I suggest that a verse in Ezek 44:20, also a text from around the period of the Neo-Babylonian and Persian period, can offer a clue.⁶⁵ It reads: "You shall further give the first of the yield of your baking to the priest, that a blessing may rest upon your home." The dough offering is presented here as a sacred perquisite with the explicit purpose of providing a blessing (*lěhānâḥ bĕrākâ*) for the home; as such, it verges on the apotropaic. One might suppose that a similar intention lay behind the consecration of fields and other real estate, serving to protect a piece of property or help save an underperforming or otherwise ailing field. The period of ownership by the divine, even lasting no more than a single day, could have in the minds of these religionists imbued the property with life-giving sanctity.

This in turn can explain why the field consecration mechanism was employed if the end result was always intended to be a silver donation to Yahweh. It can also help us understand why the legal document of Lev 27 was appended to the book of Leviticus. The temporary sanctification of persons, movables, and land individually and autonomously, as practiced through the donation mechanisms of Lev 27, suits the worldview of the Holiness legislation. The Holiness School encouraged the incorporation of priestly notions of holiness into the broader population and as such the sanctification of all in the children of Israel.⁶⁶ This can offer an explanation as to its

⁶⁵ On the date of Ezek 40–48, see §2.1.

⁶⁶ Knohl, *Sanctuary of Silence*, 6–7, 229. Though as Saul Olyan has pointed out, the idea that the entire people of Israel is imbued with sanctity is not unique to the Holiness School. He writes, "And when all is said and done, the people, though sanctified, have no greater privileges in the cultic sphere than do the people

inclusion in the book of Leviticus during the textualization process of the Torah. As the rhetoric of the Holiness School encourages one to view oneself as sanctified, so Lev 27 encourages the sanctification of property in service of cult fundraising objectives.

3.4 The Valuation System

3.4.1 The 20% Redemption Supplement

Reading these verses through a hermeneutical lens that acknowledges the centrality of interpersonal dynamics between priest and benefactor can shed new light on another feature of the pricing scheme of Lev 27, which is the 20% supplement added to the redemption price of an owner who consecrates patrimonial property (v. 19). The supplement was already understood by Philo of Alexandria as a penalty for the donor's "lust of possession" in wishing to regain what he had given over to the priest (*Spec. Laws* 2.37), a reading that resurfaces in Rashi and in modern scholarship such as that of Levine and Milgrom.⁶⁷ A related interpretation is that the 20% addition is meant to discourage anyone from grumbling against a low assessment and renege on the consecration, as Gerstenberger suggests.⁶⁸ These readings assume both that the cult had

according to the Priestly Writing. They have access to neither holy foods nor priestly rites, nor can they approach restricted holy space such as that of the altar for burnt offerings. In short, there is little if any difference between the Holiness School and the Priestly Writers with respect to the place of the people in cultic hierarchy. The difference between the sources seems to be more one of approach to the rhetoric of sanctification. Where the Priestly Writers guard holiness jealously, restricting it to the priesthood alone, the Holiness School speaks of the people's holiness or their potential to be holy." Saul M. Olyan, *Rites and Rank: Hierarchy in Biblical Representations of Cult* (Princeton, N.J.: Princeton University Press, 2000), 122.

⁶⁷ Rashi writes in his comment on v. 13 that "scripture is stringent in requiring the fifth for owners." See Levine, *Leviticus*, 194; Milgrom, *Leviticus* 23–27, 2382. Milgrom quotes this uncited statement by J. Sheldon: "It diminishes the sacredness of the consecration if he can keep changing his mind."

⁶⁸ *Leviticus: A Commentary*, 443.

an interest in retaining the properties themselves and that it was applying fees to discourage redemption and perhaps even to boost its profits opportunistically. Understanding the supplement as a form of punishment for redemption would ostensibly find support in the 20% addition to the restitution payments elsewhere in the book of Leviticus, for the misappropriation of sacred property in Lev 5:16 and for committing fraud with deposits or pledges in Lev 5:24. In both cases the supplement is described as part of the terms of punishment and restitution for the wrong committed.

But with regard to a system regulating cultic donations, one could hardly imagine that it would be devised in a manner that leaves benefactors feeling penalized for redemption—a transaction that in essence resulted in a silver donation to the cult of Yahweh—particularly when that cult would probably have preferred silver payments over gifts in kind. Furthermore, the priests who enjoyed these gifts may have cultivated lifelong ties with their benefactors, some living in close-knit village societies or otherwise participating in broader social networks. Demeaning benefactors by imposing a 20% penalty on them is hardly a recipe for recurring giving. It seems more plausible to me that the supplement was given readily and happily by donors. Why then does the 20% supplement appear at all?

First let me point out that the supplement is mentioned not just in respect to the redemption of patrimonial land but also in four other cases in which owners seek to purchase from the cult something to which Yahweh has a rightful claim: the animal unsuitable for sacrifice (v. 13), the consecrated house (v. 15), the impure firstborn animal

(v. 27), and the tithe (v. 31). There are two types of payments to the cult in which the supplement is not required: the valuations of persons (v. 2–8) and the purchased field (v. 22–23). In the case of the former no human property changes hands and in the latter there similarly no marketable asset in kind emerging from the transaction, with exception of the silver, for the sale rights of a purchased field lie not with the consecrator but with the holder of patrimonial rights. In other words, in neither case does the consecration result in a marketable asset. It seems to me that this is the crucial distinction determining whether the supplement is required. When the cult is given a property they can sell on the market or a property yielding marketable products, redemption requires a 20% supplement.

I would explain the redemption supplement on marketable consecrations as related to the use of the holy shekel (*šeqel haqqōdeš*) in the valuation system of Lev 27, as stipulated in v. 25. The holy shekel standard is explicitly defined in that verse as consisting of 20 gera pieces, a lighter standard compared to the 24-gera royal shekel standard that was adopted in the everyday markets by the end of the Iron Age.⁶⁹ The royal standard appears in the Deuteronomistic sources (1 Sam 13:21; 2 Sam 14:26) and is well represented in the class of limestone scale weights from Judean sites of the late

⁶⁹ See also Exod 30:13–16; Num 3:47, 18:16; Ezek 45:12; and see Raz Kletter, "Weights and Measures," in *The New Interpreter's Dictionary of the Bible* (ed. Katharine Doob Sakenfeld; Nashville: Abingdon Press, 2009), 835. According to Kletter, the common shekel appears to have differed from the royal shekel also with regard to the shape and inscriptions on scale weights. As he points out, a weight from Gezer inscribed with II *lmlk* ("2 to the king") equals the weight of two regular (i.e., non-sanctuary) shekels.

eighth through the early sixth centuries BCE, as Raz Kletter has shown.⁷⁰ Since this all relates to a period before the large-scale introduction of coins into the region, which only began sporadically in Palestine in the fifth century BCE and became commonplace in everyday transactions only in the late fourth, money would have often consisted of silver bullion or small metal pieces that would have been weighed in these 20- or 24-gera bundles. This method of trading in precious metal continued long after coins began circulating on the local markets and the particular class of stone scale weights went out of use.⁷¹ A single gera, weighing about 0.55 gr (or less than a quarter of the weight of a single dime), appears to have been the smallest unit of the common currency for centuries.⁷²

To the framers of Lev 27, the valuations and silver donations were predicated on the use of these bundles of silver pieces rather than coins. Since bundles payable to Yahweh would have contained 20 rather than 24 pieces, all valuations of consecrated

⁷⁰ Scale weights bearing the inscription *nsp* ("half") weigh roughly 5/6ths of the royal shekel and thus equal the 20-gera sacred standard, but as Kletter argues, this appears to be little more than a coincidence and the *nsp* weight seems to be based on the 24-gera system nevertheless; Raz Kletter, *Economic Keystones: The Weight System of the Kingdom of Judah* (Journal for the Study of the Old Testament Supplement Series 276; Sheffield: Sheffield Academic Press, 1998), 140–1. As Nili Fox points out, in Ugaritic the term *nsp* is used for this purpose and weighs roughly the same at 17 gr and in Arabic the word *nusf* means "half." Perhaps the holy shekel derived from this more ancient standard and remained in use in the temple after the heavier 24-gera standard was introduced on the market; *In the Service of the King: Officialdom in Ancient Israel and Judah* (Monographs of the Hebrew Union College 23; Cincinnati: Hebrew Union College Press, 2000), 265.

⁷¹ A small number of stone scale-weights from contexts dated to after 586 BCE, which as Kletter points out are quite likely heirlooms; Kletter, *Economic Keystones*, 42–43. But long-standing local market practices do not disappear with a single war, devastating as the Babylonian conquest may have been. Nor was the introduction of coinage as rapid as Kletter would lead us to believe; see Leo Mildenberg, "On the Money Circulation in Palestine from Artaxerxes II till Ptolemy I. Preliminary Studies of the Local Coinage in the Fifth Persian Satrapy," *Transeuphratène*, no. 7 (1994), 63–71.

⁷² The minuscule Yehud coins of the late Persian and early Hellenistic period—the earliest series to be minted locally in Palestine—carry a similar weight in bronze; see Dan Barag, "The Coinage of Yehud and the Ptolemies," *Israel Numismatic Journal* 13 (1999), 27–38.

properties would have regularly been 20% lower than the potential market price.

Therefore, a person whose consecrated field was assessed at 50 shekels would be leaving the priest with property whose usufruct on the market could actually fetch a price of 60 shekels, since the markets appear to have regularly used the 24-gera standard. Given that non-patrimonial consecrated property was sellable by the priest, I posit that the 20% supplement functioned as a corrective measure bringing the assessed value of a consecration in line with market price.

There is no attempt here to take advantage of the donor's attachment to his property or to impose a penalty on him for seeking to buy it back. The policy is merely in recognition of the fact that the sacred shekel standard is lighter than the royal standard. Incidentally, in the cases outside of Lev 27 in which the 20% supplement is applied—the restitution payments for sacrilege (Lev 5:16) and committing fraud with a deposit or pledge (Lev 5:24)—the properties in question were also marketable. It could be the case that there too the intention was to ensure evenness in an economy where transactions were taking place with two shekel standards, one lighter and one heavier. Why the priests of Yahweh in this period insisted on the continued use of the lighter standard for sacred transactions is perhaps unascertainable, but we can know that they took measures to ensure that the funds of Yahweh did not suffer as a result.

Therefore, the origins of the 20% supplement would seem most appropriate to a late Iron Age context, specifically around the seventh century BCE, when the royal standard was gaining popularity in the local markets. One can note that this generally

suits the view of those scholars who prefer a pre-exilic date for the Holiness Code, most notably Jacob Milgrom and Israel Knohl.⁷³ However, one should keep in mind that the dating of the practice of adding a 20% fee to the redemption price does not necessarily date the Holiness Code itself to the Iron Age; it would merely indicate that the practices about which it provides regulations are from that period.

3.4.2 The Adaptable Pricing Mechanism

A feature of the field consecrations mechanism of Lev 27 that relates in my view to processes of scripturalization involves the pricing mechanism it employs. The legislation calls for the priest to calculate the usufruct value of a field according to its seed capacity (vv. 16–18). A field requiring a homer of barley seed is to be assessed at 50 shekels over the entire Jubilee period.⁷⁴ This translates into a single shekel per year for a plot of land large enough for sowing a homer (about a barrel) of seed. The simplicity of the system is striking, particularly considering that the identical 50-shekel price is quoted earlier in the chapter as the value of an adult human male. Though valiant attempts have been made to associate that 50-shekel price with cost of slaves on the Assyrian markets in the eighth and seventh centuries BCE,⁷⁵ I would hold that the pricing mechanism is meant to provide a benchmark to illustrate, in the case of valuations of persons, the relative

⁷³ Milgrom, *Leviticus 17–22*, 1361–64; Knohl, *Sanctuary of Silence*, 202–12.

⁷⁴ For a discussion on why the pricing of 50 shekels per homer of barley seed must refer to the maximum price for the entire Jubilee period rather than the sowing capacity of a single year, see Noth, *Leviticus*, 206; Wenham, *Leviticus*, 340; Milgrom, *Leviticus 23–27*, 2383.

⁷⁵ Kenneth A. Kitchen, "The Patriarchal Age: Myth or History?," *Biblical Archaeology Review* 21 (1995), 52; Milgrom, *Leviticus 23–27*, 2409.

pricing of other types of servants (women, children, the elderly); and in the case of land, of consecrations made at some point within the Jubilee cycle.⁷⁶ The usufruct of a field consecrated 25 years into the Jubilee cycle, for example, would be valued at 25 shekels for every sowing area capable of holding a homer of seed. A mathematically easier system could hardly have been devised.

The intent of the pricing scheme would then appear to have at its core not the goal of establishing a definitive pricing mechanism but of conveying a set of pricing principles and a basic standard which can then be easily converted to current conditions. A similar phenomenon is evident for the sale of dates by the Ebabbar temple at Sippar in Babylon, which Michael Jursa summarizes as follows:⁷⁷

The frequent 'prices' that result from administrative conversions of a commodity into silver (or vice versa) follow in principle the current market prices, but they are demonstrably also influenced by the administrators' tendency to employ 'nice' numbers and standard rates—in the case of dates, this means that the 'ideal' rate of one shekel of silver = one *kurru*⁷⁸ of dates is much more likely to be found in conversions than in real sales.

The use of "nice" numbers is evidenced in the economic documents of classical Greece as well.⁷⁹ In my opinion, their inclusion by the authors in Lev 27 reflects

⁷⁶ Noth and Wenham had already pointed out that the pricing seems remarkably low, given what we know of biblical pricing of property, but offered no suggestion as to why this was the case. Noth, *Leviticus*, 206; Wenham, *Leviticus*, 340.

⁷⁷ *Aspects of the Economic History of Babylonia*, 449.

⁷⁸ This equals 180 liters, slightly less than 1 homer at 220 liters; see *ibid.*, xviii.

⁷⁹ Sale prices in the so-called *rationes centesimarum*—a group of inscriptions from fourth-century-BCE Athens recording land sales by various public groups of Athenians to private citizens, with a small tax on the proceeds diverted to the treasury of Athena—appear in units of 12.5, 25, or 50, nicely rounded numbers that could indicate formalized periodicity in the setting of an auction, or, as S.D. Lambert has argued, a tendency to use "round" figures for their own sake; see *Rationes Centesimarum: Sales of Public Land in Lykourgan Athens*

awareness that they were writing something that would be interpreted and adjudicated *ad perpetuum* and would need to be suitably adaptable. The principle is at work in the pricing given throughout the chapter, whether for land or human property.⁸⁰ In the absence of reliable data on market prices for land, servants, and other commodities from late Iron Age, Neo-Babylonian, and Persian Judea, one can hardly speculate on the actual usufruct value of any given consecrated field. For it must be assumed, if this supposition is correct, that the shekel-per-annum system was manipulated on a case-by-case basis in a manner suitable to the priest's determination of the field's market worth as well as the donor's means. This is based on the assumption that the flexibility applied to the priest's valuation of persons, as noted in v. 8 ("...if one cannot afford the equivalent...the priest shall assess him according to what the vower can afford"), was similarly drawn upon for field valuations. In addition to providing for maximal applicability of the law across time and in dynamic currency markets, flexibility is built into the system to allow for these ad hoc adjustments based on what the donor could afford.

(Archaia Hellas 3; Amsterdam: J.C. Gieben, 1997), 262–65. See there for a summary of other explanations. See also Burford, *Land and Labor*, 80. On the use of rounded numbers for previously established overbids in land auctions, see §5.2.2.

⁸⁰ Jacques Berlinerblau has noted that while the prices in Lev 27:2–8 are fixed, "this does not threaten the notion of autonomous regulation of content." He continues, "Insofar as this passage knows of different items which are originally vowed and *later* (that is, at the time of payment) converted to the fixed equivalent, it still seems likely that when formulating their petitions supplicants were naming their own terms." Berlinerblau, *The Vow*, 116–17, n. 4 (quote).

3.5 Summary

According to the land donation mechanism of Lev 27, holders of patrimonial rights to a plot of land could donate the usufruct of that land to the cult for a period leading up to the next Jubilee. This would confer usage rights but not ownership to the cult (Type 1, above). Such persons also had the right at any point to purchase those rights back or "redeem" the field. In such a case (Type 2) the redemption price relied on the priest's initial assessment of the usufruct value of the field for the period until the next Jubilee, with the addition of a 20% supplement to match the true market value of the produce of the field.

A common misreading of vv. 20–21 has led to the assumption that non-redemption of any consecrated patrimonial field would necessarily result in *hērem* status being conferred upon the field, which would mark it as an eternal and inalienable holding of a priest. On the contrary, the bond between family and field is preserved by the Jubilee concept, which calls for the return of all assets to their patrimonial holders every fifty years. Normal field consecrations are no exception; they expire at the Jubilee. But if a landholder wished to permanently alienate his/her plot of land, they could sell the usufruct of the field to another and then consecrate that field to Yahweh. At the next Jubilee the patrimonial rights would then move to the cult. This kind of "deferred consecration" as I call it (Type 3), as identified by Haran and Milgrom, enables full alienation in a land tenure system where regular sales were akin to long-term leases. This is the real intention behind vv. 20–21. There is nothing in the legislation suggesting

opportunism on the part of the cult or even any particular interest in accumulating landholdings for the benefit of Yahweh.

Nowhere is this better demonstrated than the case of one who holds the usufruct—but not the patrimonial rights—to a field and wishes to consecrate it nevertheless (Type 4). There the priest takes, in lieu of the field and on the very same day, the field's usufruct value in silver. The field remains in the hands of the donor, with nothing here suggesting the payment of the redemption price in installments, despite attempts by Milgrom and Noth to argue otherwise. The arrangement they advocate would run the risk of creating the very kind of debt bondage the Jubilee legislation works to prevent. In this type of field consecration the priest does not require a 20% supplement because the donation would never have led to marketable goods, for only the holder of patrimonial rights to the field can decide who should enjoy the usufruct of his field and at what price. Even Yahweh's earthly representatives are not, according to this legislation, given that right.

Another major point emerging from this analysis of the field consecrations in Lev 27 is that the profits from field consecrations were enjoyed by priests rather than the altar or temple treasury of Yahweh. There is no hint of the involvement of the sanctuary as an institution in these transactions. The full alienation of one's patrimonial land to the cult by a declaration of *ḥērem* confers that land to a priest, not to the altar. The reforms of King Joash recorded in 2 Kgs 12 and calling for valuation payments and other sources of revenue to be diverted from individual priestly coffers to a communal sanctuary fund

should be taken as an ad hoc measure or at least one not accepted by the authorities behind the priestly writings, the Holiness Code, and Lev 27. There are repeated assertions in priestly legislation of the Hebrew Bible of an individual priest's right to *ḥērem* property, which may have also included land seized by a court for particularly heinous crimes against Yahweh. I argue that the profits of field consecrations were also a priestly entitlement in this phase. Only later would the Jewish temple begin laying claim to these profits.

Field consecrations thus could have resulted in the priests of Yahweh being freeholders of land. Both the deferred field consecration (Type 3) and the *ḥērem* declaration (Type 5) would have conferred full patrimonial landholding rights to them. I have suggested that these benefits could have led in rare instances to the use of consecrations as a form of inducement or bribery, given the role of priests as adjudicators of law. However, more common in my opinion would have been the use of field consecration as a simple means of support for the cult; or in certain cases of imploring the aid of Yahweh for ailing, problematic, or otherwise underproductive properties that the owner had no intention of donating away but rather sought to heal or protect through the acts of sanctification and redemption. In the least, this mechanism of support for the cult of Yahweh should be taken into account in any historical reconstruction of the everyday interactions between the Yahwistic priesthood and members of broader society.

Such donations of land would have inevitably resulted in the accumulation of agricultural property by a priestly class spread across the countryside. This geographic dispersal of priests not entirely engaged in service at the altar of Yahweh and potentially encumbered by land cultivation may have prompted criticism among the Judean intelligentsia. To be sure, the Temple Vision of the book of Ezekiel addresses these very issues by imagining a very different sort of land endowment for the cult.

Chapter 4. Royal Land Endowments to the Hellenistic Jewish Cult

4.1 Introduction

The upheavals in Judea in the late 170s and 160s BCE led to the founding of a new temple to Yahweh in Egypt, the rise of an autocratic Jewish hierarchy no longer paying tribute to the Seleucids, and the creation of the breakaway Essene sect of Jews who quarreled with the Jerusalem priestly establishment on matters of religious practice. Each of these three events led to the creation of literature touching on the question of field consecrations and sacred land endowments.

The account on the founding of the temple in Egypt appears in two texts of Josephus, each of which relate to the endowment by Ptolemy VI Philometer of a tract of land alongside the temple. The rise of the Jerusalem hierarchy as told in its own court history, 1 Maccabees, includes a letter to the Seleucid king Demetrius I to Jonathan in 153/2 BCE in which the Jerusalem temple is offered by the king the revenues from Ptolemais and its hinterland. The Damascus Document, a founding text of the Essenes, includes a legal section in which field consecrations are legislated upon, the first Jewish source on field consecrations since Lev 27. Of these three texts, the first two are discussed in this chapter and the third begins the next.

The three come after several noteworthy instances of silence on the matter of sacred landholdings in Judea in sources that might have attested to the phenomenon.

The Rainer papyrus's two royal ordinances issued by Ptolemy II Philadelphus in 261 BCE regarding the economic administration of Syria and Phoenicia are too generalized to be of any service with regard to the specific Ptolemaic hyparchy of Judea, much less the legal status of its holdings.¹ The hyparchy does appear to have been headed by a high priest from the time of the Greek takeover of the region, or slightly beforehand, with evidence from that period suggesting that the Jerusalem temple was minting its own coins on the eve of Alexander's arrival.²

However, it is unknown whether the political autonomy of the high priesthood in the late fourth century BCE led to any special status for Judea under the classification of sacred land though it would seem unlikely. The documents from the personal archive

¹ From the Rainer papyrus we can ascertain that Ptolemaic rule over the province of Syria and Phoenicia was in the hands of two leading figures—a *strategos* (military officer) and a *dioiketes* (financial officer). The province was subdivided into hyparchies, each with its respective military (*hyparchoi*) and financial (*oikonomoi*) officers. Tax collection was in the hands of tax farmers. Roger S. Bagnall, *The Administration of the Ptolemaic Possessions outside Egypt* (Columbia Studies in the Classical Tradition IV; Leiden: E. J. Brill, 1976), 18–19.

² Dan Barag, "A Silver Coin of Yohanan the High Priest and the Coinage of Judea in the Fourth Century B.C.," *Israel Numismatic Journal* 9 (1986), 2–21; VanderKam, *From Joshua to Caiaphas*, 95–97. VanderKam presents several arguments demonstrating that the high priest was the highest administrative and political figure in Judea beginning in the late fourth century BCE and continuing through to the rise of the Hasmoneans. His observations include the authoritative role of the high priest Onias I as the recipient of a letter from Areios, king of Sparta (as told in 1 Macc 12:20–23 and *Ant.* 12.226–7); the depiction of the high priest Eleazar as the highest-ranking local authority in the *Letter of Aristeas*; the involvement of the high priest Onias III and "the captain of the temple" named Simon in dictating city market laws (2 Macc 3:4); and the role of Menelaus as mediator between the Jews and Seleucid government after the harsh decrees of Antiochus IV (2 Macc 11:27–33). See *ibid.*, 125, 136–37, 167, 180–81, 190–91, 222–23. VanderKam uses these anecdotes and others to offer a sustained argument against Deborah Rooke's thesis that the high priest had no political authority in the late Persian and early Hellenistic periods; see *Zadok's Heirs*, 243–65, esp. 250–52. To VanderKam's compelling arguments let me add one more: the seat of imperial authority in the Jerusalem area—the palatial complex at Ramat Raḥel, a few kilometers south of the city—was abandoned in the late fourth century BCE presumably as tax collecting operations moved to the temple area and began to fall fully under the aegis of the high priest in office there. On the recent archaeological discoveries at Ramat Raḥel, see Oded Lipschits, Yuval Gadot, and Dafna Langgut, "The Riddle of Ramat Raḥel: The Archaeology of a Royal Persian Period Edifice," *Transeuphratène* 21 (2012), esp. 76.

of Zenon, the assistant to Ptolemy II's financial officer, from his visit to Palestine in 259 BCE, mention nothing of an interaction with the Jerusalem high priest; the most prominent landholder in the area appearing in the archive is the Jewish aristocrat Tobias.³ It does seem from a comment by Josephus that the Jerusalem high priest oversaw the collection and payment of tribute to the Ptolemies and that by the time of the Seleucid takeover of Palestine ca. 200 BCE the tax rate for Judea was equivalent to that of royal land rather than sacred land, though according to special concessions offered by Antiochus III to Judea, priests and other temple staff were exempt from the royal taxes (*Ant.* 12.142).⁴ None of these witnesses suggests a special category of incorporated temple assets and the concessions of Antiochus III would if anything demonstrate the continuation of the practice of the unincorporated holding of sacred land by the priesthood. Literary works of the period that pay special attention to the geography of the Land of Israel make no mention of temple-owned land either.⁵ While

³ Victor A. Tcherikover and Alexander Fuks, *Corpus Papyrorum Judaicarum* (vol. 1; Cambridge, Mass.: The Magnes Press; Harvard University Press, 1957), 115–18; Pastor, *Land and Economy*, 33–34.

⁴ In *Ant.* 12.158 the high priest Onias II is said to have withheld the payment of tribute to one of the Ptolemies; see VanderKam, *From Joshua to Caiaphas*, 168–70. On the taxation rate of Judea at the time of the Seleucid takeover, see G. G. Aperghis, *The Seleucid Royal Economy: The Finances and Financial Administration of the Seleucid Empire* (Cambridge: Cambridge University Press, 2004), 166–68; Viviane Baesens, "Royal Taxation and Religious Tribute in Hellenistic Palestine," in *Ancient Economies, Modern Methodologies: Archaeology, Comparative History, Models and Institutions* (ed. Peter F. Bang, et al.; vol. 12 of *Pragmateiai*; Bari: Edipuglia, 2006), 180–83. That Seleucids were content with receiving their share of temple revenues in lump-sum payments by local authorities is evidenced by the successful bids of Jason and later Menelaus to buy the high priesthood through higher tribute payments; see Emil Schürer, Geza Vermes, and Fergus Millar, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.-A.D. 135), Volume I, Revised and Edited* (Edinburgh: T&T Clark, 1973), 148–50.

⁵ The romanticized picture of Judea in the *Letter of Aristeas*—a pseudonymous work likely by an Alexandrian Jew of the Ptolemaic period—has the temple of Jerusalem towering above the rest of Jerusalem (§83) and its fertile well-watered countryside (§105–20) but mentions nothing of the sacred fields or prominent temple estates that would be mentioned by Philo of Alexandria some two centuries later (*Spec. Laws* 1.76; see §5.3.1

all evidence suggests the beginning of a trend towards *latifundia* and monoculture in Judea in the Hellenistic period, there is no support for the notion that the temple in Jerusalem was one of the major landholders.⁶ Jewish resentment toward Seleucid involvement in the economic affairs of the temple is limited to protest against imperial meddling in the treasury of God at Jerusalem and that alone.⁷

below). The third book of the Sibylline Oracles, the main corpus of which is likely another Egyptian Jewish work of the Ptolemaic period, describes the great wealth of the Jerusalem temple as consisting of gold, silver, and purple ornament, and nothing else (3:656–60). Upon the salvation of the elect, the children of God will all live peacefully around the Temple (3:702–5) and enjoy the gifts of peoples of all lands and the rugged terrain of the land will be transformed into a more traversable landscape (3:772–80). On the *Letter of Aristeas*, see V. Tcherikover, "The Ideology of the Letter of Aristeas," *The Harvard Theological Review* 51, no. 2 (1958), 59–85; Erich S. Gruen, *Heritage and Hellenism: The Reinvention of Jewish Tradition* (Berkeley, Calif.: University of California Press, 1998), 215–21. On the Ptolemaic date of the Sibylline Oracles, see Rieuwerd Buitenwerf, *Book III of the Sibylline Oracles and Its Social Setting* (Studia in Veteris Testamenti Pseudepigrapha 17; Leiden; Boston: Brill, 2003), 124–34; John M. G. Barclay, *Jews in the Mediterranean Diaspora from Alexander to Trajan (323 BCE–117 CE)* (Edinburgh: T&T Clark, 1998), 216–28.

⁶ John Kloppenborg has made the case for the origins of rent capitalism and *latifundia* in Palestine in the Hellenistic period only; see "The Growth and Impact of Agricultural Tenancy in Jewish Palestine (III BCE–I CE)," *Journal of the Economic and Social History of the Orient* 51, no. 1 (2008), 31–66; *Tenants in the Vineyard*, 284–313, esp. summary of research on 285–87. Among his sources are the Zenon papyri, which suggest that Apollonius, the finance minister for Ptolemy II Philadelphus, leased land to local farmers and which include evidence for the rise of a class of powerful Judean landowners, the Tobiads among them, A certain "Jeddous" was audacious enough to refuse to pay down a loan to someone in the Ptolemaic regime, perhaps Apollonius's minister Zenon; see Tcherikover and Fuks, *CPJ* I, 115–8, 129–30. The Hefzibah inscription implies a high level of management of local Galilean villages by a certain Seleucid strategos named Ptolemy son of Traseas during the period of the Fifth Syrian War (202–201 BCE); Y. H. Landau, "A Greek Inscription Found Near Hefzibah," *Israel Exploration Journal* 16, no. 1 (1966), 54–70.

⁷ I refer here to the complaint of the Hasmonean patriarch Mattathias in 1 Macc 2:7–13, which tells of the dishonor done to the temple in the raiding by foreigners of her vessels and spoils, and to the legend of Heliiodorus at the temple in 2 Macc 2:1–40. According to that legend, Seleucus IV sends his chief minister Heliiodorus into the temple to rob its treasury, but there Heliiodorus is confronted by a golden rider on a warlike horse, beaten to the ground by two golden boys, and dragged out empty-handed and barely conscious. According to the tale, he would eventually come to respect the Jewish God and offer sacrifice to him. The historicity of at least a visit to the temple by a Seleucid official is supported by the recently discovered Heliiodorus stele of 178 BCE, which records efforts by Seleucus IV (187–175 BCE) for heightened administrative involvement in the financial affairs of the temples of Coele-Syria and Phoenicia, a responsibility that appears to have ultimately fallen to a certain Diophanes, upon the initial instructions of Heliiodorus. The stele was found recently in conjoining pieces at Maresha and on the antiquities market. Hannah M. Cotton and Michael Wörrle, "Seleukos IV to Heliodoros. A New Dossier of Royal Correspondence from Israel," *Zeitschrift für Papyrologie und Epigraphik* 159 (2007), 191–205.

The only extant record of a Hellenistic king endowing a tract of land for the benefit of the Jewish cult is Josephus's description of Ptolemy VI's land grant to Onias at Leontopolis. Josephus relates to the gift in both of his major works, *Jewish War* (*B.J.*) and *Antiquities* (*Ant.*). I argue that from a combination of the two we can deduce that Ptolemy VI granted the high priest Onias IV a tract of land indeed classifiable as sacred land, a special legal category with repercussions with respect to tax collection in Ptolemaic Egypt. If correct it would overturn previous claims by Victor Tcherikover that the Jewish land at Leontopolis was cleruchic land, held by military settlers; and by Richard Last that the land was of special ownerless status that should have led to public auction and not a royal grant. Rather, it seems to me that Josephus's *B.J.* account is one of several in his writings where imperial rulers or governors are portrayed as benefactors of the Jewish cult, a characterization quite in keeping with one of his key objectives in writing *B.J.* and suggesting along with other factors that he had sacred land in mind. Yet Josephus betrays a different perspective in his story on the founding of the Leontopolis temple in *Ant.* There he reveals a more disapproving tone, crafting a narrative that underscores the impurity of the tract based on its previous use by a pagan cult that had been housed there before Onias's arrival. The Jewish sacred landholding at Leontopolis may have a parallel in a sacred plot next to a synagogue at Arsinoe-Krokodilopolis but the evidence on the latter is inconclusive.

With respect to Demetrius I's offer of the revenues from Ptolemais and its farmland for the benefit of the Jerusalem temple, it and the other extraordinarily

lucrative offers he is quoted as making to the Jewish people in 1 Macc 10:25–45 are rejected forcefully by Jonathan and the Jewish people in favor of an alliance with Demetrius's rival to the Seleucid throne, Alexander Balas. After providing background details on this historical episode, I will argue for the scholarly view that recognizes Demetrius I's offers as part of a letter that has been either entirely invented or at least significantly expanded by the author of 1 Maccabees. In my opinion, the author's mention of the endowment of Ptolemais for the benefit of the temple is in service of a deeper message regarding appropriate and inappropriate sources of sustenance for the temple and its altar. The negative portrayal of Demetrius I beforehand in 1 Maccabees relates to this message. As in Josephus's second description of the land endowment for the temple at Leontopolis, here too we see a royal land endowment as paradigmatic of the scorned offering. The embedded message could relate to an ongoing debate among Jerusalem circles regarding the appropriateness of accepting funding from non-Jewish sources for the sake of the temple. The refusal to receive offerings from Romans would according to Josephus be one of the sparks leading to the Jewish war with Rome nearly two centuries after the composition of 1 Maccabees.

4.2 The Land Endowment for the Oniad Temple at Leontopolis

4.2.1 Two Descriptions of the Land Endowment

Josephus is our only source on the founding of the Yahwistic temple at Leontopolis in the nome of Heliopolis in lower Egypt (*B.J.* 7.423–36; *Ant.* 13.62–73).⁸ His two main descriptions disagree with regard to its founder—whether Onias III or IV, both of the Zadokite priestly line—and provide differing details on the nature of the foundation. Scholars tend to prefer the later Onias, agreeing with the chronology of the *Ant.* account and placing the foundation at some point after Onias III's death in 172 BCE.⁹ A personal letter (*CPJ* I) to a certain 'Ovi[αι] dated 164 BCE from an Egyptian administrator named Herodes encourages the cultivation of his farmland in an economic crisis and would seem to indicate that Onias IV had already set up his temple and settlement by then.¹⁰ A papyrus that Gideon Bohak has dated to the middle of the second century BCE seems to

⁸ A brief mention of the Oniad temple also appears in the early part of *B.J.* during a description of the power struggles between Antiochus IV Epiphanes and Ptolemy VI (1.31–3), where Onias builds "a small town on the model of Jerusalem and a temple resembling hours"; and in Josephus's excursus on the high priesthood (*Ant.* 20.237), where he writes: "Onias...persuaded them to build a temple to God in the nome of Heliopolis, similar to the one at Jerusalem, and to appoint him high priest." Here the temple is built *de novo*; in the other *Ant.* passage it is cleansed.

⁹ For a recent summary of the issues surrounding the founding of the temple and an argument for its founding in the early part of the 160s BCE, see Wardle, *The Jerusalem Temple*, 120–29, esp. 129. For other literature on its foundation, see Aryeh Kasher, *The Jews in Hellenistic and Roman Egypt: The Struggle for Equal Rights* (Texte und Studien zum Antiken Judentum 7; Tübingen: J.C.B. Mohr (Paul Siebeck), 1985), 119–35; Erich S. Gruen, "The Origins and Objectives of Onias' Temple," in *Scripta Classica Israelica. Yearbook of the Israel Society for the Promotion of Classical Studies. Studies in Memory of Abraham Wasserstein II* (ed. Hannah M. Cotton, et al.; Jerusalem: The Israel Society for the Promotion of Classical Studies, 1997); Joseph Modrzejewski, *The Jews of Egypt: From Rameses II to Emperor Hadrian* (trans. Robert Cornman; Philadelphia: Jewish Publication Society, 1995), 129–33; Joan E. Taylor, "A Second Temple in Egypt: the Evidence for the Zadokite Temple of Onias," *Journal for the Study of Judaism* 29 (1998), 297–321.

¹⁰ Tcherikover and Fuks, *CPJ* I, 245–46. See also Wardle, *The Jerusalem Temple*, 127–28; Kasher, *Jews in Hellenistic and Roman Egypt*, 60–61; Gruen, "Onias' Temple," 55–56.

reflect local objection to the new Jewish presence at Leontopolis.¹¹ A founding date therefore sometime in the early 160s BCE seems most likely.

Archaeological work at Tel el-Yehoudieh, the site traditionally associated with Leontopolis, has yielded inconclusive results on the whereabouts of the temple.¹² It would remain active until the end of the first Jewish war with Rome, when it was destroyed by the Roman authorities for fear that it would turn into a locus of sedition (*B.J.* 7.423–36; *Ant.* 13.66–70; 20.237). In retelling this event Josephus provides his first description of its foundation. Onias is said to have reached out to Ptolemy VI Philometer (c. 186–145 BCE) for assistance, noting that the temple could help in Ptolemy's struggles with the Seleucids by causing many Jews to "flock to him for the sake of religious toleration." The account continues as follows and would later mention the special plot of land set aside for the temple (*B.J.* 7.426–30):¹³

(426) Induced by this statement, Ptolemy gave him a tract, a hundred and eighty furlongs distant from Memphis; this is the so-called nome of Heliopolis. (427) Here Onias erected a fortress and built his temple (which was not like that in Jerusalem, but resembled a tower) of huge stones and sixty cubits in altitude...

(426) Πεισθεὶς Πτολεμαῖος τοῖς λεγομένοις δίδωσιν αὐτῷ χώραν ἑκατὸν ἐπὶ τοῖς ὀγδοήκοντα σταδίου ἀπέχουσαν Μέμφεως νομὸς δ' οὗτος Ἡλιοπολίτης καλεῖται. (427) φρούριον ἔνθα κατασκευασάμενος Ὀνίας τὸν μὲν ναὸν οὐχ ὅμοιον ᾧκοδόμησε τῷ ἐν Ἱεροσολύμοις, ἀλλὰ πύργῳ παραπλήσιον λίθων μεγάλων εἰς ἐξήκοντα πήχεις ἀνεστηκότα...

¹¹ Gideon Bohak, "CPJ III, 520: the Egyptian Reaction To Onias' Temple," *Journal for the Study of Judaism* 26 (1995), 32–41.

¹² For a summary of the archaeological exploration of the site, see Wardle, *The Jerusalem Temple*, 129–31.

¹³ Josephus also notes that Onias's intention was out of resentment to the Jerusalem establishment; and that he used Isaiah's ancient prediction as justification: "In that day there shall be an altar to the Lord in the midst of the land of Egypt" (Isa 19:19; *B.J.* 7.431–32).

(430) The king, moreover, assigned him a large territory as a source of revenue, to yield both abundance for the priests and large provision for the service of God.

(430) ἀνήκε δὲ καὶ χώραν πολλὴν ὁ βασιλεὺς εἰς χρημάτων πρόσοδον, ὅπως εἶη καὶ τοῖς ἱερεῦσιν ἀφθονία καὶ τῷ θεῷ πολλὰ τὰ πρὸς τὴν εὐσέβειαν.

Josephus then notes that Onias's motives for founding the temple in Egypt involved his resentment toward the Jerusalem establishment and desire to draw masses of worshippers away from the Jerusalem temple to his area (*B.J.* 7.431–32). A more detailed description of the circumstances of the founding of the temple at Leontopolis appears in *Ant.*, where Josephus presents what he claims to be a correspondence between Onias IV and Ptolemy VI on the matter. I have brought a relevant excerpt from Onias IV's letter¹⁴ followed by a brief comment by Josephus and then Ptolemy's response (*Ant.* 13.66–71):¹⁵

(66) [Onias IV:] "I have found a most suitable place in the fortress called after Bubastis-of-the-Fields, which abounds in various kinds of trees and is full of sacred animals, (67) wherefore I beg you to permit me to cleanse this temple, which belongs to no one and is in ruins..."

... ἐπιτηδειότατον εὐρὼν τόπον ἐν τῷ προσαγορευομένῳ τῆς ἀγρίας Βουβάστεως ὀχυρώματι, βρῦοντα ποικίλης ὕλης καὶ τῶν ἱερῶν ζώων μεστόν, δέομαι συγχωρῆσαί μοι, τὸ ἀδέσποτον ἀνακαθάραντι ἱερὸν καὶ συμπεπτωκὸς...

(69) ...This, then, is what Onias wrote to King Ptolemy. And one may get a notion of the king's piety and that of his sister and wife Cleopatra from the letter which they wrote in reply, for they placed the blame for the sin and transgression

...Καὶ ταῦτα μὲν ὁ Ὀνίας τῷ βασιλεῖ Πτολεμαίῳ γράφει. κατανοήσῃ δ' ἂν τις αὐτοῦ τὴν εὐσέβειαν καὶ Κλεοπάτρας τῆς ἀδελφῆς αὐτοῦ καὶ γυναικὸς ἐξ ἧς ἀντέγραψαν ἐπιστολῆς, τὴν γὰρ ἁμαρτίαν καὶ τὴν τοῦ νόμου παράβασιν εἰς τὴν Ὀνίου κεφαλὴν ἀνέθεσαν.

¹⁴ The remainder of Onias's letter recalls conflict among the Ptolemaic sphere over religious differences and Onias's desire to establish a temple there where Jews can live in harmony; he also mentions Isa 19:19 as predicting the founding of a temple there by Onias.

¹⁵ Text and translation after Loeb, *Josephus IX* (Ralph Marcus, translator).

against the Law on the head of Onias,
writing the following reply:

(70) "King Ptolemy and Queen Cleopatra to Onias, greeting. We have read your petition asking that it be permitted you to cleanse the ruined temple in Leontopolis in the nome of Heliopolis, called Bubastis-of-the-Fields. We wonder, therefore, whether it will be pleasing to God that a temple be built in a place so wild and full of sacred animals. (71) But since you say that the prophet Isaiah foretold this long ago, we grant your request if this is to be in accordance with the Law, so that we may not seem to have sinned against God in any way."

ἀντέγραψαν γὰρ οὕτως: "βασιλεὺς Πτολεμαῖος καὶ βασίλισσα Κλεοπάτρα Ὀνία χαίρειν. ἀνέγνωμέν σου τὴν ἐπιστολὴν ἀξιοῦντος ἐπιτραπῆναί σοι τὸ ἐν Λεόντων πόλει τοῦ Ἡλιοπολίτου ἱερὸν συμπεπτωκὸς ἀνακαθᾶραι, προσαγορευόμενον δὲ τῆς ἀγρίας Βουβάστεως. διὸ καὶ θαυμάζομεν εἰ ἔσται τῷ θεῷ κεχαρισμένον τὸ καθιδρυσόμενον ἱερὸν ἐν ἀσελγεῖ τόπῳ καὶ πλήρει ζώων ἱερῶν. ἐπεὶ δὲ σὺ φῆς Ἡσαΐαν τὸν προφήτην ἐκ πολλοῦ χρόνου τοῦτο προειρηκέναι συγχωροῦμέν σοι, εἰ μέλλει τοῦτ' ἔσεσθαι κατὰ τὸν νόμον, ὥστε μηδὲν ἡμᾶς δοκεῖν εἰς τὸν θεὸν ἐξημαρτηκέναι."

Before discussing this intriguing response from Ptolemy VI and Cleopatra to Onias IV, as crafted by Josephus, I should point out two previous attempts at characterizing this land endowment from a legal perspective. The primary study on the matter has been endeavored by Victor Tcherikover, who has identified the Oniad land as cleruchic land, which refers to plots awarded by the Ptolemies to soldiers as a reward for military service.¹⁶ This relates to Tcherikover's theory that the Oniad temple and settlement was established for military purposes and its inhabitants were soldiers from Palestine, with some priests among them, given support by Ptolemy VI because of his aspirations to expand into Palestine. It would thus make sense for the king to give shelter to one of the priestly dynasty in hopes that one day he could take over the

¹⁶ Victor Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia: Jewish Publication Society of America, 1959), 278–81.

Jerusalem establishment and win over popular support. That there was a military colony around Leontopolis and that the Jewish presence there had a military character to it is supported by the fact that Josephus refers to it as a fortress (ὄχυρωμα) in *Ant.* 13.66, that Onias's sons Helkias and Hananiah became prominent commanders under Cleopatra III (116–102 BCE; *Ant.* 13.287), that Jewish inhabitants of the region would later protect the route from Pelusium to Memphis (*B.J.* 1.190; *Ant.* 14.131), and that there was a place in the vicinity called the "Jewish camp" (*B.J.* 1.191; *Ant.* 14.133).

Had the entire land endowment been cleruchic land, it would have been in a special administrative category akin to sacred land and classified in Ptolemaic documents as "in release" (ἐν ἀφέσει). These lands were not exempt from taxes entirely but probably did not reach the tax burden approaching 50% per annum on the produce of typical peasant holdings on royal land, where landholders were viewed as tenants of the royal house and their heavy taxes seen as a kind of rent payment or tribute.¹⁷

A second study addressing the topic is the recent article by Richard Last arguing against Tcherikover that the land in question was ownerless (in Josephus's term ἀδέσποτος) property.¹⁸ As such it would have needed to be put up for auction and could not have technically been gifted by the king to a newcomer. Josephus would have been aware, claims Last, of the inappropriateness of Ptolemy VI's gesture of gifting ownerless land when the legal custom called for an auction, as attested in the papyrological

¹⁷ Monson, *From the Ptolemies to the Romans*, 77–78; Manning, *Land and Power*, 56–61.

¹⁸ Richard Last, "Onias IV and the ἀδέσποτος ἱερός: Placing Antiquities 13.62–73 into the Context of Ptolemaic Land Tenure," *Journal for the Study of Judaism* 41, no. 4–5 (2010), 494–516.

evidence. This would have further delegitimized Onias IV and his Egyptian holdings to Josephus's audience. Thus according to Last the land endowment was not a rightful grant of cleruchic land but a wrongful seizure of a landed asset.

In my opinion both Tcherikover and Last have overlooked evidence that Ptolemy VI's endowment to Onias IV included a tract of sacred land (ἱερὰ γῆ). In *B.J.* 7.430, Josephus describes the gifted plot as functioning for the personal income or "abundance" of the priests and as a "large provision" for funding the religious service. Both of these descriptors suit the primary function of sacred land, where revenues are meant for the support of priests and for covering costs of cult operations. This portrays Ptolemy as a benefactor for the cult, a point that would prove to be quite relevant to the larger literary context in *B.J.* and would echo other instances in which Josephus elevates foreign rulers or representatives of foreign imperial regimes to the role of cultic patron. By having Ptolemy endow sacred land for the cult, he is utilizing a *topos* that is evidenced in his descriptions of Nehemiah, Sanballat, and Titus.

4.2.2 Endowers of Real Estate for the Jewish Cult in Josephus and Elsewhere

Nehemiah the Judean governor under the Persians in the middle of the fifth century BCE is presented as a supporter and reformer of the temple of Yahweh. In Neh 11:1–2 he takes efforts to increase the population of Jerusalem. Josephus's version of the events (*Ant.* 11.181–182) adds the detail that Nehemiah "had prepared houses for them at his own expense and also told the people who cultivated the land to bring tithes of their produce to Jerusalem in order that the priests and Levites, having a perpetual source of

livelihood, might not abandon the temple service." These measures are followed by an encomiastic remark by Josephus noting that Nehemiah had performed other "splendid and praiseworthy public services" and was a man of a "kind and just nature" (*Ant.* 11.183). These are elaborations by a historian interested in portraying Nehemiah as an ideal leader and benefactor. The construction of houses for the priests and Levites in Jerusalem is not found in Josephus's source material in Nehemiah and could have been entirely imagined by him for the benefit of this characterization.

A similar portrait of imperial benefaction for the good of the cult of Yahweh emerges in Josephus's account of the founding of the Yahwistic sanctuary at Mt. Gerizim, which he apparently erroneously dates to the reign of Darius III (338–331 BCE).¹⁹ In his account he tells of the promise by Sanballat, governor of the Persian province of Samaria, of land grants for agriculture (*χώραν εἰς γεωργίαν*), dwelling places, and money for all those who followed the high priest Manasses to the new temple, priests included (*Ant.* 11.312). Josephus notes that Sanballat "enthusiastically supported" (from *συμφιλοκαλέω*) his new son-in-law Manasses as he established the new cult in Samaria (*ibid.*). Once again a representative of the imperial regime is portrayed as land donor and benefactor of the cult.

¹⁹ For the historical issues surrounding Josephus's account, see Jörg Frey, "Temple and Rival Temple: The Cases of Elephantine, Mt. Gerizim, and Leontopolis," in *Gemeinde ohne Tempel: Zur Substituierung und Transformation des Jerusalemer Tempels und seines Kults im Alten Testament, antiken Judentum und frühen Christentum* (ed. Beate Ego, et al.; vol. 118 of *Wissenschaftliche Untersuchungen zum Neuen Testament*; Tübingen: Mohr Siebeck, 1999), 180–83.

A third instance involves Josephus himself, who relates an incident in *Life* 422 regarding his own parcel of land somewhere near Jerusalem. It is important testimony to the free holding of land by members of the Jewish priesthood in the early Roman period, a subject to which I will return in a later chapter, and would presumably have supplemented whatever income he had from his priestly service.²⁰ As part of his deal with the Roman authorities toward the end of the war, he was compensated for this land because it had become unprofitable to him with the encampment of Roman soldiers in the area, with Titus himself making sure that he was given a fitting parcel nearer to the Mediterranean coast. Josephus then describes Titus as having paid him "great respect" and even offering to let him sail with him on his ship back to Rome (*ibid.*). Titus here assumes the role of patron to Josephus and endower of land to him, as Nehemiah was for the priests and Levites who moved into Jerusalem, as Sanballat was for those priests who defected from Jerusalem to Gerizim, and as Ptolemy VI was in this account of the founding of the Oniad temple in Egypt. There are similar accounts in Josephus and Second Temple literature involving imperial largesse toward the cult involving other forms of offerings or grants.²¹

²⁰ He was a man of sufficient means to be able to refuse presents due to him as a priest during his stay in the Galilee during the war (*Life* 80).

²¹ Shaye Cohen sees Josephus's characterization of the good and pious monarch as involving reverence for God, which can be expressed by votive offerings and other promises toward his temple; "Respect for Judaism by Gentiles According to Josephus," *The Harvard Theological Review* 80, no. 4 (1987). I would mention the example of Antiochus III, who according to *Ant.* 12.120 committed to support the expenses of the sacrificial cult.

I would compare Josephus's commendation of this form of pious benefaction to the characterization of the biblical figure of Moses in the writings of the fourth-century BCE historian Hecataeus of Abdera. In the course of his retelling the Exodus from Egypt in *Aegyptica* (as brought by Diodorus Siculus, *Bibl. His.* 60.3), Hecataeus speaks of early Israelite history in a manner which confuses the biblical character of Moses with Joshua. It was Moses, writes Hecataeus, who "led out military expeditions against the neighboring tribes, and after annexing much land apportioned it out, assigning equal allotments to private citizens and greater ones to the priests, in order that they, by virtue of receiving more ample revenues, might be undistracted and apply themselves continually to the worship of God."²² As Menahem Stern points out, Hecataeus's vision of priests being allotted more land has parallels in Greek utopias, namely Euhemerus' comment that priests should get a double share of land (Diodorus V, 45.5).²³ The landed Egyptian priesthood with which Hecataeus would surely have become familiar in his ethnographic work on Egypt may have influenced his account. His expectation regarding the munificence of rulers toward priests would anticipate the same sentiment reflected in Josephus' account of the gifting of a goodly plot to Onias IV at Leontopolis.

Another relevant comparandum is the Edfu Donation Text, an inscription of the first century BCE on the outer retaining wall of the temple of Horus at Edfu in Upper

²² Section 7 in Stern's text; *Greek and Latin Authors on Jews and Judaism. Edited with Introductions, Translations and Commentary. Volume One: From Herodotus to Plutarch* (Jerusalem: Israel Academy of Sciences and Humanities, 1974), 26–29.

²³ *Ibid.*, 32.

Egypt.²⁴ It seems to be a hieroglyphic transcription of a dossier of temple holdings of land in the area of the temple. The list includes an apparently fictional donation of land given by Ptolemy X Alexander (110–109, 107–88 BCE) alongside plots of land that the temple of Edfu actually held. Plots that were in possession of the temple for centuries appear to have been gifted anew, according to the Donation Text, at the beginning of the reigns of Ptolemaic rulers. In the words of J.G. Manning, the "religious act recorded by such texts is a record of pharaonic piety, an essential element in maintaining ritual order....Subsequent pharaohs merely 'reiterate' a donation of a previous king."²⁵

I regard Josephus's description of Ptolemy VI's gift of land to Onias IV as a similar display of imperial piety and it suited a larger rhetorical and ideological purpose behind *B.J.* Josephus's writings of course were written as he lived in Rome as beneficiary of patronage by the Flavian house. His histories, particularly *B.J.*, are not without a degree of reverence for the Roman emperors and have even been called propagandistic in this respect.²⁶ In each of these instances his portrayals are meant to show a history of

²⁴ Manning, *Land and Power*, 74–79, 245–66.

²⁵ *Ibid.*, 76–77.

²⁶ On the view that Josephus saw patronage by ruling parties as the key element for Jewish prosperity during his post-bellum life in Rome, see Tessa Rajak, "Josephus in the Diaspora," in *Flavius Josephus and Flavian Rome* (ed. J. C. Edmondson, et al.; Oxford; New York: Oxford University Press, 2005), 79–97. On the unequal power relations in Flavian Rome that underlie much of Josephus's writing and worldview, see John M.G. Barclay, "The Empire Writes Back: Josephan Rhetoric in Flavian Rome," *ibid.* 315–32. On the thesis that during the period in which Josephus wrote *B.J.* he was still engaged in Jewish apologetics, see Shaye J. D. Cohen, *Josephus in Galilee and Rome: His Vita and Development as a Historian* (Columbia Studies in the Classical Tradition 8; Leiden: Brill, 1979), esp. 232–42. But cf. Steve Mason's argument challenging the view that *B.J.* was written as propaganda to encourage submission to the Romans (but should be read first and foremost as an attempt at a fair treatment of his people) in "Of Audience and Meaning: Reading Josephus' *Bellum Judaicum* in the Context of a Flavian Audience," in *Josephus and Jewish History in Flavian Rome and Beyond* (ed.

support by foreign regimes or local representatives of those regimes in the form of gifts of real estate for the benefit of the cult. I therefore view the account in *B.J.* of the founding of the Oniad temple at Leontopolis and the gifting of land there by the Ptolemaic king against this backdrop. It appears as an aside in a retelling of the temple's destruction at the hands of the Romans and thus provides an important counterpoint to it. Josephus wants his audience to be aware of the fact that the entire Oniad enterprise there would have been impossible without foreign imperial support, recalling other instances in his histories and elsewhere where prominent real estate grants have helped the cult of Yahweh self-subsist.

4.2.3 The Land Endowment as a Delegitimizing Feature of the Oniad Cult

His substantially different version on the foundation of the Oniad temple mentions nothing of this land endowment for cultic purposes but includes other details typical of sacred land, namely the presence of abundant trees and sacred animals. In an instance of deftly crafted irony, Josephus has Ptolemy and Cleopatra responding with incredulousness to Onias's request that he build a sanctuary at the old temple site of Bubastis-of-the-Fields, for how could a Jew and scion of a high priestly family deem it appropriate to found a temple in such a place. In their response they explicitly wonder if the foundation of a Jewish temple on the site—defiled by the pagan cult that took place there earlier, the vestiges of which are very much alive in the form of sacred animals still

Joseph Sievers and Gaia Lembi; vol. 104 of Supplements to the Journal for the Study of Judaism; Leiden; Boston: Brill, 2005), 71–100.

wandering around the place— would find favor in the eyes of God. Their knowledge of Jewish custom underscores Onias IV's transgression of it. Josephus's fashioning of the narrative works to delegitimize the Oniad temple, a sentiment that would continue into rabbinic writings as well.²⁷ It furthers his notion that the status of the place was of sacred land, once affiliated with another cult and now held by Jewish priests.

Josephus's narrative is thus revelatory not only of his negative disposition toward the Oniad temple—an establishment that after all would have been detracting from pilgrimage traffic to Jerusalem at least minimally and representing an alternative model to it—but also to features of temple landholdings. In this regard his description of the pious Ptolemaic rulers trying to teach the errant Jewish priest about proper Torah law is reminiscent Philo of Alexandria's opinion on the matter of the sacred grove (*Spec. Laws* 1.74–75). Though Philo would never make mention of the Oniad temple, as an Egyptian he would have been familiar with the groves of consecrated trees that often stood adjacent to Egyptian shrines and offers his comment on why the Jerusalem temple lacks such a feature. A temple should be not about "providing pleasure and hours of easy enjoyment" as a sacred grove can provide, he writes, but should remind one of the "austerity of religion." He also notes that sacred trees would have required fertilizer, entirely inappropriate in his view for the Jewish temple, for "excrements of men and irrational animals cannot be brought (into the temple) without profanity." Furthermore,

²⁷ The priests of Leontopolis were consigned by the rabbis a lesser status without altar privileges (*m. Menahot* 3:10).

the fruit-bearing trees would distract the fickle-minded from the due respect to the temple and the ceremonies conducted therein and were often where those seeking refuge would spend their time. The absence of a sacred grove in the Jerusalem temple is also pointed out by Pseudo-Hecataeus (Josephus, *C. Ap.* 1.199).

Regarding sacred animals, they were a prominent feature of Egyptian religion condemned elsewhere by Philo (*Decalogue* 76–80) and Josephus (*C. Ap.* 1.225; 2.66, 81, 86, 140) and in the *Wisdom of Solomon* (15:18–16:1). The religious practice may have conjured images of bull worship as part of the old Canaanite cult so thoroughly denounced in biblical writings.²⁸ The stigma may also relate to the anti-Semitic claim in classical antiquity that Jews worshipped an ass's head in their temples.²⁹ This stigma would have applied even if Onias IV had no intention of worshipping the animals but only use them for sacrifice.

This background can help us appreciate why Josephus has the entire place of Bubastis-of-the-Fields deemed impure. Onias IV observes that the place is marked by its variety of trees and sacred animals, not to mention its dilapidated temple, so that a fully operational religious cult would be a relatively easy thing to establish there. The trees

²⁸ The sin of the worship of the golden calf in Exod 32 is the most famous of the biblical polemics against it; see Jack M. Sasson, "Bovine Symbolism in the Exodus Narrative," *Vetus Testamentum* 18, no. 3 (1968), 380–87.

²⁹ Mnaseas of Patara (*C. Ap.* 2.112–14) writes that a certain Idumean named Zabidus carried off the golden head of an ass from within the Jewish temple and brought it to Dora. Tacitus (*Histories*, 5.3–4) relates that Moses discovered water in the wilderness by following a herd of wild asses; and Diodorus (*Bibliotheca Historica*, 34–5, 1:3) states that Antiochus IV found in the Jerusalem temple a statue of a bearded man on an ass. See also *C. Ap.* 2.80; Stern, *Greek and Latin Authors, Vol. 1*, 97–98. Stern notes the association of the ass with Typhon-Seth, the enemy of Osiris, and the fact that the name Iao, the name of the Jewish God in pagan circles, resembles the sound of the Egyptian word for ass.

could be used for growing fruit and producing oil and wine for the altar or for procuring timber for sanctuary construction; the animals could be used for sacrifice on the altar; and the old sanctuary itself renovated and turned into a Jewish place of worship. The surrounding fields that once grew produce for nourishing a pagan altar will now be set aside for the purposes of nourishing one for Yahweh. Josephus is crafting the story to underscore the fact that Onias's altar—his entire sacred economy, in other words—is being sustained by an impure source. It has all been dirtied by its earlier association with another cult.

This is the primary way in which Josephus delegitimizes the Oniad cult, not his observation that the land was ἀδέσποτος, as Last has claimed. Josephus undermined Onias IV's legitimacy in *Ant.* 13 by portraying him as irreverent of God's law rather than of proper land conveyance procedure. Part of this irreverence is his acceptance of sacred land as fitting for the altar of the Jewish God, a feature that is quite explicitly condemned in the narrative. Had Josephus wished to delegitimize Onias IV's land for the improper procedure with which it was acquired, one must assume he would have been more explicit about that as well.

4.2.4 The Land Endowment as Sacred Land

Thus there are several lines of evidence pointing to the fact that Ptolemy VI endowed Onias and his schismatic cult with a tract of sacred land, including Josephus's description of the purpose of the endowment in *B.J.*, his characterization of Ptolemy in a manner comparable to other patrons of the Jewish cult who have endowed it with real

estate of some sort, and his awareness in *Ant.* that the land had been a sacred plot associated with an earlier cult. To these we can add one further argument.

To Josephus the Jewish claim to that land at Leontopolis reached no further back than the land grant by Ptolemy VI, but there is reason to believe that the Jewish community who lived and worshipped there saw those claims reaching much further back in history. Gideon Bohak has argued that the apocryphal Greek work of "rewritten Bible" called *Joseph and Aseneth* reflects just that and is meant among other things to legitimate the Jewish presence there.³⁰ The story is a retelling of Joseph's marriage to Aseneth, a daughter of an Egyptian priest (Gen 41:45), into a tale of her righteous conversion and status as a prototypical proselyte. Among Bohak's observations is the emphasis in the tale on Aseneth's field of inheritance (3:5, 4:2), which would then pass to Joseph once Aseneth married him.³¹ The passage in 4:2 stresses all the good things that Aseneth would enjoy from the land—fruit, grapes, dates, doves, pomegranates, and figs. The tale thus extols the land while connecting it to the forefathers' generation. It recognizes that the land was once connected to the Egyptian priesthood (through the figure of Aseneth's father) but long before the Ptolemies it had once been the rightful holding of a Judean patriarch by virtue of his marriage into the family. If Bohak's theory holds, this tradition would serve to defuse and neutralize any notion of the impurity of

³⁰ Gideon Bohak, *Joseph and Aseneth and the Jewish Temple in Heliopolis* (Society of Biblical Literature: Early Judaism and Its Literature 10; Atlanta: Scholars Press, 1996), esp. 83–104.

³¹ *Ibid.*, 64–67. On a similar remark by the Hellenistic Jewish historian Artapanus, brought by Eusebius (*Praeparatio Evangelica* 9.23.1–4), see Frey, "Temple and Rival Temple," 187, n. 99.

the land, whether based on the fact that it once housed a pagan cult, as Josephus reminds his audience, or by virtue of the fact that it originated as a gift from a foreign ruler. More importantly, it would retain the memory of this land having always been *ἱερὰ γῆ*—once Egyptian, now Jewish.

That Onias IV was seen as the de facto owner of the land surrounding his temple in the above-mentioned papyrus (*CPJ I*) should not necessarily be taken as evidence that his temple was not endowed with *ἱερὰ γῆ*. Incidentally, the moniker *ἡ Ὀνίου χωρά* ("the land of Onias") is used by Josephus in *B.J.* 1.190 and *Ant.* 14.131 and in a comment by Strabo referring to the Jews in the Oniad district as *οἱ ἐκ τῆς Ὀνίου γενόμενοι* ("those of the Oniad [district]") in *Ant.* 13.287. First of all it can be pointed out that the land tenure arrangements for sacred land varied considerably, with certain sanctuaries leasing out land and collecting rent payments and others gifting them to priests who appear to have held them freely.³² One can only speculate how Onias IV managed the sacred land gifted for his priesthood or his temple: it could have been divided among his priests and become their private holdings or it could have been rented out with the intention of using those revenues for covering sanctuary expenses. But the association of land with an individual and its status as sacred land need not have been mutually exclusive.³³ A second point is that the area under Onias's auspices could have included sacred land as

³² On the private holding of sacred land, see Monson, *From the Ptolemies to the Romans*, 77, 79–82.

³³ The Hauswaldt papyri (265–208 BCE) includes land conveyances of plots of pasture lands among the "servants of Horus of Edfu," which appear to have been held and sold freely by individuals; see Manning, *Land and Power*, 79–85. Apparently Horus's herdsmen were being given small plots of sacred land in exchange for their work and could freely convey them to others and use them as they saw fit.

well as other kinds of plots. This can explain the mention in Josephus of a "Jewish camp" in the area (*B.J.* 1.191; *Ant.* 14.133).

If the area did in fact include a plot of *ιερά γῆ* as Josephus's descriptions would indicate, one can assume that it would have been seen as land *ἐν ἀφέσει* and thus released from rent payments to the Ptolemaic regime, though liable for the main taxes on wheat and fruits of the field.³⁴ Its foundation by Ptolemy VI could be seen in the context of other acts of Ptolemaic largesse toward Egyptian cults. The construction by Ptolemy III Euergetes of a huge temple to Serapis, the patron-god of Alexandria and the grandest of all Alexandrian temples, would be a case in point.³⁵ The Canopus and Rosetta decrees (238 and 196 BCE, respectively) confer rights and revenues to the Egyptian priesthood and seem to reflect awareness by the Ptolemaic regime of the increasing power of the local priesthood and the importance of pious munificence in negotiating with local authorities.³⁶ A royal decree from the Tebtunis papyri (dated 229/8 or 187/6 BCE) concerns the assignment of a 2% tax as rent paid to priests around Alexandria and elsewhere and shows the support by the Ptolemies of the Egyptian priesthood through their power to levy tax.³⁷ Most notably the *syntaxis* was a block grant

³⁴ The *apomoira* tax was taken on vineyards and orchards and the *artabieia* on grain land; see Thompson, *Memphis*, 102, 111, 135; Manning, *Land and Power*, 57, 60.

³⁵ For a discussion of the Ptolemaic foundations of the Serapeum, see Judith S. McKenzie, Sheila Gibson, and A. T. Reyes, "Reconstructing the Serapeum in Alexandria from the Archaeological Evidence," *The Journal of Roman Studies* 94 (2004), 79–84.

³⁶ Jean Bingen sees these as a decline in royal influence; *Hellenistic Egypt: Monarchy, Society, Economy, Culture* (Hellenistic Culture and Society 49; Berkeley: University of California Press, 2007), 262–66. J.G. Manning warns that it is not a zero-sum game; *Land and Power*, 68–69, n. 20, 177–78.

³⁷ *Ibid.*, 178.

to the crown that Egyptian temples regularly enjoyed to help supplement their revenues from other sources.³⁸ Presumably Onias's temple too would have benefitted from the *syntaxis* alongside any income it garnered from the land that it held.

4.3 The Holdings of the Jewish Cult Elsewhere in Egypt

Had the Ptolemies in fact endowed the Oniad temple with land for the support of its priesthood and temple expenses, as the comment in *B.J.* 7.430 indicates, it would be the best evidence of temple or sacred landholdings by the Jewish cult in Egypt. From the Persian-period temple of the Jewish colony at Elephantine comes a document that appears to be a record of silver money donated or collected for religious purposes, the sole testimony related to the sacred economy of that temple. The document's superscript reads "This is (a list of) the names of the Jewish garrison who gave money for YHW the God, each person 2 shekels."³⁹ Appeals to the larger Yahwistic centers of Jerusalem and later Gerizim upon the destruction of the temple by the priests of Khnum in 410 BCE for aid in rebuilding the temple mention nothing about the existence or condition of any landed assets of the temple.

³⁸ Thompson, *Memphis*, 71–2; Manning, *Land and Power*, 237–38.

³⁹ A. Cowley, *Aramaic Papyri of the Fifth Century B.C.* (Oxford: Clarendon Press, 1923), 65–76 (No. 22). A similar kind of donations list (from the fourth century BCE) may have been found at Ketef Jericho and could record the collection of the shekel tax or some other cash donation for holy purposes, based on its similarity to the shekel donation list from Elephantine. Hanan Eshel and Haggai Misgav, "A Fourth Century B.C.E. Document from Ketef Yeriho," *Israel Exploration Journal* 38, no. 3 (1988), 142–57; see also Hanan Eshel and Haggai Misgav, "Jericho papList of Loans ar," in *Miscellaneous Texts from the Judaean Desert* (ed. James Charlesworth et al.; vol. XXXVIII of Discoveries in the Judaean Desert; Oxford: Clarendon Press, 2000); Lemaire, "Administration of Fourth-Century B.C.E. Judah in Light of Epigraphy and Numismatics," 59. Eshel and Misgav, however, understand the document to be a loans list, with the recto possibly documenting a series of loans, and the verso payments on those loans; in certain cases the same name appears on both sides, with the verso consistently giving a smaller sum.

A fragmentary land-survey papyrus of the second century BCE from Arsinoe-Krokodilopolis in the Fayum mentions a Jewish synagogue next to a sacred garden. The relevant part of the document reads as follows (*CPJ I*, no. 134, lines 18–21):⁴⁰

Situated to the north, a Jewish synagogue represented by Pertollos, and a sacred garden cultivated by a tenant, Petesouchos son of Marres, of 3 13/16 arourai and 1 1/2 arourai planted with flowers and vegetables.

Βο(ρρᾶ) [ἐ]χ[ο(μένης)] προσευχῆς
Ἰουδαίων διὰ Περτόλλου διὰ μι(σθωτοῦ)
Πετεσοῦχου τοῦ Μαρρήους ἱερᾶς
παρα(δείσου) γ (ἥμισυ) (τέταρτον) ἰ ζ´,
[σ]τεφά(νοις) καὶ λαγά(νοις) α (ἥμισυ).

The synagogue and adjacent garden are located on a tract of land in the northwestern area of the city. It is not clear from the survey whether the garden is in fact part of the synagogue holdings. Tcherikover had suggested that the entire tract was ἱερὰ γῆ, "sacred land," with the various sub-plots—that of the synagogue included—divided up among several parties. This would imply that the sacred garden adjacent to the synagogue was unrelated to it. The fact that the same survey notes another sacred garden, unrelated to the synagogue's, in the same tract of land serves for Tcherikover as "decisive" evidence favoring this understanding, though he admits that the question is "open for discussion."⁴¹

It is certainly the case that the mention of the sacred garden next to the synagogue could merely reflect the location both to the north of the previously surveyed feature (the property of a certain Hermione). Aryeh Kasher notes the possibility that the

⁴⁰ Reconstructed text and translation follows Tcherikover and Fuks, *CPJ I*, 248–49 (no. 134).

⁴¹ *Ibid.*, 249.

garden belonged to the Jewish community, which would imply that it "had a small income from it, for the land survey notes that flowers and vegetables were grown on it."⁴² Though the names Petesouchos and Marres are not overtly Jewish, Kasher supposes that it would have been logical for Jews to hold the lands surrounding the synagogue based on the fact that it was given legal protection as a holy place.⁴³ Since it is likely that the τέμενος ("precinct") and ἱερον περίβολον ("sacred square") of a synagogue in Alexandria refer to architectural rather than agricultural spaces, this would be the only possible reference to landholding by a synagogue.⁴⁴ But the circumstances of ownership are not made clear by the document, and it remains possible, following Tcherikover, that the Arsinoe synagogue in the second century BCE happened to sit next to a sacred garden with no connection to it. The only land one can identify with any degree of confidence as consecrated for the purposes of the Jewish cult is Ptolemy VI's grant to Onias IV at Leontopolis for the support of his priesthood and temple expenditures.

4.4 An Offer of a Land Endowment in Demetrius's Letter to Jonathan (1 Macc 10:25–45)

4.4.1 The Letter and the Question of Its Authenticity

The contradictory picture that Josephus offers on the land endowment to the Oniad temple—in *B.J.* the gift of a pious king and in *Ant.* a source of impurity for an

⁴² Kasher, *Jews in Hellenistic and Roman Egypt*, 138–39.

⁴³ On the sanctity conferred to synagogues in Ptolemaic Egypt, see *ibid.*, 138, n. 95; and Lee I. Levine, *The Ancient Synagogue: The First Thousand Years* (New Haven; London: Yale University Press, 2005), 78–80.

⁴⁴ Levine, *Ancient Synagogue*, 79, n. 33; William Horbury and David Noy, *Jewish Inscriptions of Graeco-Roman Egypt* (Cambridge; New York: Cambridge University Press, 1992), nos. 9, 129; P. Jean-Baptiste Frey, *Corpus Inscriptionum Iudaicarum, Vol. II: Asie-Afrique* (Rome: Pontificio Istituto di Archeologia Cristiana, 1952), 1433.

illegitimate cult—involves at its heart the question of who and what is fitting to supply God's altar. A similar tension is at work in my opinion in 1 Maccabees, a Hasmonean court history telling of the Jewish revolt against the Seleucids and military efforts culminating in full Jewish autonomy under the high priest Simon in 140 BCE. Though extant in Greek, it is generally agreed that it was composed originally in Hebrew at some point during the reigns of either John Hyrcanus (134–104 BCE), whose rise to power marks the end of the work, or perhaps of his successor Alexander Janneus (103–76 BCE).⁴⁵

The history covers an episode in the rivalry between the Seleucid king Demetrius I and his challenger for the crown Alexander Balas in 153/2 BCE (1 Macc 10:1–47).⁴⁶ The other extant source on the episode is Josephus's adaptation of the 1 Maccabees account (*Ant.* 13.48–57). The episode begins with Balas occupying the city of Ptolemais, a bustling port on the northern coast of ancient Palestine,⁴⁷ prompting Demetrius to

⁴⁵ For a recent summary of the issues surrounding the dating of the book, see John R. Bartlett, "1 Maccabees," in *The Oxford Encyclopedia of the Books of the Bible* (ed. Michael D. Coogan; Oxford; New York: Oxford University Press, 2011), 5. Bartlett acknowledges that most scholars see the book coming together during the reign of Hyrcanus but he prefers a date in the reign of Janneus given the sense that the history told in the book is placed in a more distant past. Jonathan Goldstein, author of a classic commentary on the work, dates it to the reign of Hyrcanus; *I Maccabees: A New Translation, with Introduction and Commentary* (The Anchor Bible; New Haven: Yale University Press, 1976), 62–64.

⁴⁶ Schürer, Vermes, and Millar, *History of the Jewish People, Vol. I, 177–79*; Kay Ehling, *Untersuchungen zur Geschichte der späten Seleukiden (164–63 v. Chr.): vom Tode des Antiochos IV. bis zur Einrichtung der Provinz Syria unter Pompeius* (Historia Einzelschriften 196; Stuttgart: Steiner, 2008), 139–53.

⁴⁷ On the archaeological remains of Ptolemais in the Ptolemaic and Seleucid periods, see Oren Tal, *The Archaeology of Hellenistic Palestine: Between Tradition and Renewal* (Jerusalem: The Bialik Institute, 2007) [Hebrew], 52–54, 74, 180–82, 300–7; on its history in the Hellenistic period in general, see Aryeh Kasher, *Jews and Hellenistic Cities in Eretz-Israel: Relations of the Jews in Eretz-Israel with the Hellenistic Cities during the Second Temple Period (332 BCE–70 CE)* (Texte und Studien zum antiken Judentum 21; Tübingen: J.C.B. Mohr, 1990), 34–37.

prepare for battle and approach the nearby Jewish polity with an offer to garner further support in his efforts (vv. 1–6). Jonathan, who had succeeded his late brother Judah in 161 BCE, was the de facto ruler of the Jewish polity at the time. He profited from Demetrius's favor toward him, took residence in Jerusalem, and began rebuilding the city after the devastating wars of the previous decade (vv. 10–11).

What follows is a presentation of two letters, the first a response to Demetrius's gestures by Alexander Balas, who offers honors of his own to Jonathan (vv. 18–20); and the second the rejoinder by Demetrius with a strikingly long and elaborate list of gifts meant to sway the Jewish people to his side (vv. 25–45). Both recognized the strategic importance of an alliance with Judea. Balas's letter is relatively short and acknowledges the military might of Jonathan and his worthiness for friendship then confers the honor of high priesthood onto Jonathan. As a result Jonathan is said to have donned the sacred vestments and recruited an army, prompting the rejoinder from a now angry Demetrius to the Jewish people. "I will write them words of encouragement and promise them honor and gifts, so that I may have their help" he says (v. 24), addressing his letter to the entire people in hopes of turning them against Jonathan.

Demetrius's list of honor and gifts include the following: a complete waiver of all tribute "for all time" for Judea, Samaria, and Galilee, including the 1/3 tax on all grains and the 1/5 tax on all fruit (v. 29–31); a complete waiver of all revenues collected at Jerusalem and the granting of holy and inviolable status to the city (v. 31); the granting of control of the Akra in Jerusalem to the high priest (v. 32); the automatic release of all

Jewish captives anywhere in the Seleucid realm (v. 33); the granting of immunity for all Jews in the Seleucid on festivals, sabbaths, new moons, and appointed days (v. 34–35); the enrollment of 30,000 among the king's forces, including several in prominent positions (v. 36–37); the annexation of Samaria to the jurisdiction of the high priest (v. 38); and the following list of offers regarding the temple in Jerusalem (vv. 39–43):⁴⁸

(39) Ptolemais and the land adjoining it I have given as a gift to the sanctuary in Jerusalem, to meet the necessary expenses of the sanctuary.

Πτολεμαίδα καὶ τὴν προσκυροῦσαν αὐτῇ
δέδωκα δόμα τοῖς ἁγίοις τοῖς ἐν
Ιερουσαλημ εἰς τὴν καθήκουσαν
δαπάνην τοῖς ἁγίοις.

(40) I also grant fifteen thousand shekels of silver yearly out of the king's revenues from appropriate places.

κἀγὼ δίδωμι κατ' ἐνιαυτὸν δέκα πέντε
χιλιάδας σίκλων ἀργυρίου ἀπὸ τῶν
λόγων τοῦ βασιλέως ἀπὸ τῶν τόπων τῶν
ἀνηκόντων.

(41) And all the additional funds that the government officials have not paid as they did in the first years, they give from now on for the service of the temple.

καὶ πᾶν τὸ πλεονάζον, ὃ οὐκ ἀπεδίδοσαν
ἀπὸ τῶν χρειῶν ὡς ἐν τοῖς πρώτοις
ἔτεσιν, ἀπὸ τοῦ νῦν δώσουσιν εἰς τὰ
ἔργα τοῦ οἴκου.

(42) Moreover, the five thousand shekels of silver that my officials have received every year from the income of the temple, this too is canceled, because it belongs to the priests who minister there.

καὶ ἐπὶ τούτοις πεντακισχιλίους σίκλους
ἀργυρίου, οὓς ἐλάμβανον ἀπὸ τῶν
χρειῶν τοῦ ἁγίου ἀπὸ τοῦ λόγου
κατ' ἐνιαυτόν, καὶ ταῦτα ἀφίεται διὰ τὸ
ἀνήκειν αὐτὰ τοῖς ἱερεῦσιν τοῖς
λειτουργοῦσιν.

(43) And all who take refuge at the temple in Jerusalem, or in any of its territories, because they owe money to the king or are in debt, let them be released and receive back all their property in my kingdom.

καὶ ὅσοι ἐὰν φύγωσιν εἰς τὸ ἱερόν τὸ ἐν
Ιεροσολύμοις καὶ ἐν πᾶσιν τοῖς ὁρίοις
αὐτοῦ ὀφείλων βασιλικά καὶ πᾶν
πρᾶγμα, ἀπολελύσθωσαν καὶ πάντα ὅσα
ἐστὶν αὐτοῖς ἐν τῇ βασιλείᾳ μου.

⁴⁸ Greek follows Rahlfs; English translation follows NRSV.

This would confer onto the Jewish temple a fixed annual payment in cash from the king, a dynamic source of revenue from the agricultural land surrounding Ptolemais and any taxes procured at its active harbor, the remittance of taxes paid previously from temple funds to the Seleucids, and the granting of inviolable status to the temple and its *ῥοια* ("territories"), whatever those refer to.⁴⁹ These gifts come on top of what is perhaps the most startling concession: the permanent remittance of annual tribute to the Seleucids on all agricultural produce from Judea, Samaria, and Galilee. The recipients of the letter recognize it for what it is—an empty and unrealistic gesture meant to bribe the Jews into abandoning their leader Jonathan and his new ally Balas. "When Jonathan and the people heard these words, they did not believe or accept them," notes the author of 1 Maccabees upon the close of the letter, "because they remembered the great wrongs that Demetrius had done in Israel and how much he had oppressed them" (v. 46).⁵⁰ Their favor stayed with Balas, "because he had been the first to speak peaceable words to them, and they remained his allies all his days" (v. 47).

Those who have questioned the authenticity of Demetrius's letter point to the improbability of his concessions even for a ruler who is acting out of desperation and perhaps with no intention of actually following through on his offers.⁵¹ Schürer notes

⁴⁹ The term is discussed below.

⁵⁰ On these wrongs, see below.

⁵¹ Hugo Willrich had long ago argued that the document as a forgery; *Urkundenfälschung in der hellenistisch-jüdischen Literatur* (Forschungen zur Religion und Literatur des Alten und Neuen Testaments 21; Göttingen: Vandenhoeck & Ruprecht, 1924), 36–41. Willrich thought the document was inserted in the Roman period based on its seemingly anachronistic mention of the poll tax. Schürer disproves that notion but still recognizes it as the invention of the author of 1 Macc; Schürer, Vermes, and Millar, *History of the Jewish*

that the concessions "exceed the bounds of probability" and understands the letter to be "similar to that of the speeches which ancient authors incorporated in historical works. The Jewish author makes Demetrius write what was appropriate to the situation at that time and of which he probably had some general knowledge."⁵² A related point of view is that the author of 1 Maccabees worked from an original letter from Demetrius I but expanded it significantly.⁵³

Those who have asserted the letter's authenticity appear to do so because it relates to their assumption on the source material of the author of 1 Maccabees: among those sources regularly assumed to have been before him were parts of an archive of royal letters that he incorporated *in toto* into this work of history, this letter from Demetrius among them.⁵⁴ It is a precarious assumption indeed.

People, Vol. I, n. 14 on 178–79. For others who have adopted this approach, see P.F.-M. Abel, *Les livres des Maccabées* (Paris: Gabalda, 1949), 184.

⁵² Schürer, Vermes, and Millar, *History of the Jewish People*, Vol. I, n. 14 on 179.

⁵³ Jerome Murphy O'Connor has noted inconsistency in style through the letter, with certain parts in first person singular, others first person plural, and others impersonal. The latter he sees as original and the others as the work of the author of 1 Macc or later redactions. "Demetrius I and the Teacher of Righteousness," *Revue Biblique* 83, no. 3 (1976), 400–20. The non-original sections are according to this model the more improbable concessions—the full tax exemption for all Jewish lands, the release of all Jewish captives anywhere in the Seleucid kingdom, and the granting of all revenues from Ptolemais and its countryside for the Jerusalem temple. The reconstructed original would according to Murphy O'Connor's reconstruction have granted sacred status to Jerusalem, reception of Jews into the army, annexation of the three districts to the high priest, and right of sanctuary for those carrying debt.

⁵⁴ Goldstein, *I Maccabees*, 405 (see also 90–103 for a general discussion of source material). Goldstein argues that the author of 1 Macc was unaware that the letter before him was actually a piece of anti-Hasmonean rhetoric meant to sway the people away from Jonathan. "The fact that our author misunderstood the text and used a document actually hostile to his own purposes would guarantee that he did not forge it," he writes (p. 405). John Bartlett too seems positively inclined to the authenticity of the letter; *The First and Second Books of the Maccabees* (Cambridge: Cambridge University Press, 1973), 138; as is John Ma; "Seleukids and Speech-Acts: Performative Utterances, Legitimacy and Negotiation in the World of the Maccabees," in *Scripta Classica Israelica. Yearbook of the Israel Society for the Promotion of Classical Studies*. (ed. Hannah M. Cotton, et al.; Jerusalem: The Israel Society for the Promotion of Classical Studies, 2000), 74, 98; Jörg-Dieter Gauger, *Beiträge zur jüdischen Apologetik: Untersuchungen zur Authentizität von Urkunden bei Flavius Josephus*

For example, Kent Rigsby has made note of an element of Demetrius's letter that would be patently anachronistic for 153/2 BCE. The conferral of the status of holy and inviolable to the cities of the Hellenistic East did not become common until the later part of the century. As a result, writes Rigsby, it would have been "improbable that Jerusalem and its god, among the less Hellenized of the important cities and cults of Palestine, achieved this honor at so early a date, before cities like Tyre or Seleuceia, or indeed at all. Rather, the letter of Demetrius I is a patriotic fiction composed after the time (the late second century B.C.) when inviolability acquired its vogue in this region and when its role as a *philanthropon* in dynastic struggles was common enough knowledge to be made an item in literary propaganda."⁵⁵ To this can be added Emil Schürer's observation that the number of 30,000 Jewish troops to be enlisted into Demetrius I is identical to the number employed by Ptolemy to garrison his fortresses in the *Letter of Aristeas* (3:13), suggesting that the author was merely copying it from there.⁵⁶ And Jerome Murphy O'Connor has pointed out that the letter contains all the essential provisions of the *philanthropa basilika* of Antiochus III to the Jews (*Ant.* 12.142–44), which may similarly

und im I. Makkabäerbuch (Bonner biblische Beiträge 49; Köln: P. Hanstein, 1977), 42–44, 137–38; Menahem Stern, *The Documents on the History of the Hasmonean Revolt with a Commentary and Introductions* (Tel Aviv: Hakibbutz Hameuchad, 1965) [Hebrew], 97–106; and G.G. Aperghis, "Jewish Subjects and Seleukid Kings: A Case Study of Economic Interaction," in *The Economies of Hellenistic Societies, Third to First Centuries BC* (ed. Zofia Archibald, et al.; Oxford; New York: Oxford University Press, 2011), 27–29, 39. For a broad defense of the authenticity of letters from foreign sovereigns and peoples such as Sparta and Rome in 1 and 2 Macc and Josephus, see E.J. Bickerman, "A Question of Authenticity: The Jewish Privileges," in *Studies in Jewish and Christian History: A New Edition in English Including The God of the Maccabees* (vol. 68/1 of *Ancient Judaism and Early Christianity*; Leiden; Boston: Brill, 2007), 295–314; Bickerman, however, does not relate to Demetrius's letter in particular in this discussion.

⁵⁵ *Asyilia: Territorial Inviolability in the Hellenistic World* (Hellenistic Culture and Society 22; Berkeley: University of California Press, 1996), 530–31.

⁵⁶ Schürer, Vermes, and Millar, *History of the Jewish People, Vol. I*, 179 n. 14.

have been known to the author of 1 Maccabees.⁵⁷ The letter of Demetrius I is probably more reflective of our historian's notion of an outrageous and ultimately unacceptable list of gifts rather than an actual verbatim document from Demetrius.

4.4.2 Demetrius I and Ptolemais as Unsuitable Sustainers of the Cult

Irrespective of its authenticity one can appreciate how Demetrius's letter is working literarily in the account. His character had already been much maligned prior to this point in the history. He had sent his forces into Judea a few years prior in a campaign that would result in the death of Judah Maccabee, Jonathan's brother and leader of the Jewish cause (1 Macc 9:1–22). The Romans themselves, to whom the author of 1 Maccabees is positively inclined, end their treaty with the Jews with a statement of special condemnation against Demetrius and ask, "Why have you made your yoke heavy on your friends and allies the Jews? If now they appeal again for help against you, we will defend their rights and fight you on sea and on land" (8:31–32).⁵⁸ Thus when Demetrius comes to the Jews with such a long and enticing list of gifts for them—a list testing even the limits of plausibility in its bounty—the people face the question of whether the value of the gifts could ever outweigh the character of the giver. Their unequivocal response is that they cannot. No gifts, no matter their worth, could turn Demetrius into a friend.

⁵⁷ Murphy-O'Connor, "Demetrius I," 403.

⁵⁸ On the argument that the treaty between Rome and the Jews in 1 Macc 8:1–32 is also a forgery meant to defend the respectability of the Jewish people, see Gauger, *Beiträge zur jüdischen Apologetik*, 311–20.

They opt instead to ally with the figure of Balas, whose relatively modest letter to Jonathan expresses his appreciation for Jonathan's prowess on the battlefield and his desire to enter into friendly relations with him and does bestow upon him the very significant honor of the high priesthood, which would have granted him a great degree of political and religious autonomy (vv. 18–20). Their choice of him in v. 47 would prove to be the correct one, for the history follows this decision with an account of the decisive battle between Balas and Demetrius I, with Balas victorious and Demetrius I struck dead (vv. 48–50). Jonathan would then enjoy military victories of his own, the chapter concluding with the notice that he was able to return to Jerusalem with a large amount of booty and even more honors bestowed upon him by Balas (vv. 87–89). The reward for the holy city eventually comes by virtue of success on the battlefield and the forging of a trusted alliance, not through the receipt of extravagant gifts from the inimical figure of Demetrius. His letter earlier in the chapter comes in the service of this larger didactic point.

How does this relate to his offer of a land endowment for the Jerusalem temple, the revenues from the agricultural produce of the Ptolemais countryside, and other revenues stemming from the city? It would appear to figure into the author's paradigm of the unacceptable gift, for a few reasons. First let me point out how scholars have typically read the offer. The city had already been said to have been occupied by Balas at the very beginning of the episode (v. 1). Thus Demetrius is seen to have offered its revenues to the Jerusalem temple as a form of punishment to the citizens of Ptolemais

for siding with Balas and as a way of enticing the Jews into aiding him in his assault on the city.⁵⁹ The main point of the letter, after all, involved shoring up support for his impending confrontation with Balas over his occupation of Ptolemais. But this provides only a partial picture.

Since the letter was also functioning as a paradigm for the dishonorable and unacceptable gift for the people and its temple, we can assume that Ptolemais was mentioned to further this rhetorical point. In fact, I believe the offer would have come across as particularly distasteful to the audience of 1 Maccabees for a number of reasons. The city was perhaps the most Hellenistic of the regional centers in Syria-Palestine and a base of military operations for foreign regimes in the region. The altar to Hadad (=Baal) and Astarte on Mt. Carmel, towering over its countryside, may have conjured associations with the worship of Baal and Asherah on the Carmel from biblical times (1 Kgs 18:19, 31–33).⁶⁰ And Jonathan himself would meet his demise at Ptolemais, having been once again been promised the city by a scheming Tryphon, who had him imprisoned and later killed there; Jonathan's troops were slaughtered by the inhabitants of the city as they entered its gates (1 Macc 12:44–53).⁶¹ The historian of 1 Maccabees would have had this all in mind in his choice of Ptolemais as part of Demetrius I's offer to Jonathan in 10:39. Just as Demetrius was unfit to assume the role of benefactor for the

⁵⁹ Bartlett, *Maccabees*, 137; Stern, *Documents*, 85–86; VanderKam, *From Joshua to Caiaphas*, 255, n. 49; Goldstein, *I Maccabees*, 413.

⁶⁰ For a general discussion on Ptolemais and its cultic life in the Hellenistic period, see Kasher, *Jews and Hellenistic Cities in Eretz-Israel*, 34–37.

⁶¹ *Ibid.*, 104. In 2 Macc 6:8 and 13:25 Ptolemais also shows hostility to the Jews.

Jewish people, so too the city of Ptolemais was unacceptable as a source of nourishment for its temple and altar.

Also significant in this regard is that fact that of the five letters in 1 Maccabees from Seleucid rulers to the Jewish people, that of Demetrius is the only one to offer a form of sustenance for the temple and the only one to be rejected. It is recalled that Balas's sole offer in his letter to Jonathan involved friendship and the high priesthood to Jonathan (10:18–20). In another letter, Demetrius II would present Jonathan confirmation over the rights of possession of an enlarged territory and a remittance of taxes on agricultural produce (11:30–37). Several years later he would offer Simon sovereignty and further tax release (13:36–40). And Antiochus VII Sidetes would promise to Simon tax releases, permission to mint coinage, rights of possession of arms, debt forgiveness, and freedom for Jerusalem (15:2–9). None of these letters includes an offer that would result in the gifting of revenues destined for sacred purposes, as Demetrius I's letter does. They are all concerned with the remittance of taxes and debts for which Jews were previously liable or with the conferral of other honors.

That the author of 1 Maccabees would have the Jewish people reject the offerings of a figure so inimical as Demetrius I and a city as pagan as Ptolemais is fitting within the larger themes of his history, which involves first the cleansing of the altar in Jerusalem from defilement by idolatry and then the cleansing of the land through the conquests of the Hasmoneans and their establishment as a self-governing entity in Jerusalem. József Zsengellér has summarized the goals of the book as follows: "The

temple is restored, there is a line of the high priesthood, and a line of political leadership. Temple and people are liberated, and there are new leaders who take care of their liberty. Summarizing the temple politics of 1 Maccabees, we have to declare that the purification, rededication and preservation of the temple as an institution in an intact form are the main theological issues of the book."⁶² Similarly, Doron Mendels understands the book as working to achieve the rhetorical goal that the entire land has been cleansed of foreign peoples and been oriented towards the temple in Jerusalem and the Torah.⁶³ David S. Williams's analysis of its structure has reached a similar conclusion.⁶⁴ It is important to note that this religious "cleansing" was not oriented toward Hellenism per se but toward assimilation with local non-Jewish elements, Hellenizing practices among them.⁶⁵

⁶² "Maccabees and Temple Propaganda," in *The Books of the Maccabees: History, Theology, Ideology. Papers of the Second International Conference on the Deuteronomical Books, Pépa, Hungary, 9–11 June, 2005* (ed. Géza G. Xeravits and József Zsengellér; vol. 118 of Supplements to the Journal for the Study of Judaism; Leiden; Boston: Brill, 2007), 194.

⁶³ Doron Mendels, *The Land of Israel as a Political Concept in Hasmonean Literature: Recourse to History in Second Century B.C. Claims to the Holy Land* (Texte und Studien zum antiken Judentum 15; Tübingen: J.C.B. Mohr, 1987), 47–50.

⁶⁴ David S. Williams, *The Structure of 1 Maccabees* (The Catholic Biblical Quarterly Monograph Series 31; Washington, DC: Catholic Biblical Association of America, 1999), esp. 137.

⁶⁵ The argument that the Hasmoneans were strictly anti-Hellenizers has been shown to be patently false, most notably by Erich Gruen, *Heritage and Hellenism*, esp. 1–40. Gruen argues that the Hasmoneans were in fact ardent Hellenizers who incorporated Greek cultural norms with Jewish ones. "The reciprocal benefits left a more enduring legacy than the intermittent antagonisms. Hasmonaean leaders practiced Hellenistic ways without compromising Jewish integrity," writes Gruen (p. 40). In a similar vein, Doron Mendels has observed that the polemics in 1 and 2 Macc are against those who abandoned the covenant and married into the local population; the Hasmonean wars were similarly against the local population as well as the Seleucid invaders; "Memory and Memories: The Attitude of 1–2 Macc toward Hellenization and Hellenism," in *Jewish Identities in Antiquity: Studies in Memory of Menahem Stern* (ed. Lee I. Levine and Daniel R. Schwartz; vol. 130 of Texte und Studien zum antiken Judentum; Tübingen: Mohr Siebeck, 2009), 41–54.

Oren Tal has tracked sweeping changes in the settlement patterns in the region in the Hasmonean period, marked by the decline of the major cities that had been developed under the patronage of the Ptolemies and Seleucids and the growth instead of a major metropolis at Jerusalem.⁶⁶ The influx of further revenues to the temple city of Jerusalem with the program of Hasmonean expansion and Judaization of Idumea and Iturea, as well as the destruction of the competing Yahwistic shrine at Mt. Gerizim by John Hyrcanus (*Ant.* 13.255–8, 318), can provide the helpful historical background for this temple-centric approach of 1 Maccabees.⁶⁷ It would appear that the Hasmoneans continued to use the temple as a center of tax collection and were taking a tithe of the

⁶⁶ "Hellenism in Transition from Empire to Kingdom: Changes in the Material Culture of Hellenistic Palestine," *ibid.* 55–73. Tal has also examined the Ptolemaic and Seleucid policy regarding city foundations and concluded that generally the imperial authorities invested in existing centers with a strong Achaemenid past and conferred upon them minting rights; new city foundations were rare; "Hellenistic Foundations' in Palestine," in *Judah between East and West: The Transition from Persian to Greek Rule (ca. 400–200 BCE)* (ed. Lester L. Grabbe and Oded Lipschits; vol. 75 of Library of Second Temple Studies; London: T&T Clark, 2011), 242–54. On extremely modest size of Jerusalem in the Persian and Early Hellenistic periods, see Finkelstein, "Territorial Extent," 44–54.

⁶⁷ On Hyrcanus's destruction of Gerizim and Judaization of Idumea, and Aristobolus I's conquest and Judaization of Iturea, see Schürer, Vermes, and Millar, *History of the Jewish People, Vol. I*, 207, 217. On the Hasmonean expansion program as a pivotal moment in the shaping of Jewish identity, wherein Jewishness shifted from an ethnic-geographic term to an ethnic-religious one, see the argument by Shaye J. D. Cohen, *Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Hellenistic Culture and Society 31; Berkeley: University of California Press, 1999), 69–106. Cohen does not however, emphasize the increase in temple revenue that the conversion of the Idumeans and Itureans would have precipitated. On the notion that historical works from the Hasmonean sphere become more politically conscious with regard to the territorial dimension as the priest-kings gained more independence and sovereignty, see Mendels, *The Land of Israel as a Political Concept*. On the economics of the Hasmonean territorial expansion, which appears to have been paid for by a Hasmonean tax called the *dekate*, a holdover of older imperial tribute payments, see Bezalel Bar-Kochva, "Manpower, Economics, and Internal Strife in the Hasmonean State," in *Armées et fiscalité dans le monde antique: [colloque] Paris 14-16 octobre 1976* (ed. André Chastagnol, et al.; vol. 936 of Colloques nationaux du Centre national de la recherche scientifique; Paris: C.N.R.S., 1977), 167–96, esp. 185–91. Bar-Kochva seeks to temper in part the earlier view of Shimon Applebaum, who had reconstructed an imposition by the Hasmoneans of a considerably increased taxation burden on the rural areas, the confiscation of tracts around cities settled by Greeks, and the rise of large estates owned by the Jerusalem aristocracy; see Applebaum, "Hasmoneans," 9–29.

agricultural yields to fund military exploits and other civic matters. The appearance around the beginning of Hasmonean rule of a new type of stamped jar handle for the transport of these yields, now inscribed with *yršlm* ("Jerusalem") and replacing the well-established types bearing various formulations of the provincial name Yehud, can be associated with this development.⁶⁸ Against the backdrop of these social and administrative reforms—the promotion of a highly centralized religious and economic system based at Jerusalem, with worship occurring at a sole sanctuary now staunchly against the incorporation of syncretistic elements—the author of 1 Maccabees incorporates Demetrius's letter to relay a very specific message regarding inappropriateness of even lucrative sources of income for the temple. Ptolemais and its countryside serve as an exemplar of an improper source of sustenance.

Let me return to the comparison of Demetrius's letter to the others of Seleucid kings in 1 Maccabees. It is recalled that the other letters involve the promise to remit taxes and confer special honors upon the Jews but never the commitment of support to the temple and its overhead. Only Demetrius I's offers are rejected. The book's only mention of a foreign ruler visiting the temple in any way is the account of Antiochus IV Epiphanes's plundering of its treasury in 1 Macc 1:21–24. That account reads that, among other things, "he took the silver and the gold, and the costly vessels; he took also

⁶⁸ On the evidence that the *yršlm*+star type postdates the latest of the YHD types, see Hillel Geva, "A Chronological Reevaluation of Yehud Stamp Impressions in Palaeo-Hebrew Script, Based on Finds from Excavations in the Jewish Quarter of the Old City of Jerusalem.," *Tel Aviv* 34, no. 1 (2007), 98–101; Lipschits and Vanderhooft, *Yehud Stamp Impressions*, 668.

the hidden treasures that he found. Taking them all, he went into his own land" (vv. 23–24). This is the first of several perceived acts of dishonor and sacrilege committed to the temple, setting the stage for the revolt and the ascent to power of the Hasmoneans.

Nowhere does the book have a foreign ruler making offers at the altar of God, contrasting sharply on this point with 2 Maccabees, a diasporic work based on the original history of Jason of Cyrene.⁶⁹ That work opens the story of Heliodorus—a Seleucid official sent by the king to inspect the temple treasury, prompting a miraculous intervention to prevent his entrance into the temple—with the notice that "kings themselves honored the place and glorified the temple with the finest presents, even to the extent that King Seleucus of Asia defrayed from his own revenues all the expenses connected with the service of the sacrifices" (2 Macc 3:2–3). According to the story, Heliodorus himself learns to recognize the sovereignty of God, makes sacrifices and vows a sum to the temple (3:35). In 5:16, votive offerings by kings are said to have been swept away by Antiochus IV, an act for which he repents before his death (9:16). These accounts join with those of Josephus cited above in their recognition that foreign leaders too can display piety toward God by providing for his altar. The point is never made in 1 Maccabees.

By the Roman period the daily sacrifices at Jerusalem were being financed by the shekel tax, a tax which was widely collected at this point by Jews at home and in the

⁶⁹ See Daniel R. Schwartz, *2 Maccabees* (Commentaries on Early Jewish Literature; Berlin; New York: Walter de Gruyter, 2008), 3–15.

diaspora.⁷⁰ Since these sacrifices were made on behalf of Israel alone, rabbinic halakhah stipulated that non-Jews could not contribute to the shekel tax fund (*m. Šeqalim* 1:5). It even appears to be the case that some among the Sadducees adopted the stringent position that the daily sacrifices could be funded individually by priests on altar duty at the time rather than by drawing on the shekel tax fund, for fear that some of the money of that fund had been tainted somehow before it was contributed by Jews—all the more so that a non-Jews' contribution would be deemed inappropriate.⁷¹

The rabbis could be reflecting an old Pharisaic position whereby donations to non-Jews were kept in funds used not to pay for sacrifices but for other forms of temple upkeep. When Eleazar, the high-ranking temple official and son of the high priest, decreed in 66 CE that the temple would no longer accept gifts or sacrifices from the Romans, an action that according to Josephus was one of the reasons behind the war with Rome, the response from the Jewish elders and chief priests was as follows (*B.J.* 2.412–13):

Their forefathers, they said, had adorned the sanctuary mainly at the expense of aliens and had always accepted the gifts of foreign nations; not only had they never taken the sacrilegious step of forbidding anyone to sacrifice, but they had set up around the Temple the dedicatory offerings which were still to be seen and had remained there for so long a time.

⁷⁰ See §5.3.2.

⁷¹ On the Sadducees and the shekel fund for the daily sacrifices, see David Instone-Brewer, *Techniques and Assumptions in Jewish Exegesis before 70 CE* (Texte und Studien zum Antiken Judentum 30; Tübingen: J.C.B. Mohr (P. Siebeck), 1992), 114–15; Eyal Regev, *The Sadducees and Their Halakhah: Religion and Society in the Second Temple Period* (Jerusalem: Yad Ben-Zvi Press, 2005) [Hebrew], 132–39; Jonathan Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford; New York: Oxford University Press, 2006), 196–98.

Indeed, the voice of the elders and chief priests would be echoed in rabbinic tradition, which fully accepts the gifts and sacrifices of non-Jews as long as neither was used in relation to obligatory sacrifices.⁷² (One recalls that the very founding and construction of the Jerusalem temple itself in Jerusalem in the Persian period came with significant imperial support.⁷³) Could it be that this debate between Eleazar and the Jewish aristocracy in Rome in 66 CE stretches back a century and a half to the time of 1 Maccabees?

In other words, does the contrast in the offers of Demetrius to the temple at Jerusalem, which would have inserted a source of income from a patently non-Jewish source into the temple revenues, and those of other rulers who bestow upon the Hasmoneans and Jewish nation gifts but never of the sort that would fund the temple cult, reflect just such an innovation? The contrasting perspectives of Eleazar and the Jewish aristocracy may have been anticipated by those of 1 Maccabees and 2 Maccabees: the former would prefer that the temple be funded entirely by Jewish sources of wealth, the latter readily accept non-Jewish sources. Josephus would appear to fall in the latter camp, as his depiction of Ptolemy VI as pious benefactor of the cult of Yahweh alone

⁷² Schürer et al., *History of the Jewish People*, Vol. II, 309–11; Schmidt, *How the Temple Thinks*, 99–113; Daniel R. Schwartz, *Studies in the Jewish Background of Christianity* (Wissenschaftliche Untersuchungen zum Neuen Testament 60; Tübingen: J.C.B. Mohr, 1992), 102–16. Schwartz argues that Josephus has distorted somewhat Eleazar's decree to make Judaism seem a bit more universalistic, as he is wont to do; according to Schwartz, the original decree likely had to do with prohibiting sacrifice on behalf of Rome rather than by foreigners. The latter had never been allowed. For one, non-Jews were not allowed close enough to the area of sacrifice.

⁷³ See Ezra 1:7–11; 5:14; 6:5; and §2.5 above.

attests, even if that cult was worshipped in a temple in Egypt of which he did not approve.

If this supposition is correct, it just may relate to the question of when the shekel tax began to be collected annually to pay for the daily sacrifices. The initiation of this tax as an annual payment is attributed to Neh 10:33–34 as part of his temple reforms. But from that point forward the sources are silent on the tax until the late Second Temple period, particularly the lengthy list of sacred dues that Tobit is said to have paid.⁷⁴ An ordinances text (4Q159) from the Dead Sea Scrolls, dated to around the end of the first century BCE, asserts that the shekel contribution should be paid not annually but once in a lifetime, in keeping with the practice attested in Exod 30:11–16. This has led J. Liver to argue that the Qumran sectarians were by virtue of these ordinances protesting a Hasmonean innovation whereby, inspired by Nehemiah, the annual tax was reinstated to help pay for the cult of sacrifice, a reading followed by Magen Broshi and Daniel Schwartz.⁷⁵ It certainly would have been necessary if subsidies from foreign kings were

⁷⁴ The list includes the following: the first-fruits of crops, the firstlings of animals, the tithes of the cattle, and the shearing of the sheep to the priests; the tithe of corn, wine, olive oil, pomegranates, figs and other fruits to the Levites; a second tithe of money for distribution in Jerusalem; and a third tithe for orphans, widows, and converts (1:6–8). One would expect a mention of the shekel tax here had it been paid in this period. A mention in the *Letter of Aristeas* (§40) of "one hundred talents of silver for sacrifices and the other requirements" does not necessarily imply an obligatory tax.

⁷⁵ J. Liver, "The Half-Shekel Offering in Biblical and Post-Biblical Literature," *The Harvard Theological Review* 56, no. 3 (1963), 173–198, esp. 190–91; Magen Broshi, "The Role of the Temple in the Herodian Economy," *Journal of Jewish Studies* 38 (1987), 34; Schwartz, *Jewish Background of Christianity*, 104. Scholars who view Nehemiah's tax as a permanent fixture have merely speculated that to be the case; see Lemaire, "Administration of Fourth-Century B.C.E. Judah in Light of Epigraphy and Numismatics," 58–59; Baesens, "Royal Taxation," 183–84.

no longer coming in to the temple and the authorities in Jerusalem were encouraging the payment of the daily cult of sacrifice solely by Jewish sources at that point.

The rejected offers by Demetrius I in 1 Macc 10 would in this case relate to a significant change in the temple economy in Jerusalem, whereby support now came from Jewish priests, kings, and dignitaries rather than foreign sources. A more flexible position appears to have been adopted by the temple authorities in the Roman period, as the Jewish aristocracy's response to Eleazar in 66 CE would attest. But Eleazar just may have instituted a policy that was not entirely new after all.

4.4.3 The Temple's "Territories"

One final detail of Demetrius I's letter deserves attention. In v. 43 he offers the right of security for debtors who flee to the Jerusalem temple or "in any of its territories" (ἐν πᾶσιν τοῖς ὀρίοις αὐτοῦ). The right would be granted for those carrying royal debt as well for anyone in the Seleucid realm. The question of what these territories may refer to is an important one because it would reflect the historian's notion of property under the aegis of the temple. The term ὄρια is used with respect not to the temple but to Jerusalem in an earlier part of Demetrius's letter (v. 31), when he promises that Jerusalem "and its territories" (καὶ τὰ ὄρια αὐτῆς) be sacred and released from tithes and taxes; Kent Rigsby sees this use as referring to the civic territory of Jerusalem and thus equivalent to the

term χώρα.⁷⁶ Elsewhere in 1 Macc it appears with respect to the Land of Israel in phrases like "ἐν ὁρίοις Ἰσραηλ" (2:46, 9:23).⁷⁷ In such instances one can state with confidence that it is being used as a translation for the Hebrew *gēbûl* ("boundary, territory"), a word which would not be out of place in the Hebrew *Vorlage* for 1 Macc 10:43. If so the original Hebrew of that verse would have granted debtors security in the temple and "in all its boundaries" (*bĕkōl gēbûlôtāyw*) and would seem to refer simply to the Land of Israel as a whole.⁷⁸

Thus, Demetrius's remittance in 10:42 of the 5,000 silver shekels taken annually by Seleucid officials "from the income of the temple" (ἀπὸ τῶν χρημάτων τοῦ ἁγίου) and their rightful return to the priests is probably from goods in cash and movables collected from those within the borders of the Land of Israel. These revenues could have been procured from the collection of the shekel tax and associated fees, the dedication of movables, the sale of hides and other sacrificial meats, and the collection of fines, among other things.⁷⁹ Had landed assets been intended, one might expect them to have been mentioned together with the offer of the Ptolemais annex in 10:39. Thus there is nothing in this account of 1 Macc 10 showing that the temple in Jerusalem was ever gifted land by a

⁷⁶ *Asyilia*, 529. The verse in 1 Maccabees is difficult and Rigsby understands it to be granting asylum to Jerusalem and its territory as well as, following Goldstein, a release from certain taxes; see Goldstein, *I Maccabees*, 408.

⁷⁷ For other appearances of the term in 1 Macc, see 3:36, 3:42, and 5:9, all of which suit this understanding.

⁷⁸ Jonathan Goldstein had understood the ὅρια as referring to areas within the sacred precinct, *I Maccabees*, 413. His notion is undermined by the use of the phrase in other parts of the book (particularly 10:31) to denote the borders of the Land, as well as the book's use of *temenos* to refer to the sacred precinct itself (as in 5:43–44).

⁷⁹ On the Jerusalem sacred economy, see Schürer et al., *History of the Jewish People*, Vol. II, 257–74; Sanders, *Judaism: Practice and Belief*, 146–90; Schaper, *Priester und Leviten*, 149–50; Schmidt, *How the Temple Thinks*, 191–244; Wardle, *The Jerusalem Temple*, 23–27.

Seleucid ruler or owned territory for which special privileges were extended. The temple territories referred to in v. 43 were simply synonymous with areas under the rule of the Hasmonean kings and paying taxes and sacred dues to the temple establishment. The ὅρια to which Demetrius is imagined to have offered refuge from debt-collectors are the borders of the Land under the dominion of the Hasmoneans.

The point relates to the temple-centric perspective of the author of 1 Maccabees but it is particularly relevant to this study because of how Josephus understood the temple's ὅρια. In his version of Demetrius's letter to Jonathan, which seems entirely dependent on 1 Macc 10,⁸⁰ Josephus gives the following synopsis of the offer of debt (*Ant.* 13.56):⁸¹

"And all those taking refuge in the temple in Jerusalem or in any place belonging to it, whether because they owe money to the king or for any other reason, shall be set free, and their possessions shall be left untouched."

καὶ ὅσοι δ' ἂν φύγωσιν εἰς τὸ ἱερόν τὸ ἐν Ἱεροσολύμοις καὶ εἰς τὰ ἀπ' αὐτοῦ χρηματίζοντα, ἢ βασιλικά ὀφείλοντες χρήματα ἢ δι' ἄλλην αἰτίαν, ἀπολελύσθωσαν οὗτοι καὶ τὰ ὑπάρχοντα αὐτοῖς σῶα ἔστω.

Depending on how one translates the verb χρηματίζω, the phrase τὰ ἀπ' αὐτοῦ χρηματίζοντα can be understood as places merely nominally associated with—in the sense of being named after—the Jerusalem temple, or as places linked to it financially

⁸⁰ See Joseph Sievers, *Synopsis of the Greek Sources for the Hasmonean Period: 1–2 Maccabees and Josephus, War 1 and Antiquities 12–14* (Subsidia Biblica 20; Roma: Pontificio Istituto Biblico, 2001), 161–64.

⁸¹ Text and translation (slightly adapted) after Loeb, *Josephus IX* (Ralph Marcus, transl.).

and funded by it. Either meaning would have precedent in Josephus,⁸² but the latter would perhaps seem more likely in the immediate context, for Josephus uses in the same sentence the word *χρήματα*, a word from the same root but obviously referring to cash. It is little more than a supposition, but it would seem that in Josephus's adaptation of 1 Macc 10:43 he is describing Demetrius's offer as including protection for those who have sought asylum in places somehow financially affiliated with the Jerusalem temple. Had Josephus intended that the affiliation be merely nominal the places which he had in mind are no less intriguing. Had Josephus struggled to envision what the source text intended, one might expect him to excise the reference entirely, much like his erasure of the reference to the countryside of Ptolemais. The areas in question—sacred "satellites" of sorts—must have been meaningful to him and reflective of some sacred institution with which he was familiar, a topic explored in depth in the next chapter.

4.5 Summary

At some point likely in the late 160s BCE, Ptolemy VI Philometer and Cleopatra I endowed the Jewish cult in Egypt with a tract of sacred land (*ἱερὰ γῆ*) to accompany the temple founded there by Onias IV. Josephus depicts the Ptolemaic royalty as pious benefactors of Judaism, so knowledgeable of Jewish custom that they express incredulosity that Onias would choose a place marked by its uncleanness, given its previous use as a pagan sanctuary and the presence there of sacred animals and a sacred

⁸² Karl Heinrich Rengstorff, *A Complete Concordance to Flavius Josephus* (Leiden: Brill, 1973), 4:369. For the former meaning, see, e.g., *Ant.* 16.310; for the latter, see, e.g., *Ant.* 13.318.

grove. These depictions by Josephus both support the notion that the temple enjoyed revenue from sacred land, challenging earlier studies on the legal status of Oniad's plot, and reflect Josephus's portrayal of foreign leaders as often positively inclined toward Judaism. Yet they also delegitimize the Oniad temple by virtue of its land endowment. Tarnished by a history of paganism at the site, the revenues of its altar grown on its fields are similarly desecrated in the eyes of Josephus.

A similar literary application of a sacred land endowment as exemplar of the inappropriate source of revenue for the temple of God occurs in Demetrius I's offer of Ptolemais and its countryside to the Jerusalem temple in 1 Macc 10. There the character of Demetrius the person and Ptolemais the city is a symbol of the foreign and the inimical, elements that according to the author of 1 Maccabees were the leading causes behind the war with the Seleucids. That work is in a sense the story of the cleansing of foreign elements from the altar and from the Land of Israel.

The author contrasts Demetrius I's gifts, rejected by Jonathan and the Jewish people, with those of foreign leaders portrayed in a more positive light. The latter never include offers of sacrifice or voluntary contributions for the sake of the temple. This stance may relate to a rejection, from within the Hasmonean house, of support for the temple from non-Jewish sources, a policy that would be instituted in 66 CE and lead to acrimonious debate among the Jewish leaders of the time. The question of the viability and suitability of financial support from outside the Jewish world seems to reach back to the time of the composition of 1 Maccabees in the late second century BCE.

Chapter 5. The Consecrated Field in Early Halakhah

5.1 Introduction

Prominent displays of euergetism toward the Jerusalem and Gerizim temples in the Hellenistic and Early Roman source material include no instance that I could find of a large land endowment, Demetrius's unrealizable and unaccepted offer in 1 Macc 10:39 aside. The corpus of several hundred dedicatory inscriptions from Mount Gerizim, mostly of the third–second centuries BCE, records efforts by the priesthood there to raise money for temple construction or maintenance, sometimes drawing from the wealth of their own ranks. The inscriptions would likely have stood in conspicuous places within the sacred precinct.¹ Temples in other regions were displaying prominently records of landed gifts and one might expect a similar phenomenon at Gerizim.² With regard to the Jerusalem sanctuary, largesse toward it by the Judean ruling aristocracy consisted mainly of its enlargement and refortification by the Hasmoneans (1 Macc 14:37; *Ant.*

¹ The inscriptions are brief and follow the standard formula די הקרב, "[The unnamed donation] that X offered..." Naveh and Magen reconstruct שורה דנה ("this wall") as the subject, based on the assumption that these inscriptions—appearing as they do on fine ashlar masonry, never *in situ*—would have been viewed from conspicuous places within the sacred precinct, perhaps on the barrier cordoning off the priestly court. Joseph Naveh and Yitzhak Magen, "Aramaic and Hebrew Inscriptions of the Second-Century BCE at Mount Gerizim," *'Atiqot* 32 (1997), 13*; Yitzhak Magen, Haggai Misgav, and Levana Tsfania, *Mount Gerizim Excavations Volume I: The Aramaic, Hebrew and Samaritan Inscriptions* (Judea & Samaria Publications 2; Jerusalem: Staff Officer of Archaeology—Civil Administration of Judea and Samaria, 2004), 16–20. The sacred finances of Gerizim were further bolstered by donations from abroad. Two inscriptions from Delos from ca. 250–175 BCE and ca. 150–50 BCE, respectively, record Samaritans who refer to themselves as "Israelites who make offerings to hallowed, consecrated Argarizein"; Levine, *Ancient Synagogue*, 110–11.

² On temple landholdings in the ancient world, see §1.1.1.

13.213–18)³ and then its total rebuilding on a much larger and grander scale by Herod (B.J. 1.401, *Ant.* 15.380–402), whose efforts transformed Jerusalem into a major international pilgrimage center.⁴

However, nothing in Josephus's reports of Herod's other acts of benefaction toward the temple or otherwise includes the endowment of a sacred plot of land, even though Herod himself was likely the largest single landowner in Judea during his reign.⁵

³ This follows Jonathan's fortification works in the city, according to 1 Macc 12:35–38 (= *Ant.* 13.181–83). The citadel hill is said by Josephus to have been lowered so that the temple would stand higher than it (B.J. 1.50, 5.139). The period of Hasmonean rule was marked by a dramatic increase in the size and stature of Jerusalem as a temple city. The economic advantages of the Judaization of Idumeans and Itureans extend beyond the establishment of more secure trade networks and the reduction in regional hostility. They would have entailed a rise in the rate of pilgrimage to Jerusalem for the major festivals and throughout the year, a boon to the city and its sanctuary. The Southwestern Hill of Jerusalem was re-urbanized in this period as a result, a new fortification wall built around the city. Concomitantly, other urban centers in Judea underwent decline in the Hasmonean period, as Oren Tal has demonstrated; see "Hellenism in Transition," 55–73. On the development of the Temple Mount concept in this period, see Yaron Z. Eliav, *God's Mountain: The Temple Mount in Time, Place, and Memory* (Baltimore: Johns Hopkins University Press, 2005), 28–32.

⁴ The size and grandeur of the Herodian temple esplanade—several times larger than any known sacred temenos in the ancient world—was both a display of Herodian wealth but also must have been in response to an ever-growing number of pilgrims to the city during the major festivals. Herod needed to convince the temple officials of the merits of the rebuilding project, which would of course have required the demolition of the standing structure. Josephus relates that during Herod's speech to them on the matter he described the project as capable of being "the most notable of all things achieved by him" (*Ant.* 15.380) and "a return for the gift of the kingdom" (387). He decorated the temple with spoils he had taken from the barbarians (402) and later would quite controversially put up a golden eagle over the great gate of the temple (B.J. 1.648–55, *Ant.* 17.151–63). For a discussion of Herod's temple, see Meyers and Chancey, *Alexander to Constantine*, 53–62. On the economic benefits of such a massive temple construction project in general, see John K. Davies, "Rebuilding a Temple: The Economic Effects of Piety," in *Economies beyond Agriculture in the Classical World* (ed. David J. Mattingly and John Salmon; London: Routledge, 2001), 209–29. On the secondary effects of turning Jerusalem into an international pilgrimage center and tourist attraction, see Goodman, "Pilgrimage Economy of Jerusalem," 69–76; Shimon Applebaum, "Economic Life in Palestine," in *The Jewish People in the First Century: Historical Geography, Political History, Social, Cultural and Religious Life and Institutions* (ed. Shemuel Safrai, et al.; vol. 2 of *Compendia rerum Iudaicarum ad Novum Testamentum*; Assen: Van Gorcum, 1976), 683; Wardle, *The Jerusalem Temple*, 23–27.

⁵ On Herod's lands, see Applebaum, "Economic Life," 664–65; Emilio Gabba, "The Finances of King Herod," in *Greece and Rome in Eretz Israel: Collected Essays* (ed. Aryeh Kasher, et al.; Jerusalem: Yad Ben-Zvi, 1990), 162–63. For Herod's other benefaction at home and abroad, see B.J. 1.402–28, *Ant.* 15.328–30, 16.146–49. When Herod defended the eagle to Jewish officials at Jericho, he is said by Josephus to have reminded them of his good works for the temple and claimed that the Hasmoneans could never "do anything so great for the honor of God" (*Ant.* 16.161–62). Nothing is ever mentioned in these accounts about land dedicated for

Josephus's mentions of gifts to the Jerusalem temple by Roman sovereigns relate only to movables in precious metals and other vessels for public worship.⁶ Displays of support and benefaction to the temple were regularly expressed through these gifts in silver and gold, as in the famous gifts of Queen Helena to the temple in Jerusalem.⁷

Rather than benefitting from notable landed gifts from the royal aristocracy, the Jewish source material suggests that the Jerusalem temple was profiting from field consecrations from the broader landholding population. After the legislation on the practice in Lev 27:16–24, there is to the best of my knowledge no mention of field consecrations in the early Jewish source material until a very fragmentary compendium of laws in the Damascus Document. That text is understood to be a foundational document of a breakaway sect of Jerusalem priests who would later develop into the group known as the Essenes. The document is dated to the middle or later part of the

the purposes of the temple. Another prominent instance of Herod's benefaction toward his people is the Egyptian grain he provided to many of his subjects, among other things, during the drought in the mid-20s BCE (*Ant.* 15.310–15).

⁶ Herod's ally Sossius dedicated a crown of gold (*B.J.* 1.357); John of Gischala melted down many of the temple offerings went by Augustus and other Roman sovereigns during his occupation of the temple in the war with Rome, prompting Josephus to remark that "the Roman sovereigns ever honored and added embellishment to the temple, whereas this Jew now pulled down even the donations of foreigners..." (*B.J.* 5.562). As mentioned in the above chapter (§4.4.2), the question of dedications to the temple by non-Jews was one of several controversies plaguing the local authorities on the eve of the war (*B.J.* 2.411–17). One of the chief priests had stopped accepting them, as well as all non-Jewish sacrifices, leading to a forceful defense of the practice by other priests and notable Pharisees. See also "The Words of the Luminaries" of the Qumran library, which tells of "all the countries" carrying their offerings of silver, gold, and precious stones to the Jerusalem temple (4Q504a, Frags. 1–2iv, 8–11; Peuch col. xv). On benefaction by Seleucid rulers toward the temple, see Aperghis, "Jewish Subjects and Seleucid Kings," 38–39.

⁷ Helena's gifts of a golden candlestick and golden tablet inscribed with a section of Torah discussing the adulteress (Num 5:12–31) are mentioned in rabbinic tradition (*m. Yoma* 3:10); on Izata and Helena's support of Jerusalem and the needy, see *Ant.* 20.51–53. See also Psuedo-Philo's *Biblical Antiquities* 29:3, where the judge Zebul (Ehud) is said to have established a treasury for Yahweh at Shiloh and encouraged the people to donate silver and gold to it. On rabbinic praise not only for offerings from the poor but also from aristocrats, see Klawans, *Purity, Sacrifice, and the Temple*, 188–90.

second century BCE.⁸ Its legal material on the practice of field consecration bears, in my opinion, some resemblance to the topics and concerns of the Tannaitic discussions on the matter and can serve as vital pre-rabbinic evidence. It also suggests that by this point in Jewish history the Jerusalem temple had been appropriating the revenues from this form of consecration at the expense of the private funds of priests; when this occurred exactly is unknowable.

After presenting the text and making the case for a new interpretation of it, I will discuss the only explicit reference in the pre-rabbinic source material to temple estates—a mere aside by Philo in *Spec. Laws* 1.76.⁹ I will consider this evidence against the silence in the source material on temple assets in land on one hand, and the relative ubiquity of rabbinic teachings on *heqdēš* property on the other. I hope to work towards a solution whereby we can understand consecrated fields as having been dispersed among the

⁸ On the nature of the sect and its architectural complex at Qumran, see Meyers and Chancey, *Alexander to Constantine*, 92–112. The most complete manuscript of the document (CD) is medieval in date and had been discovered in the Cairo Geniza; other sections were found in the Qumran library, the earliest of which is dated paleographically to the early first century BCE. The second-century BCE date of composition is based on internal historical references and comparative work with other literary and legal products of the sect. For a discussion of the date of the document and its role in the foundation of the sect at Qumran, see Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (Philadelphia: Jewish Publication Society, 1994), 90–95. On the CD manuscript, see Joseph M. Baumgarten and Daniel R. Schwartz, "Damascus Document (CD)," in *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations. Volume 2: Damascus Document, War Scroll, and Related Documents* (ed. James H. Charlesworth; Tübingen; Louisville: J.C.B. Mohr (Paul Siebeck); Westminster John Knox Press, 1995), 6–7. On the Qumran manuscripts, see Joseph M. Baumgarten et al., "Damascus Document, 4Q266–273 (4QD^{a-h})," in *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations. Volume 3: Damascus Document II, Some Works of the Torah and Related Documents* (ed. James H. Charlesworth and Henry W. L. Rietz; Tübingen; Louisville: Mohr Siebeck; Westminster John Knox Press, 2006).

⁹ Josephus's translation of the phrase τὰ ὄρια αὐτῆς from 1 Macc 10:43 with his words τὰ ἄπ' αὐτοῦ χρηματίζοντα (*Ant.* 13.56) has already been discussed as a noteworthy reference; see §4.4.3.

population and managed primarily by their consecrators. The Damascus Document's laws on the subject, once reinterpreted in the manner, fit this picture.

5.2 Land in the Freewill-Offering Laws of the Damascus Document

5.2.1 The Text

The consecrated field is legislated upon in a halakhic section of the Damascus Document called משפט הנדבות, "The Law of Freewill Gifts," parts of which are preserved in three fragmentary manuscripts (CD 16:14–17; 4Q271, 4ii:15–16; 4Q266, 8ii:1–3). The section immediately follows laws on oaths (CD 16:6b–12), precedes laws on the declaration of *ḥērem* of a person (CD 9:1–8), and resembles other sections of laws similarly grouped thematically and given a like heading.¹⁰ Its first few laws, which are the relatively well preserved of the section and the ones relevant to field consecrations, can be reconstructed as follows based on the extant manuscripts:¹¹

(1) על משפט הנדבות אל ידור איש למזבח מאום אנוס וגם

¹⁰ Other examples include the laws "Concerning purification in water" (CD 10:10) and "Concerning the Sabbath" (CD 10:14). On the notion that Folio 9 follows Folio 16 in CD, see Charlotte Hempel, *The Laws of the Damascus Document: Sources, Tradition, and Redaction* (Studies on the Texts of the Desert of Judah 29; Leiden; Boston: Brill, 1998), 30–32, n. 24; this order is presented by Baumgarten and Schwartz, "Damascus Document," 40–43. But see Elisha Qimron, "The Text of CDC," in *The Damascus Document Reconsidered* (ed. Magen Broshi; Jerusalem: Israel Exploration Society, 1992), 41–43, where Folio 16 is followed by Folio 19. Disagreements emerge because the bottom of Folio 16 is not preserved in CD or in the Qumran fragments.

¹¹ The text brought here is based primarily on CD 16:14–17, whose line breaks it follows, after Baumgarten and Schwartz, "Damascus Document," 40; but also utilizes 4Q266, particularly for line 6 above, after Baumgarten et al., "Damascus Document," 50; and 4Q271, particularly for lines 4–5 above, after *ibid.*, 166. See also Qimron, "The Text of CDC," 40–41. The translation is mine in consultation with the above editions and Catherine M. Murphy, *Wealth in the Dead Sea Scrolls and in the Qumran Community* (Studies on the Texts of the Desert of Judah 40; Leiden; Boston: Brill, 2002), 61. The omission of parts of the document in the period between the Qumran manuscripts and the medieval CD does not appear to have affected this section; on the redaction, see Charlotte Hempel, *The Laws of the Damascus Document: Sources, Tradition, and Redaction* (*ibid.* 29; 1998), 21–22.

- (2) [הכ]הנים אל יקחו מאת ישראל [אל] יקדש איש את מאכל
 (3) פ[עלו ל]א[ל] כי הוא אשר אמר איש את רעהו יצ[ו]דו חרם ואל
 (4) יקדש איש מכל[] ואם מש[דה] אחזתו
 (5) יקדש לאל גם המשפט[] ו[נענש]
 (6) הנודר חמישית כסף ערכו

(1) Concerning the law of freewill offerings: Let no man vow to the altar anything forcibly seized, nor shall (2) [the pr]iests take it from an Israelite. [Let no] man consecrate the food of (3) [his] wor[ker]¹² for this is what he said, "Each one t[ra]ps his neighbor (with) *hērem*" [Mic 7:2]. And (4) a man shall not consecrate any [...] And if of the fie[ld of] his holding (5) he shall consecrate to God, also this law [...] [And] the one who vows (6) shall be punished by a fifth of the money of his valuation...

The message of these laws is commonly understood as prohibiting consecration as a means of dispossession or of the evasion of one's household responsibilities. In every published commentary I could find on this section of the Damascus Document, readers are referred to the admonition in Matt 15:5 and Mark 7:11 where Jesus criticizes the Pharisees for allowing the consecration of property to God in order to absolve oneself for providing support to their parents.¹³ The renunciation of parental support is but one way in which consecration could have been used as a form of dispossession, and probably an uncommon one at best.

¹² For this reading, see §5.2.3.

¹³ Chaim Rabin, *The Zadokite Documents. I. The Admonition. II. The Laws. Edited with a Translation and Notes* (Oxford: Clarendon Press, 1958), 76–77; Louis Ginzberg, *An Unknown Jewish Sect* (Moresheet Series 1; New York: Jewish Theological Seminary of America, 1976), 101; Joseph M. Baumgarten, *Qumran Cave 4. The Damascus Document (4Q266–273)* (Discoveries in the Judaean Desert XVIII; Oxford: Clarendon Press, 1996), 179–80; Baumgarten and Schwartz, "Damascus Document," 41; Philip R. Davies, *The Damascus Covenant: An Interpretation of the "Damascus Document"* (Journal for the Study of the Old Testament Supplement Series 25; Sheffield: JSOT Press, 1983), 129; Sanders, *Judaism: Practice and Belief*, 185; Murphy, *Wealth in the Dead Sea Scrolls*, 65.

I hope to enhance our understanding of the concerns of the Damascus Document here by shedding light on Tannaitic sources that are similarly vexed by the use of consecration as a means of blocking access to property but, to the best of my knowledge, have not been drawn upon in scholarly commentary on these regulations. I will demonstrate that this entire opening section on freewill gifts can involve the consecration of agricultural plots and the products growing on them. Thus the mention of the consecrated "field of his holding" (line 4, above), in debt to the phraseology of Lev 27:16, can be shown to be a fitting corollary to them and an important link in the pericope.

5.2.2 Consecration of Forcibly Seized Assets

The first case deals with the vowing to the altar of מאוים אנוס, anything stolen or otherwise wrongfully acquired (lines 1–2, above). One can assume that this was being done to avoid penalty or at least render the goods unrecoverable.¹⁴ The defrauded might feel their hands were tied if their property were now set apart for sacred purposes, any effort to get hold of it perceivable as a slight against God or even worse an act of sacrilege. In order to prevent this situation, the Damascus Document prohibits the vowing to the altar of such property and, lest one disobey this command, prohibits the priests from taking it.

¹⁴ On this reading, see Sanders, *Judaism: Practice and Belief*, 184, 186; see also Rabin, *The Zadokite Documents*. For a similar concern in Philo, see *Spec. Laws* 1.204.

The prohibition can also apply to property in land. The noun **מֵאֵיִם**, "nothing, anything," is general enough to refer to both real and movable property.¹⁵ The passive participle **אֶנְסָה**, "forcibly seized," can also denote the seizure of land and should not be taken as necessarily synonymous with outright stealing or robbery, for which the Damascus Document uses the terms **גָּנַב** (9:11) and **גָּזַל** (6:16).¹⁶ The wrongful seizure in question appears to be of a more wide-ranging sort, as shown by the use of the word elsewhere in the Damascus Document—4Q266 5i:2, 8ii:4; 4Q270 4:3, 6iii:14—the only manuscripts in which the word appears in the Qumran library. Of these, the only helpful instances involve the law of the false oath from the continuation of the freewill offering section. In that law the **אֶנְסָה** would appear to refer to one committing the full gamut of seizure crimes listed in Lev 5, on which the law of the false oath is based; among those crimes are the wrongful seizures of a deposit (**פִּקְדוֹן**) and of some kind of pledge or security (**תְּשׁוּמַת יָד**; v. 21).¹⁷ I argue that these properties were also included among the things prohibited from altar consecration by the authors of the Damascus Document and forcibly seized land could have been among them.¹⁸

¹⁵ See, e.g., Deut 24:10, where pledges on any kind of loan (**מִשְׁאֵת מֵאֵוֹמֶה**) are referred to.

¹⁶ See, e.g., *m. Kil' ayim* 7:6, where the **אֶנְסָה** has seized a field.

¹⁷ These crimes call for full restitution plus the addition of the fifth (Lev 5:24), the catchword linking this topic to ours regarding consecrations, a topic to which I shall return later; see §5.2.4.

¹⁸ In the case of land dedicated to the altar, its usable products would presumably be offered up and other things sold for the benefit of the sacrificial cult. A discussion in *m. Šeqalim* 4:6–8 considers instances in which consecrated properties include things suitable for the altar. A disagreement there between R. Eliezer and R. Aqiba relates to the question of whether the altar or the temple upkeep fund is to be preferred in such instances.

This background is helpful as we consider a related case to which the Mishnah devotes considerable attention in tractate *‘Arakin*: the consecration of a field that had already been pledged as a lien on a loan or a wedding contract. In the case of default, the owner could prevent the creditor or wife from laying claim to the hypothecated field by conferring upon it sacred status. Though Tannaitic tradition does not refer to it in such language, in a sense the case involves the consecration of a מאום אנוס, for the field is now rightfully claimable by somebody else. The rabbis call for its forced auction in order to settle the debt, at the expense of the sacred holdings. The fullest tradition on the matter is in *t. ‘Arakin 4:1*, with parallels in the Mishnah and Babylonian Talmud:¹⁹

The proclamation process²⁰ [for the sale of property] of orphans is 30 days, and the proclamation process of consecrated property is 60 days. The announcement is made in the morning and in the evening—when the workers are brought in and when the workers are brought out. They state its features, its worth, and how much it demands for redemption in order to pay a woman her wedding contract and a creditor his debt.

שום היתומים שלשים יום ושום הקדש
 ששים יום ומכריזין בבקר ובערב—
 בהכנסת פועלין ובהוצאת פועלין.
 אומרין כמה סימניה, כמה היתה יפה,
 וכמה היא רוצה לפדות על מנת ליתן
 לאשה כתובתה ולבעל חוב את חובו.

Just as any person has precedence [of a claim to

כשם שהדיוט קדם את הדיוט, הרי זו

¹⁹ See *m. ‘Arakin 6:1* and a *baraita* in *b. ‘Arakin 21b*. The association of the pre-auction proclamation process described here with the settlement of debts is never stated explicitly in the Mishnah but emerges from the more expansive Toseftan version given here, where the nature of the advertisement includes a mention of the amount of debt on which the land serves as a lien. The Toseftan version of the teaching is probably a later explanatory note on the Mishnaic teaching, though it is possible that it retains an older (pre-Mishnaic) teaching that was shortened for inclusion in the Mishnah.

²⁰ The word שום would seem to have included not just the public advertisement of the land but also an appraisal of its value by a committee; see *t. Ketubot 11:2*, *b. Baba Batra 107a*. According to *m. Sanhedrin 1:3*, the appraisal of consecrated property required a committee of three for movables and ten for real estate. The proclamation process has a comparandum in the Roman custom of *proscriptio*, the posting of written notices giving details on the sale; a herald could also have been used. See Brian Learmount, *A History of the Auction* (London: Barnard & Learmount, 1985), 7.

property] over another, and this precedence is forever [binding]—so too any person can have precedence [of a claim to property] over the Most High, and this precedence is forever [binding]

קדימה לעולם—כך הדיוט קדם את הגבוה, הרי זו קדימה לעולם.

The orphan's property too was apparently serving as a lien on an outstanding debt from before the death of the last surviving parent, requiring the liquidation of the parental estate.²¹ The proclamation process would occur in the morning and evening presumably so that field workers could investigate the property on behalf of their employers and report back to them.²² Its relatively long duration would help ensure that the property is sufficiently marketed, in hopes that heightened interest will result in more and higher bids during the auction. In the case of consecrated property, the creditor and the sacred funds of the Jewish temple stand to benefit. Another concern of the Tannaitic rabbis was that the creditor not lay claim to the property prior to its proper redemption (*m. 'Arakin* 6:2). Otherwise the creditor could become liable for the misappropriation of *sancta*.

The didactic saying appended to *t. 'Arakin* 4:1 stresses the original claim to the landed asset by virtue of the binding nature of the marriage or loan contract. As with any contract, the court must respect the original lien even if it is to the detriment of the

²¹ Had the father not left the child with debt, one might reconstruct a system resembling the Greek *misthosis oikou*, whereby the property of orphans could be rented out until the child reached adulthood, freeing up land for the rental market in classical Greece. See Burford, *Land and Labor*, 179, 260, n. 32.

²² Eliezer Herzka, "Tractate Arachin Chapter 6," in *The Schottenstein Edition. Talmud Bavli. The Artscroll Series. Tractate Arakhin* (ed. Yisroel Simcha Schorr and Chaim Malinowitz; New York: Menorah Publications, Ltd, 2004), n. 3 on 21b.

Lord's holdings. The rabbis are thus legislating against any claims of the temple's exceptionality in these affairs, of a sort which would allow it to take precedence over previous claims to its assets and break contract. Yet the rabbinic constraints on the temple exist alongside efforts to ensure its proper compensation nevertheless.

Apparently it is for this reason that the longer proclamation process is used for consecrated property as compared to that of the orphan, a question which was a matter of dispute among the Tannaim.²³ The Tannaitic rabbis would also consider the legality of the *ex post facto* nullification of such consecrations, drawing on an old dispute between the houses of Hillel and Shammai regarding erroneous consecrations; some exegetes appear to have used that dispute as justification for the annulment.²⁴

Though public auctions were particularly popular among the Romans, the practice is attested across cultures from as early as the Babylonian empire and it is not unfounded to assume that the Jewish authorities were auctioning off hypothecated

²³ A *baraita* in *b. 'Arakin* 22a preserves a dispute regarding the lengths of the proclamation process for the respective types of property, with R. Meir reflecting the Mishnah's view, R. Judah increasing each period by 30 days, and the sages calling for a 60-day proclamation process in both cases.

²⁴ The particular case in question involves a man who has committed fraud against the temple (or a creditor) by remarrying a wife who had collected her divorce payout from the property the man had consecrated or pledged as a security. Upon remarriage the man can get his property back without having to pay for it (*m. 'Arakin* 6.1b). The old dispute between Hillel and Shammai involves the case of one who vowed as follows: "The black ox, which will emerge from my house first, shall be consecrated" (*m. Nazir* 5:1; see also *y. Terumot* 42b and *b. Baba Batra* 120b). If a white ox emerges, the House of Hillel claims the consecration was made in error (for the consecrator had assumed a black ox would emerge first) and is totally annulled, while the House of Shammai upholds the consecration and requires that the white ox become consecrated property. One can therefore deduce from this dispute that there is room for annulling consecrations *ex post facto*, such as in the case of one who has consecrated properties that had previously been made subject to a lien on a debt. The possibility is discussed in a *baraita* in *b. 'Arakin* 23a.

sacred properties in a Second Temple period context.²⁵ In classical Greece leases involving sacred land and deme and phratry holdings were regularly auctioned off to the highest bidder; the process may have relied on previously established overbids, which can explain the appearance of "rounded" numbers in the sources, such as an inscription regulating leases on a territory belonging to Athena and called the Nea.²⁶ Similarly rounded overbids are apparent in the Tannaitic traditions on the auction of consecrated real estate (*m. 'Arakin* 8:2–8:3).²⁷ The public auction of land by the Greek polis often concerned instances of estates confiscated to repay public or sacred debt or in punishment of political crimes, with the purchase of such lands seen as a civic duty.²⁸ Hypothecated land in Greek was well marked by border (*horos*) inscriptions placed on the plot in question and often naming the creditor and debtor.²⁹

The rabbinic teachings on the matter would be moot if the consecration of the hypothecated asset had been forbidden in the first place, a measure that the Damascus

²⁵ On the earliest attestations of auctions in Babylonia (involving slaves not land), see Learmount, *A History of the Auction*, 6–11.

²⁶ Joshua D. Sosin, "Two Attic Endowments," *Zeitschrift für Papyrologie und Epigraphik* 138 (2002), 125, n. 17. See also Papazarkadas, *Sacred and Public Land*, 55–56.

²⁷ The Mishnah includes a lengthy description of two auction processes. In one (8:2) the land owner does not participate, in the other (8:3) he does. In both the auction appears to be fashioned as a communal fundraiser for the temple, with the overbids reaching a price that far exceeds the market value of the land in question and each participant required to pay the difference between their overbid and the next highest bid should they retract. The result is a community of individuals participating in the giving of an exorbitant sum of money to the temple. The land functions as little more than an apparatus measuring the size of multiple donations in cash.

²⁸ Burford, *Land and Labor*, 49–50; Merle Langdon, "Public Auctions in Ancient Athens," in *Ritual, Finance, Politics: Athenian Democratic Accounts Presented to David Lewis* (ed. Robin Osborne and Simon Hornblower; Oxford: Clarendon Press, 1994), 253–65. The auctioning of public property, such as leftover raw materials from building projects, war booty, manufactured articles of various sorts, and leases of deme-owned land or sacred holdings, was the main responsibility of a board of public officials called the *poletai*.

²⁹ See Finley, *Land and Credit*, 10–21.

Document takes by forbidding the altar consecration of anything אָנוּס. Thus we can appreciate its position as particularly stringent over against that of the Tannaitic rabbis, perhaps themselves heirs of Pharisaic tradition on this matter, where such consecrations can take effect and could even result in a profit for the sacred funds, as will be demonstrated below. The framers of the document would appear then to be prohibiting the dedication to the altar of all forcibly seized assets already centuries prior to the Tannaitic movement. The prohibition could involve stolen goods but also landed property bound as a security.

5.2.3 Consecration of Assets Claimable by Household Dependents

The use of consecration as a means of blocking access to property carries through to the next law in the Damascus Document (lines 2–3, above). The law involves the consecration to God of the food of [...]פ, which is commonly reconstructed פִּיהוּ ("his mouth") or, following Louis Ginzberg, פִּעֵלוּ ("his worker").³⁰ The use of the proof-text from Mic 7:2, "one traps his neighbor with *hērem*"—a wordplay on a phonetically similar biblical word for net³¹—shows that consecration is being used as a form of entrapment or a snare and would rule out the simple prohibition of consecration as self-deprivation.³²

³⁰ Baumgarten and Schwartz, "Damascus Document," 40; Ginzberg, *An Unknown Jewish Sect*, 100–1.

³¹ That verse in its plain meaning reads: "All lie in wait to commit crimes, one traps the other in his net." For a similar use of this word, see Ezek 32:3, Hab 1:15–17.

³² On this concern, see *t. 'Arakin* 4:23, where one is prohibited from consecrating or declaring *hērem* the entirety of one's holdings, though if done the act is not annulled; on *hērem* consecrations, see Chapter 7, esp. §7.2.

Apparently people were declaring food sacred that could lead to the committing of sacrilege by someone in their own household, reading פִּיהוּ as a metonymy for their circle of dependents and/or guests; or under their employ, reading פִּעְלוֹ with the thought in mind that employers would customarily allow those working for them to partake of some of the food of the field and farm.³³ Dedication would then become, in the words of Catherine Murphy, "a sort of prophylactic against sharing."³⁴ The snare is the potential for guilt by misusing sacred property, the repercussions for which could have been severe.³⁵ And the food in question could have derived from anywhere on the farm: pantries, storerooms, fruit trees, or fields. The potential for sacrilege thus links this case with the previous one. There the sacred status of the asset kept its rightful claimant from gaining access to it; here a dependent or another on the farm appears to be the one against whom the obstruction has been placed.

Ginzberg does not reference it but Tannaitic teachings bear directly on this issue of how the consecration of real estate could result in instances of unwitting acts of sacrilege on the farm and provide support for his reading of פִּעְלוֹ at the lacuna in line 3 above. A tradition in the name of R. Simeon in *m. Me'ilah* 3:6 notes that laborers working on consecrated property are forbidden to eat even the least valuable of produce on that

³³ See *m. Baba Meš'ia* 7:2–8; Ginzberg, *An Unknown Jewish Sect*, 100–1.

³⁴ Murphy, *Wealth in the Dead Sea Scrolls*, 65, n. 91.

³⁵ On the crime of sacrilege, its repercussions, and rabbinic protections working to prevent it, see §6.3.

property and that cows are muzzled lest they partake of it.³⁶ In the Babylonian Talmud (*b. Me'ilah* 13a), a teaching by a certain R. Ahadboi bar Ami uses Deut 25:4 ("You shall not muzzle an ox while it is threshing") quite creatively as a proof-text for our Mishnaic teaching, claiming that the scriptural form בדישו specifically connotes an individual's private field, not a consecrated field. A plain reading of the verse (Deut 25:4) of course would indicate that muzzling should be prohibited in any circumstance. The Mishnaic teaching reflects the extent to which persons would go to prevent a sacrilege on their farm, the refusal to allow workers to eat from consecrated produce being another one of them. But it is also more lenient than the Damascus Document, which appears to forbid consecration altogether if one's dependent regularly enjoys food from the field or tree. A similarly disapproving view would be taken by the authors of Matt 15:5 and Mark 7:11 who condemn the sacralization of sustenance due to one's parents. The language of altar dedication as a means of preventing seizure is attested on an ossuary inscription of the

³⁶ For the text and a discussion of its context, see §6.3. The Toseftan parallel (*t. Me'ilah* 1:21) notes that a special donation would be made to provide the necessary food (ואהרירם מתנדבין להן); on this reading of the parallel, see Jacob Neusner, *A History of the Mishnaic Law of Holy Things. Part Five: Keritot, Meilah, Tamid, Middot, Qinnim. Translation and Explanation* (Studies in Judaism in Late Antiquity XXX; Leiden: E.J. Brill, 1980), 115. An alternative reading could be that some would make freewill offerings as a preemptive measure lest any sacrilege be committed by the workers or animals, an intriguing option given the title of our pericope in the Damascus Document, על משפט הנדבות, for it would suggest the possibility that the authors of the latter were aware of the practice of preemptive freewill offerings and responded to it by forbidding consecration altogether. The term נדבה connotes an altar offering, as discussed below (§5.2.5); and the usual parlance for consecrated real estate involves *hipil* forms of קדש (as in the biblical אם משדה אהזתר יקדיש following in the Damascus Document; lines 4–5, above) and the related noun הקדש in rabbinic Hebrew. A case could be made that it would make more sense terminologically if the consecrated real estate issue is brought in because of its relationship to the practice of the preemptive freewill offering rather than to the giving of real estate as a kind of נדבה. On the other hand, such a reading would pose an irreconcilable difference within the larger context of this tractate in Mishnah and Tosefta, which establishes maximal protections for all consecrated property. One can hardly imagine such an unorthodox practice being proposed without immediate rejection. The Neusner reading seems most appropriate for *t. Me'ilah* 1:21.

first century BCE or CE. The inscription utilizes a distinct formula apparently to prevent the theft of the ossuary itself and thus the disruption of the remains contained therein.³⁷

5.2.4 Forced Redemption of Consecrated Assets

After presenting these two cases in which consecration is forbidden because of its use as an impediment to claimants and a stumbling block leading to acts of sacrilege, the manuscripts of the Damascus Document leave us only fragments. What follows is a law prohibiting the consecration of something (line 4, above); another relating the consecrated field from Lev 27:16 to some other law (lines 4–5, above); and the mention in some context of the punishment of the one who vows by a fifth of the money of his valuation. The poor state of preservation can hardly allow for a confident reconstruction here but I offer the following suggestions:

(1) The partially extant law in line 4 may prohibit the use of consecration for fear of a sacrilege, given the concerns of the first two laws.

(2) The consecrated field from Lev 27:16 is invoked as part of an explicit law relating to it. To be sure, it is possible that the field is mentioned here merely as a comparandum regarding the case of one who swore falsely about various forms of

³⁷ The ossuary was found in the area of Jebel Khallet et-Turi in the Kidron Valley and its Aramaic inscription reads: *כל די אנש מתהנה בהלתה דה קרבן אלה מן דבגוה*, "Whatever benefit a man may derive from this ossuary (is a) *qorban* (sacrificial offering) to God from him who is in it." Moshe Benovitz has demonstrated that the formula works so that the consecrated status of the ossuary takes effect only once theft is attempted. In that case, the thief would find himself guilty of sacrilege with an object now technically owned by God, its consecration having been realized by his own act of theft! See Benovitz, *Kol Nidre*, 27–29; Hannah M. Cotton, ed., *Corpus Inscriptionum Iudaeae/Palaestinae. Volume I: Jerusalem, Part 1: 1–704* (Berlin: De Gruyter, 2010), no. 287, 307–9.

misappropriation with property, which would immediately follow (line 6 above; 4Q 266 Frag. 8ii:5–7). In that case, as stipulated by biblical law (Lev 5:23–24), the guilty party is required to pay the defrauded individual the principle plus the added "fifth." However, the heading of this section alone would push us to read the laws contained therein as involving freewill offerings; the false oath has nothing to do with this topic with the exception of the fifth supplement,³⁸ while the consecrated field very much does. Moreover, the wording of the case in question—"And if from the field of his landholding..."—would indicate the start of a new case. If its appearance was merely as a comparandum, one would expect it to be phrased in a different manner, as in כשדה אהוזתו ("like [the case of] the field of his holding") or the like. It seems more natural to read the fifth penalty as explaining the appearance of the law of the false oath immediately after the law of the consecrated field, with the latter standing alone.

(3) The law of the consecrated field works to apply the earlier principles to the case of an entire field set aside for sacred use. This supposition is supported by the words גם המשפט הזה, an explicit attempt at connecting the law to something else in the pericope; in my opinion, it is the legal ground already covered. Therefore, I would reconstruct a reading whereby field consecration is also prohibited in an instance resembling that underlying the earlier laws, namely if it would inhibit rightful claims to the property or increase the chance of another committing sacrilege.

³⁸ It is true that according to Lev 5:25 a guilt-offering is brought to the altar by the one who swore falsely, but this hardly falls under the category of a freewill offering.

(4) The consecrated field is mentioned also, and perhaps more importantly, because in scripture it appears together with the "fifth" supplement and the authors of the document read that supplement as punishment for the misuse of the consecration mechanism. As I have argued in Chapter 3, the fifth was in its original conception meant to bring the redemption price in line with the market price of the produce of the field. The two differed because of two shekel standards in use at the end of the Iron Age, the holy standard with which the appraisal values were reached being 20% lighter than the royal standard commonly used in the markets.³⁹ Of course by the time of the composition of the Damascus Document roughly half a millennium later, the reasons lying behind the biblical fifth had long become obscure. Since the fifth appears in Lev 5:24 as part of a restitution payment for various offenses involving misappropriated property, including sacrilege, the authors of the document or the legal tradition they inherited must have assumed that in Lev 27 too it was being used as part of a penalty for redemption. Therefore, they concluded that in instances of wrongful or otherwise fraudulent consecration, the one who vowed his property over to sacred purposes is to be punished by the addition of the fifth. Presumably, the lacuna in line 5 above included some ordinance calling for the forced redemption of the consecrated asset.

This hypothetical reconstruction is aided by a teaching in the Tosefta describing the public auction of a consecrated field (*t. 'Arakin* 4:22). The original owner or a

³⁹ See §3.4.1.

member of his family⁴⁰ is compelled to open the bidding, as if their participation in the auction is obligatory. They are also forced to add the fifth supplement to the overbid ("If one said, 'Lo it is mine for twenty-one,' they force the owners to give twenty-six...") in keeping with the biblical injunction that redemption by the owner should come with the supplement.⁴¹ There is no explicit mention here that the fifth functions as a punishment but the language of compulsion (i.e., כּוּפִין אֶת הַבְּעָלִים) would suggest as much. The teaching ends with a mention of a dispute between the houses of Hillel and Shammai on the matter: the former holds that the fifth should remain fixed at the owners' opening bid, the latter that it should increase proportionally with the overbid.

The Tosefta appears to retain the memory of an old custom whereby persons who had wrongfully consecrated their fields were forced to redeem them—a family member may have been called upon if the owner himself was in possession of insufficient funds—at the added expense of the biblical fifth. The Mishnah had redacted a similar auction process into its examination of the consecrated field of Lev 27 but removed entirely any suggestion that the owner was compelled to participate, fashioning the event more as a fundraising auction for the temple than as a means for settling a debt.⁴² The editors of the Tosefta may have reinserted the element of legal

⁴⁰ The teaching includes a switch from the singular אִישׁ אֶחָד to the plural form בְּעָלִים once the redemption process starts, implying perhaps redemption by family members or some joint owner who could help cover the redemption cost.

⁴¹ Rabbinic tradition would have the supplement at 25% rather than 20% presumably on the logic that the "fifth" refers to one of five parts *including* the supplement. The understanding is reflected in the calculations of *m. 'Arakin* 8:3; see also *b. Baba Meṣ'ia* 53b–54a.

⁴² See §5.2.2.

coercion onto the Mishnaic teaching or merely brought a parallel teaching that retained it; in either case it demonstrates that redemption with the added fifth is attested in rabbinic memory too as punitive in nature.

Thus, if my reconstruction of this part of the Damascus Document is correct, its larger objective here is to place further limitations on field consecration by requiring the field's redemption (with a penalty) if consecration should result in a form of dispossession.⁴³ The Tosefta follows it in this interpretative tradition in reading the fifth as a punishment for the owner.

5.2.5 Field Consecrations as Temple Property

The laws regarding freewill offerings in the document work directly towards inhibiting them. This is a key difference between its legislation and the halakhic traditions preserved by the Tannaim, where these consecrations are not prohibited at the outset; rather the situations they can engender are resolved in various ways. The more stringent approach of the Damascus Document may be related to its authors' negative disposition to the temple and its wealth. Their view that the business transactions involving the temple had been corrupted is reflected in a statement in the opening, non-legal section of the work. There the new covenant community is told, among other things: "to separate from the sons of the pit (בני השחת) and to refrain from the wicked wealth (הון הרשע) that is impure due to oath, *hērem* dedication, and the temple wealth (הון המקדש),

⁴³ Incidentally, Philo too understands it as a punishment but for different reasons. He sees it as legislated by God for the rashness of making a vow for which one would come to regret and for one's lustfulness of possession in wishing it back (*Spec. Laws* 2.37).

for they steal from the poor of his people, preying upon the widows and murdering orphans" (CD 6:15–17).⁴⁴

The reference appears to be to corrupt temple officials who were misusing consecrated property, either the result of voluntary offerings or of the collection of the shekel tax. The "temple wealth" could also be an allusion to deposits in the temple treasury by widows and orphans, given their mention in this statement and evidence elsewhere for the practice.⁴⁵ In any case, I would relate the stringencies reflected in the document's laws on freewill offerings to the perception among its authors that those offerings were bound for a place defiled by corruption. The "wicked wealth that is impure" has become so by the moral failings of the institution, among which we can now number the abuse of the consecration mechanism as a means of dispossession of rightful claimants and deprivation of needy dependents.

If the Damascus Document is indeed placing the proceeds of field consecrations among the incorporated assets of the temple in Jerusalem, it would be the earliest attestation of this historical development in the sacred economy of Second Temple Judaism. The field consecrations of Lev 27, I have argued, supplemented the standard

⁴⁴ On the view that the section deals with the moral failings of the temple cult, see Eyal Regev, *Sectarianism in Qumran: A Cross-Cultural Perspective* (Religion and Society 45; Berlin; New York: Walter de Gruyter, 2007), 111–12, 340; Murphy, *Wealth in the Dead Sea Scrolls*, 77–78. A similar line in the Rule of the Community (4Q258 I:12) reads, "All those who scorn his word shall be obliterated from the earth...oaths, *hērem* declarations, and vows in their mouths..."; see also the complaint in *Testament of Moses* 5:5–6.

⁴⁵ On the use of the temple treasury for the deposit of the money of orphans and widows, see 2 Macc 3:11. There the high priest of Jerusalem claims to the visiting Seleucid official Heliodorus that the treasury contains only deposits of widows and orphans and some of the personal wealth of Hyrcanus the Tobiad; on the story, see §4.4.2.

priestly perquisites and were thus akin to tithes, first fruits, and heave-offerings. By this period, however, they appear to have joined other sources feeding a temple upkeep fund and were thus more akin to the shekel tax.

This supposition is rooted foremost in the fact that the document places its discussion on field consecrations in a compendium on נדביות ("freewill offerings") rather than on the priestly perquisites from agricultural produce, which appear elsewhere (4Q266, 6iii, iv; 4Q270, 2ii:6–10; 4Q271, 2:1–6).⁴⁶ The term נדביות is alone suggestive of altar-bound gifts,⁴⁷ with the explicit mention of the altar in the first law only reinforcing the point. Moreover, the act of consecration and vowing to the altar appear to be used interchangeably in the document and the switch in language from vows to consecrations in line 2 above need not indicate the earmarking of gifts for two different funds; the language of vows resurfaces in laws on field consecration in line 6. Thus it would seem that field consecration too is seen as equivalent to vowing something to the altar.

There is also good reason to believe that the authors of the Damascus Document viewed the altar as existing in Jerusalem rather than in the imagined alternative community of the sect. It is true that in the Rule of the Community the terms הנדביות and

⁴⁶ That section mentions the fourth-year produce, the animal tithe, ransom for the firstborn of the unclean animal and of the flocks, and the valuations-of-persons payments; for a discussion on these laws, see Hempel, *Laws*, 50–58.

⁴⁷ See Ezra 1:4, "the freewill gifts of the house of God"; 1QS IX:5, "the freewill grain offering." For a discussion of the term as one of several kinds of freewill offerings given at the temple, see Baruch A. Levine, *In the Presence of the Lord: A Study of Cult and Some Cultic Terms in Ancient Israel* (Studies in Judaism in Late Antiquity 5; Leiden: Brill, 1974), 42–44. The term does not appear anywhere else in the Damascus Document and its sole use in the Rule of the Community (1QS, 9:5) is in a metaphorical sense: "...and the perfect of the Way (are as) a pleasing freewill offering." Rabbinic tradition would include a special נדביה chest in the temple treasury, which was drawn upon to pay for various sacrifices (*m. Šeqalim* 6:5–6:6, 7:1).

המתנדבים ("those who give freewill offerings") are applied in a technical sense to refer simply to adherents of the sect; and generally speaking the Rule presents offerings that once were bound for the altar as wealth now meant to sustain the sect itself, in keeping with its self-perception as an alternative temple community.⁴⁸ But the perspective of the Damascus Document is different from the Rule and from other sectarian writings from a later period in the development of the sect. As Joseph Baumgarten and Daniel Schwartz write, "While other Qumran texts usually either ignore the Temple cult (e.g. 1QH), spiritualize it (e.g. 1QS), or criticize the way it is currently maintained (1QpHab 12.8–9), CD (11:19–12:2, 16:13–20) suggests that the temple is pure, shows a concern to maintain its purity, and reflects participation in its cult."⁴⁹ Also setting the Damascus Document apart from the Qumran library is the fact that it appears to reflect a community of families living in villages with individuals earning private income—from which persons were required to contribute two days' worth of their wages to the communal funds per month (CD 14:12–13).⁵⁰ The group that would live at Qumran, which incidentally was not even constructed for probably a generation after the composition of the Damascus Document, appears to have been considerably different in ideology and practice from

⁴⁸ Murphy, *Wealth in the Dead Sea Scrolls*, 63, 155–61; Wardle, *The Jerusalem Temple*, 139–62.

⁴⁹ "Damascus Document," 7.

⁵⁰ See *ibid.*; Murphy, *Wealth in the Dead Sea Scrolls*, 63.

that responsible for the document.⁵¹ What is more, there is reason to believe that even those residing there sent money to the temple even if they did not offer sacrifice there.⁵²

A final observation can be of assistance on the question. Catherine Murphy has proposed that the temple officials condemned in the document were called the "sons of the pit" because those in charge of collecting much of the produce in kind or selling items for sacrifice at the temple would quite likely have worked out of underground storage spaces accessed from the sacred esplanade.⁵³ She points to the use of the Aramaic מְנִקְרָה ("pit") in fourth-century BCE ostraca from Idumea as referring to storage places for various commodities.⁵⁴ Therefore, since in CD 6:15–17 the sons of the pit are seen as dealing with wealth that was incorporated, among which are numbered the oath and the *ḥērem* dedication, it is logical to presume that the property dedicated by oath in the section on freewill offerings—field consecrations included—is understood by the authors of this document as having been bound for the temple. The negative stance of

⁵¹ On the date of the Damascus Document in the mid- to late second century BCE, see §5.1; on the date of the construction of the sectarian complex at Qumran in the early first century BCE, see Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids, Michigan; Cambridge, U.K.: William B. Eerdmans, 2002), 66, 90–100; Meyers and Chancey, *Alexander to Constantine*, 92.

⁵² Josephus notes that the Essenes send votive offerings (ἀναθήματα) to the temple (*Ant.* 18:19); a hoard of 561 Tyrian tetradrachms found at Qumran could reflect collection of the tax. On the latter, see Magness, *Stone and Dung*, 102–3. On the question of the Essenes' participation in the cult of sacrifice at the temple in Jerusalem, see Hempel, *Laws*, 38; Wardle, *The Jerusalem Temple*, 145–50; Paul Heger, *Cult as the Catalyst for Division: Cult Disputes as the Motive for Schism in the Pre-70 Pluralistic Environment* (Studies on the Texts of the Desert of Judah 65; Leiden; Boston: Brill, 2007), 349–54; Angel, *Otherworldly and Eschatological Priesthood*, 238, n. 128.

⁵³ Catherine M. Murphy, *Wealth in the Dead Sea Scrolls and in the Qumran Community* (ibid. 40; 2002), 76–77. The buying and selling of goods from these individuals is prohibited again in CD 13:14 if we read בני השחה there as well rather than בני השחר ("sons of dawn"); for an argument for the former reading and a presentation of the textual issues at hand, see Christopher Stroup, "A Reexamination of the Sons of the Pit in CD 13:14," *Dead Sea Discoveries* 18, no. 1 (2011), 45–53.

⁵⁴ Murphy, *Wealth in the Dead Sea Scrolls*, 373; Israel Eph'al and Joseph Naveh, *Aramaic Ostraca of the Fourth Century BC from Idumaea* (Jerusalem: Magnes Press; Israel Exploration Society, 1996), 72–73.

the document toward such consecrations suits this understanding given the call to separate from the "wicked" and "impure" temple wealth.

Since Jonathan and the Jewish people are said in 1 Macc 10:46 to have rejected the offer of Demetrius I of the revenues from Ptolemais and its hinterland as a source of income for the temple, this interpretation would imply that the only attestation from the Hellenistic period of agricultural plots serving the temple treasury is in these laws in the Damascus Document. Yet even if the revenues from those holdings were destined for the incorporated treasuries in Jerusalem, the degree to which their everyday management—including proprietary arrangements, crop cultivation, and market sale of produce, among other things—was in the hands of temple officials or remained the responsibility of the lay owners of the field goes entirely unaddressed in the document.

One can only speculate on when the temple began taking the revenues from field consecrations from the personal priestly dues. Had the Hasmoneans been responsible for the reform we would expect to find some form of protest in the halakhic materials of the breakaway group, but the Damascus Document and 4QMMT are silent on the matter, though the former does assert priestly entitlement to the valuations-of-persons payments.⁵⁵ Nehemiah is said to have reformed temple finances in the middle of the fifth century BCE (10:35–39), reforms which included the centralization of sacred agricultural dues at the temple and the instituting of the annual shekel tax.⁵⁶ Perhaps these included

⁵⁵ See 4Q270, Frag. 2ii:9 and §5.3.2.

⁵⁶ See §4.2.2.

the temple's appropriation of revenues from consecrated fields. Another possibility is the period of apparent autonomy of the temple authorities from imperial auspices at the end of the fourth century BCE, when the temple appears to have been minting its own coins.⁵⁷ In this period as well the high priest may have begun to lay claim to the revenues in question.

In any case the development would presage rabbinic teachings on *heqdēš*.

According to them, the management of all *heqdēš* or consecrated properties, whether real or movable, lies not with the priests but with the גזבר, “temple revenue.” The revenue can in certain instances come onto one’s property to deal with consecrations.⁵⁸ A tradition in *m. Šeqalim* 5:2 claims that three revenueurs at the temple were occupied with collecting valuation payments and other vowed monies and were charged with managing *heqdēš*.⁵⁹ Tannaitic exegesis on Lev 27 replaces the priest with the temple as the economic agent carrying out the valuations and inheriting unredeemed fields at the Jubilee (Sifra, *Beḥuqotai* 10:10 [273:15]). The matter of where the unredeemed consecrated field is to go at the Jubilee (Lev 27:21) perplexed the rabbis since scripture would explicitly note that it is to go to the priest. An unresolved disagreement in *m. ‘Arakin* 7:4

⁵⁷ See §4.1.

⁵⁸ One who dedicates the produce of his threshing floor to the sanctuary, for instance, will according to the rabbis have the revenueur even out the grain (*m. Peah* 1:6), the key state determining whether one is obligated to tithe the harvest once the consecration was redeemed; see also *m. Hallah* 3:3–4.

⁵⁹ The tradition reads: “The three revenueurs: What do they do? Through them [people] would redeem [pay off] valuations, declarations of *ḥērem*, acts of consecration, and second tithe. And all the work of *heqdēš* was done by them....” The text accords with the rabbinic tradition in *m. Sanhedrin* 1:3 (and its parallel in *m. Megillah* 4:3) requiring the presence of three for the appraisal of temple properties, with the exception of land, which it is recalled, requires 10; that mishnah comes as part of a lengthy listing of judicial cases for which a court of 3 is required, such as cases of theft, rape, and property arbitration.

has the temple either selling the field to a priest, gifting it to him, or making sure it remains abandoned until the end of time. The exclusion of priests from the apparatus of field consecrations, if my reading of this section of the Damascus Document holds, occurred long before these Tannaitic traditions underscored the same notion.⁶⁰

5.3 On the Question of Temple Land in the Hasmonean and Herodian Periods

5.3.1 Philo's Remark on Plots of Land for the Temple

To the best of my knowledge, in addition to the laws from the Damascus Document and Josephus's gloss on 1 Macc 10:43 (*Ant.* 13.56), the only explicit mention of temple landholdings among the Jewish source material prior to the Mishnah is a passing remark made by Philo. The remark appears in the opening sentence of his lengthy description of the sacred revenues and priestly dues—that is, the income of both temple and priest—a pericope which spans *Spec. Laws* 1.76–161. The sentence reads as follows (76):

⁶⁰ On the distinction between the temple administrative apparatus and the priestly clans as a regular feature of the temple economy from the earliest days of the Second Temple, see §3.3.1. Note also Josephus's refashioning of the Chronicler's description of the tribal apportionment of the house of Levi, which makes special note of the fact that the keepers of the treasury of God and of royal offerings were descendants of Moses rather than Levi (*Ant.* 7.367). This reflects his perception that sacred finances had by his day become fully separate from the interests of the individual priestly clans, as furthered in rabbinic teachings. According to *m. Temurah* 7:1–3, priests can derive economic benefit from altar offerings—with their valuable hides, cuts of meat, and other foodstuffs—but in *m. Temurah* 7:2 they are deprived any benefit from temple upkeep offerings. The distinction of priestly and sanctuary revenues in Tannaitic tradition is also reflected in the category of תְּרוּמַת הַקֹּדֶשׁ (“the heave-offering of *heqḏēš*”), which is the consecration by a priest of some of his heave-offering to the sanctuary (*m. Terumot* 6:4); and of הַקֹּדֶשׁ עֲלוּי (“the value dedication”), the donation by a supplicant of the market-value of an animal due for sacrifice to the temple-upkeep fund (*m. Temurah* 7:3). On the latter concept, see Jacob Neusner, *A History of the Mishnaic Law of Holy Things. Part Four: Arakhin, Temurah. Translation and Explanation* (Studies in Judaism in Late Antiquity XXX; Leiden: E.J. Brill, 1979), 145. On the tendency of the rabbis to excise priests from matters of temple ritual, see §1.3, though this evidence would suggest that their teachings are not entirely ahistorical.

The temple has for its revenues not only portions of land, but also other possessions of much greater extent and importance, which will never be destroyed or diminished; for as long as the race of mankind shall last—and it shall last for eternity—the revenues likewise of the temple will always be preserved, being coeval in their duration with the universal world.

προσόδους δ' ἔχει τὸ ἱερόν οὐ μόνον ἀποτομὰς γῆς ἀλλὰ καὶ πολὺ μείζους ἐτέρας, αἷ μὴδενὶ χρόνῳ φθαρῆσονται· ἐφ' ὅσον γὰρ τὸ ἀνθρώπων γένος διαμενεῖ—διαμενεῖ δ' εἰς αἰεῖ—, καὶ αἱ πρόσοδοι τοῦ ἱεροῦ φυλαχθήσονται συνδιδαιωνίζουσαι παντὶ τῷ κόσμῳ.

The "possessions of much greater extent and importance" are never named explicitly, but the fact that Philo immediately thereafter summarizes the law of Exod 30:13–16 that every adult male over the age of twenty bring the shekel tax to Jerusalem would suggest that he has this major source of revenue in mind.⁶¹ He would later describe banking places for the collection of the tax (1.77–78), a comment that is corroborated in early rabbinic tradition, which speaks of special collection vessels throughout the provinces for gathering the coins (*m. Šeqalim* 2:1). Philo then transitions into various sources of income for the priests, covering topics such as the eligibility for priestly portions (1.117) and the special honor due to priests (1.131). But he would never again mention the temple land to which he refers in 1.76.

Philo thus leaves his reader with no details on the nature of these estates: where they were located, how they functioned, and who managed them. This is a conspicuous lack of detail when compared to the other topics in this section on sacred revenues, for

⁶¹ See §5.3.2.

which Philo has much more to say. Given that Philo was from a region where temples regularly held and were profited by large tracts of land, one wonders if he is not merely projecting a situation prevalent in Egypt onto Jerusalem, taking landholding as a mark of honor for any temple and its god.⁶² The Jewish temple at Leontopolis—with which, one must assume, Philo would have been familiar, though he never would speak of it—held a fine tract of land according to Josephus.⁶³ Philo's dependency on proto-rabbinic halakhic tradition in *Spec. Laws* has been questioned and one can hardly assume that Philo was drawing on such material in making this comment.⁶⁴

5.3.2 An Absence of Evidence

Even if Philo's remark is not entirely untrue, there is good reason to suppose that consecrated fields were a minor feature of Judean agricultural life and the Jerusalem temple's economy. Most telling is the intervening silence on the matter from the Damascus Document to Philo, even in sources where we would expect to find them. The Temple Scroll, a work of utopian law from circa 100 BCE devoted to the proper construction and operation of the Jerusalem sanctuary in some future time, repackages biblical law in a manner that addresses halakhic issues of that time by presenting an

⁶² On Egyptian sanctuary landholdings in the Early Roman period and an argument for their continued importance, overturning earlier scholarship arguing for their widespread desacralization from the Augustan period onward, see Monson, *From the Ptolemies to the Romans*, 218–27. On their taxation, see Livia Capponi, *Augustan Egypt: The Creation of a Roman Province* (Studies in Classics; New York: Routledge, 2005), 112. On Egyptian temples in the Hellenistic period, see §4.2.4 above.

⁶³ See §4.2 above and Wardle, *The Jerusalem Temple*, 121–22.

⁶⁴ See Richard D. Hecht, "Preliminary Issues in the Analysis of Philo's *De Specialibus Legibus*," *Studia Philonica* 5 (1978), 1–55, esp. 41–42. Hecht examines also the case-study of the red heifer in Philo's *Spec. Laws*, which he determines to be free of significant parallels with rabbinic materials on the subject.

alternative model for the layout and operation of the Jerusalem sanctuary. It thus offers criticism toward the current establishment.⁶⁵ One can hardly overstate the significance of the absence in this document of any mention of sacred landholdings of the types that appear in scripture, whether the Levitical cities and pasturelands, the sacred district of priests and Levites in Ezekiel's temple vision, or the field consecrations of Lev 27.⁶⁶ The embrace in the Temple Scroll of the biblical ideal of a landless priesthood (11Q19 60:1), fully supported by the offerings of the people and thus unburdened of the duties of food production—a reverberation of scriptural precedent⁶⁷—might reflect a response to conditions on the ground that were far from the scriptural ideal. The Scroll's legislation is certainly not reluctant to innovate on matters of sacred finances but offers nothing with regard to temple estates.⁶⁸ Had the Hasmonean kings been appropriating such

⁶⁵ Yigael Yadin dated the scroll to the reign of John Hyrcanus (134–104 BCE) or slightly earlier; *The Temple Scroll. The Hidden Law of the Dead Sea Sect* (New York: Random House, 1985), 220–39. The date has been refined by Lawrence Schiffman to 110–90 BCE; *The Courtyards of the House of the Lord. Studies on the Temple Scroll* (Studies on the Texts of the Desert of Judah 75; Leiden; Boston: Brill, 2008), 8–10. Johann Maier characterizes the script as providing a terminus ante quem for 125–100 BCE; *The Temple Scroll. An Introduction, Translation & Commentary* (Journal for the Study of the Old Testament Supplement Series 34; Sheffield: JSOT Press, 1978), 1–2. See also Florentino García Martínez, "Temple Scroll," in *Encyclopedia of the Dead Sea Scrolls* (ed. Lawrence H. Schiffman and James C. VanderKam; Oxford; New York: Oxford University Press, 2000), 931–32.

⁶⁶ Rather than focusing on procuring more effective means of supporting the priests and temple, the polemics of the Temple Scroll seem to involve the minutiae of the proper observance of the temple cult and other matters of ritual purity, in addition to a general disapproval of the integration of the kingship and priesthood into a single ruling figure; Regev, *Sectarianism in Qumran*, 141–43. Matters of sanctity and space center around maintaining the holiness of the Temple Mount area, for example (11Q19 45:7–46:16). On the matter of the allotment of the land, the Temple Scroll is not entirely clear; on the notion that tribal territories may have been viewed as emanating from Jerusalem, see Schiffman, *Courtyards*, 287–88.

⁶⁷ See §2.4.

⁶⁸ That the Temple Scroll's legislation on priestly revenue is not simply a regurgitation of Deut 18:3–5 is demonstrated by its conferral to the priesthood of the proceeds of a tariff on war booty and sacred donations (defined here as *tērûmâ*), both without scriptural precedent (11Q19 60:3–5). The text of the passage reads as follows: "(3) ...and all their holy offerings which they consecrate to me along with all their (4) festal offerings; and their levy on *tērûmâ* for the birds, animals and fish, one per thousand (5) of all that they catch; and all

estates in large measure and using them for their own personal profit, as Zeev Safrai has suggested, one might expect legislation in the Temple Scroll offering protections of them.⁶⁹

Perhaps the most telling evidence that the Jerusalem temple did not hold significant tracts of land is the absence—to the best of my knowledge—of any description of them in the works of Josephus, a priest himself who spared little effort in describing the layout of the temple and the sources of income of the priesthood, though he presumably saved many details on Judaism for a work he planned to write on the topic.⁷⁰ It is true that in his summary of the priestly dues (*Ant.* 4.67–75, 240–243) he makes mention only of the valuations-of-persons payments of Lev 27:2–8 (*Ant.* 4.73) and says nothing of field consecrations as a source of revenue, perhaps because the latter was no longer among the priestly perquisites and were being used to fund temple operations. But the failure to mention any of these plots in his descriptions of the geography and fertility of Judea and Galilee (*B.J.* 3.35–58, 518; 4.451–74) might attest to a lack of prominence. The closest he comes in these texts is in the following statement on the fertility of the Jericho plain: "it would be no misnomer to describe as 'divine' (θεῖον)

that they declare *hērem*; and a levy on the booty and spoil." See Elisha Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Judean Desert Studies; Beer Sheva; Jerusalem: Ben-Gurion University of the Negev; Israel Exploration Society, 1996), 85. Assumed in the text is a distinction between incorporated temple wealth and private priestly wealth, with sacred donations of all sorts held not by individual priests but by the sanctuary. The priests receive merely a cut of the proceeds, though it is impossible to know how those monies would be distributed among the priesthood. Nevertheless, despite these innovations beyond the scriptural model, the authors offer no mention of temple estates in this utopian document.

⁶⁹ Safrai, "The Agrarian Structure," 116–17; see also §1.1.2 above.

⁷⁰ See *B.J.* 5.237, where he mentions the work he planned to write on customs and laws relating to the city of Jerusalem and its temple.

this spot in which the rarest and choicest plants are produced in abundance" (*B.J.* 4.469), but this strikes me as little more than a turn of phrase.⁷¹ It remains the case that the only extant reference in Josephus is, to the best of my knowledge, his mention in *Ant.* 13.56 of τὰ ἀπ' αὐτοῦ χρηματίζοντα, "the [places] belonging to it [i.e., the temple]" in his paraphrase of 1 Macc 10:43. Even this instance is of questionable relevance, as I have pointed out.⁷² And Josephus's failure to mention any instance of a foreign or local king or aristocrat endowing the Jewish temple with a tract of land is also telling.⁷³ The absence of large land endowments for Judean cultic life from royalty and aristocracy could be related to an early Jewish rejection of the Greco-Roman culture of civic euergetism, as Seth Schwartz has argued,⁷⁴ or to the temple's simple preference for collecting revenue in other forms, as discussed below.

Irrespective of consecrated fields, evidence for the involvement of the Jerusalem temple in the local real estate market is sparse at best. I could find two such references. In Matt 27:3–10, the chief priests are said to have purchased a burial site in the Akeldama ("Blood Field") area of Jerusalem for the interment of foreigners. The money used was the blood money received by Judas for betraying Jesus, which Judas had

⁷¹ It is possible that this reflects Josephus's particular view of the inherent sanctity of the Land of Israel, whereby its holiness is intrinsic and universal throughout the land and not limited to particular consecrated plots. On Josephus's writings and attitude to the Land, see Amaru, *Rewriting the Bible: Land and Covenant in Post-Biblical Jewish Literature*, 95–115.

⁷² See §4.4.3.

⁷³ See §5.1.

⁷⁴ Seth Schwartz, *Were the Jews a Mediterranean Society? Reciprocity and Solidarity in Ancient Judaism* (Princeton; Oxford: Princeton University Press, 2010), esp. 173–74. A remark by Josephus in *Ant.* 16.157–59 is central to his argument. There Josephus notes that Herod's euergetism was solely in pursuit of honor, an endeavor thought by Josephus to be in opposition to Jewish sentiment, which prefers righteousness to glory (τὸ δίκαιον ἀντὶ τοῦ πρὸς δόξαν; 16.158).

deposited in the temple treasury into the Qorban fund. But an alternative version has Judas himself purchasing the field after his act of betrayal (Acts 1:18–19), calling into question the historicity of the involvement of the priests in the purchase in Matt 27:3–10. There appears to have been some tradition linking Judas with the Akeldama tomb area, with each account explaining the connection differently. In Matthew the priests may have been inserted into the account to underscore their guilt in the narrative: they receive the very blood money that had come from them in the first place, implicating themselves and displaying an almost ironic concern with matters of ritual purity when innocent blood has just been shed. The fact that the excavated tombs in the Akeldama area appear to have been inhumed with the bodies of foreigners in the first century CE can hardly prove the details of the account in Matthew.⁷⁵ And even if it were true, it would attest to little more than the holding of a tomb complex by the temple authorities. Though sellable or rentable, this would presumably not be a profitable asset in any significant way so as to relate to what Philo and Josephus refer to in the comments given above.

Another instance of potential involvement in the real estate market involves a remark in *B.J.* 5.35–36 that John of Gischala wrongfully used the sacred timber that had been brought by King Agrippa II from Mount Libanus for a sanctuary renovation

⁷⁵ R.T. France, *The Gospel of Matthew* (The New International Commentary on the New Testament; Grand Rapids, Michigan: William B. Eerdmans, 2007), 1038–45. The names of the interred include members of the Eros and Ariston families, both perhaps having come to Jerusalem from Apamea; see Gideon Avni and Zvi Greenhut, *The Akeldama Tombs. Three Burial Caves in the Kidron Valley, Jerusalem* (IAA Reports 1; Jerusalem: Israel Antiquities Authority, 1996), 33–35.

project. The people and the chief priests are said to have initiated the project but the raw materials were procured at the king's expense. The scenario recalls a rabbinic ruling in *m. Me'ilah* 3:8 regarding trees consecrated only for the use of their timber in temple construction.⁷⁶ In this case the temple is merely purchasing trees from the timber-rich regions of the Lebanon mountains in the north, not owning and managing estates for the purposes of supply building materials or even wood for the altar. The temple appears to have purchased flour and wine from private estates known for producing superior products and not regularly supplied its altar with produce grown on its own farms.⁷⁷ Wood for fuel on the altar was also donated regularly by the people in an event that would take on a celebratory character and occur around the 15th of Av.⁷⁸

A final point is that even within the portrayal of the temple economy in rabbinic memory, I could find no explicit reference to the costs and revenues related to the management of temple land. Tractate *Šeqalim*, which is devoted most explicitly to sacred finances, concerns itself for example with the proper uses of cash held in the treasury

⁷⁶ See §6.3.

⁷⁷ The superior flour of Mikhmas, Mezonihah and Hafarayim is praised in *m. Menahot* 8:1; the fine wine of Kerutim, Hatulim, Bet Rimah, Bet Lavan, and Kefar Signa is extolled in *m. Menahot* 8:6. The Mishnah notes in both cases that products from all the provinces (כל הארצות) are suitable for the altar though it was customary to bring from those places. On the possibility that the Hatulim winery supplied products to the Qumran sectarians based on the inscription יוהנן הטלא on four jars from Qumran, see Demsky Aaron, "Qumran Epigraphy and Mishnaic Geography: The Identification of HTL' with Hatulim (Menahoth 8:6)," *Dead Sea Discoveries* 4, no. 2 (1997). For a general discussion on the supply of agricultural products for the temple cult, see Safrai, "The Temple," 881–82.

⁷⁸ On the wood-offering and its relationship to the Jewish holiday Tu b'Av, see Schürer et al., *History of the Jewish People*, Vol. II, 273; Safrai, "The Temple," 882–84.

chamber (*m. Šeqalim* 4:1–4:5)⁷⁹ or how the origins of coins in the chests in that chamber should be used as a factor modulating behavior toward them (7:1).⁸⁰ Neither of these teachings mentions revenues from *heqdēš* holdings. According to *m. Šeqalim* 4:3, the temple can be free to use surpluses remaining after the basic needs of the temple cult are met to purchase wine, oil, and fine flour, which in turn can be sold to pilgrims for profit. But there is a dissenting view on the practice expressed by R. Aqiva, who says that "one should not engage in commerce with the properties of *heqdēš* or of the poor." This perspective, if reflective of a cautiously conservative position taken by the temple authorities when it stood, would have effectively ended any profit-making endeavors on the part of the temple with movables or land.

Had the evidence existed, one might be tempted to read R. Aqiva's statement as a statement of protest against memories among rabbinic circles of such practices in the time of the temple. But as the above survey has hopefully demonstrated, the Jerusalem temple did not seem to be engaged in the kind of widespread landholding and rent-seeking that we see in other temples of the ancient world. Rent payments from sacred lands were a major reason that sanctuaries and priesthoods held land in the first place.

⁷⁹ According to this teaching, funding the daily service is of foremost importance, followed by various other weekly and festival offerings. At the bottom of the list come the needs of the city, such as its aqueduct and fortifications. The latter point recalls the use by Pontius Pilate of sacred money for building a new aqueduct in Jerusalem (*B.J.* 2.175; *Ant.* 18.65); and Agrippa II's use of it to repave some of the city (*Ant.* 20.220).

⁸⁰ A donative offerings (הבנת) chest and shekels chest are mentioned among the question of what to do if coins were found lying on the chamber floor. In the sixth chapter of the tractate we learn (as in 6:5) that the chests for donative offerings were for monies left over after the animals for sin- or guilt-offering were purchased, and 6:6 stipulates that anything for sin-purification should be used for whole burnt offerings, the hides going to the priests.

In the Jewish context, however, the only reference I could find among the huge corpus of literature to the renting of consecrated real estate is a brief statement in *t. Baba Meṣi'a* 8:30 involving the case of a renter whose landlord consecrates his house.⁸¹ The rent payment according to the teaching goes to *heqdēš*. It comes amidst a group of teachings on renting rights, yet another compendium of law where we might expect more direct engagement with the topic had it been a larger part of everyday practice when the temple stood. It is true that good evidence for the leasing of land of any sort in ancient Judea is sparse and relatively late, coming in the form of leases on papyri from the early second century CE in the Judean desert caves and in early rabbinic writings, but John Kloppenborg has argued convincingly that tenancy would become commonplace in Palestine by the Ptolemaic period.⁸² There is good reason then to suppose that the temple was simply not one of the major landholders in Judea at the end of the Second Temple period.

In the end, it seems that the temple's main institutional revenues collected from the people appear to have relied primarily on the shekel tax, with field consecrations playing only a minor role in sacred finances.⁸³ The data do not allow for one to begin to

⁸¹ See also a parallel *baraita* in *b. Baba Meṣi'a* 21a.

⁸² There is, in fact, no evidence in the Hebrew Bible for the leasing of land, but it would be central to the parable of the tenants in Mark 12:1–9, the basis for Kloppenborg's study; see his discussion of the evidence on leasing arrangements in Judea and a list of sources in *Tenants in the Vineyard*, 290–95. On rabbinic terms for tenancy and their application to an Early Roman context in Judea, see Applebaum, "Economic Life," 659–60.

⁸³ The tax was collected from every adult Jewish male on an annual basis by the late Second Temple period, perhaps having been instituted as a mandatory annual payment in the Hasmonean area; see §4.4.2. On the tax, see Liver, "The Half-Shekel Offering in Biblical and Post-Biblical Literature," 173–98; Schürer et al.,

quantify the revenues and expenditures of the Jerusalem temple, but the sheer volume of mentions in the sources of the shekel tax and particularly the extraordinarily large sums it appears to have generated would support the supposition.⁸⁴ The shekel tax was collected not only from Judeans in this period but from diaspora Jews as well,⁸⁵ resulting in a significant injection of cash whose purpose was presumably for the purchase of daily offerings—allowing the regular Tamid service to be for the atonement of the entire

History of the Jewish People, Vol. II, 270–74. It was used foremost as a source of funding for the daily sacrifices but could also be dedicated to the maintenance of buildings, salaries, support of the needy, and municipal services, if we are to rely on *m. Šeqalim* 4:1–2; see Applebaum, "Economic Life," 677–78; Levine, *Jerusalem*, 247.

⁸⁴ One can suppose that the temple treasury remained the single greatest deposit of cash and valuables in Judea—even greater than Herodian and Roman-provincial treasuries, and any public funds—though much of it would have remained unproductive. The vast wealth of the temple treasury was drawn upon by local leaders for certain urban projects, such as Pontius Pilate to fund the construction of a new aqueduct (*B.J.* 2.175; *Ant.* 18.60) and Agrippa II to repave the streets in white stone after the temple was finished, a measure according to Josephus meant to help mitigate against unemployment problems once the major work on the temple had been completed (*Ant.* 20.219–22). Various Roman officials had plundered the treasury on occasion as well, given its great wealth. The most famous of these incidents is perhaps Crassus's acquisition of 2,000 talents of silver and a considerable amount of gold to help fund his Parthian campaign in 54 BCE (*Ant.* 14.105–9; see also *B.J.* 1.179); the monies he took had been spared by Pompey a decade earlier (*B.J.* 1.152–53; *Ant.* 14.72). Sabinus, when procurator of Syria during the Varus uprising in 4 BCE, secured 400 talents for himself from the temple treasury while Roman soldiers also are said to have fallen upon the treasury as well (*B.J.* 2.50; *Ant.* 17.264). Florus, procurator of Syria in 64–66 CE, took from the temple 17 talents, provoking local outrage (*B.J.* 2.293–94). On the financial resources of the Jerusalem temple, see Wardle, *The Jerusalem Temple*, 23–27; Levine, *Jerusalem*, 235–37. Josephus claims in *Ant.* 14.113 that there is no such thing as public money in Judea "except that which is God's"; but contradicts himself in *Life* 199 when he refers to public funds used to pay for John of Gischala's mission into Galilee. On the use of the Hasmonean-Herodian desert fortresses as store-places of great wealth, see Strabo, *Geog.* 16.40. Presumably royal deposits such as these were far more productive than the sacrosanct temple funds; on another deposit of generally untouchable wealth, see Josephus's mentions of the great valuables stored in King David's tomb in Jerusalem, which he claims were used by both Hyrcanus and Herod in times of need (*Ant.* 7.393–94, 16.171; *B.J.* 1.61).

⁸⁵ Cicero recalls the confiscation at Apamea, Laodicea, and Adramyttium of this sacred tax bound for Jerusalem (*Pro Flacco* 28.66–69); and Josephus quotes Strabo regarding an incident in which Mithridates VI Eupator took 800 talents deposited at Cos apparently in an attempt to protect it from Mithridates (*Ant.* 14.110–113). Marcus Agrippa would issue a decree ordering foreign cities to ensure the proper treatment of sacred Jewish monies at Ephesus, Cyrene, and Sardis (*Ant.* 16.166–73). The Qumran sectarians called for the payment of the tax once in a lifetime, as a form of ransom (4Q159, Frag. 1ii 9:7), apparently following Exod 30:11–16. The Temple Scroll mentions the tax but is unclear on the frequency of payment (11Q19 39:8–9). For encouragement of the practice by Paul, see 1 Cor 16:1–4.

Jewish people—and other sabbath and festival offerings for which animals and other goods were procured. The use of a change fee for converting local currencies into the Tyrian tetradrachm standard would have benefitted the temple treasury; resistance to the surcharge led to one famous disturbance at the moneychangers' tables by Jesus of Nazareth (Matt 21:12–13; Mark 11:15–17; Luke 19:45–46; John 2:13–17).⁸⁶ After the fall of Jerusalem in 70 CE, the Roman provincial authorities would inherit the Jewish temple's collection apparatus for the shekel tax and rename it the *Fiscus Iudaicus*. According to Josephus, the Romans directed the funds to the Capitoline in Rome (*B.J.* 7.218), apparently a reference to the temple of Jupiter there, which had just burned in 69 CE.⁸⁷ Receipts of payment from Edfu in Upper Egypt show that special tax collectors were appointed by the Romans for the task.⁸⁸

The temple had other sources of cash as well, in addition to any personal deposits left there.⁸⁹ Fines were levied for various offenses such as sacrilege and the

⁸⁶ Sanders, *Judaism: Practice and Belief*, 86–87.

⁸⁷ Stern, *Greek and Latin Authors, Vol. 1*, 198–99. Famously much of the temple valuables were marched ceremoniously through the streets of Rome after the war, some put on display by Vespasian in the *Templum Pacis* (*B.J.* 7.161–62).

⁸⁸ Victor A. Tcherikover and Alexander Fuks, *Corpus Papyrorum Judaicarum* (vol. 2; Cambridge, Mass.: The Magnes Press; Harvard University Press, 1960), 111–16, 119–36, 204–8 (Nos. 160–229, 421).

⁸⁹ Josephus calls the temple the "general repository of Jewish wealth" at the time of the war with Rome; many had sold off much of their property and deposited its value there (*B.J.* 6.282). Elsewhere he notes, however, that the royal palace in Jerusalem was also where many deposited their cash (*B.J.* 6.358). A teaching by Hillel has individuals placing money in the temple treasury in cases in which buyers of real estate oppose redemption by their original owners (*m. 'Arakin* 9:4). It is recalled that in 2 Macc 3:10, the high priest asserts to Heliodorus, who sought out temple wealth, that it contained only the personal deposits of widows and orphans. 4 Macc 4:1–14 mentions "tens of thousands" of private funds in the temple. The temple treasuries could also have been used to store private funds set aside for sacrifices, such as that pooled together and sent to Jerusalem by Judah and his men after they discovered that their fallen comrades had been hiding idols under their tunics (2 Macc 12:43).

introduction of non-kosher animals or hides into Jerusalem⁹⁰ and persons regularly made contributions to the Qorban fund in the temple.⁹¹ Apparently cash gifts marked as Qorban (literally, "sacrifice") could also have been given over to individual priests, as Josephus notes (*Ant.* 4.73), in continuation of the practice of the valuation of persons from Lev 27:2–8. The priests' right to these valuation payments is asserted as well in the Damascus Document (4Q270 2ii), where it is referred to as כסף הערכים לפדוי נפשמ, "the valuation money for the redemption of their soul."⁹² It would appear that the practice of

⁹⁰ Josephus reports that among Antiochus III's decrees in 198 BCE was the right of the local authorities to fine anyone who brought non-kosher meat into Jerusalem, including hides (*Ant.* 12.145–146). On rabbinic ordained fines for sacrilege with consecrations, see *m. Me'ilah* 5:1–2.

⁹¹ According to Josephus the Qorban fund was drawn upon by Pontius Pilate when he wished to fund the new aqueduct into the city (*B.J.* 2.275; see also *Ant.* 18.60). Judas's payment for the betrayal of Jesus was deemed inappropriate for this fund in *Matt* 27:6. There are references to vessels labeled in such a manner in *m. Ma'aser Sheni* 4:10–11 (see also *m. Nedarim* 1:2–3). A stone vessel from the Herodian period excavated at the foot of the Temple Mount is inscribed with the word קרבן (Qorban); see Cotton, ed., *CIII/P, Vol. I, Part. 1*, 52–53. An ossuary inscribed with the same word as a part of a formula to prevent its theft was mentioned above; see §5.2.3 and *ibid.*, 307–9. Phoenician oaths involving freewill gifts appear to have employed a similar terminology: In *Life* 167 Josephus relates the anecdote of Theophrastus, the student of Aristotle (fourth–early third century BCE), that the laws of the Tyrians prohibit the use of foreign oaths, among which he includes the Qorban. Josephus takes this to refer to the Jewish oath, though Menahem Stern argues that a Phoenician practice of the same name was probably intended; *Greek and Latin Authors, Vol. 1*, 12–13.

⁹² If disagreements existed between the priestly clans and the temple regarding the proper use of valuations-of-persons payments, then it would recall disagreements over fourth-year produce. The sectarians (as well as the Karaites and Samaritans) see it as a priestly entitlement, the rabbis as equivalent to the second tithe, calling for it to be consumed or its monetary equivalent spent in Jerusalem rather than handed over to the priests; see Aharon Shemesh, "The Laws of First Fruits in the Dead Sea Scrolls," in *Meghillot: Studies in the Dead Sea Scrolls* (ed. Moshe Bar-Asher and Devorah Dimant; Jerusalem; Haifa: The Byalik Institute; University of Haifa, 2003) [Hebrew], 152–53; and see below §7.3.2. One can make a similar claim regarding the valuations-of-persons payments. These scripturally based priestly entitlements would with time come within the financial auspices of the temple authorities, prompting the ire of the persons behind the Damascus Document, themselves probably of the Zadokite line; hence the assertion of this entitlement in 4Q270 2ii, as well as by Josephus in *Ant.* 4.73. On a similar disagreement regarding the sanctity of *hērem* once it transfers into the priest's domain, see §7.3.3.

The discussion of freewill offerings by Philo (*Hypothetica* 7.3–5) uses general language that provides no specificity with regard to movables or real holdings, as do words of encouragement and advice on the giving of vowed offerings in Wisdom Literature (*Eccl* 5:4–5; *Prov* 20:25; *Sirah* 14:11, 18:12, 35:12) and in Jubilees 30:18–20. Ecclesiastes 5:4–5 counsels against unwise vows of property for the Jewish cult: "It is better not to vow at all than to vow and not fulfill. Don't let your mouth bring you into disfavor, and don't please

dedicating money in lieu of dedicating one's person to sacred purposes would remain far more common than dedicating fields, leading the temple authorities to begin laying claims to the incoming cash and resulting in protest from priestly circles who preferred to see these monies remain in the hands of the priests.⁹³ No such protest is evident for income from field consecrations, perhaps because of its relative infrequency among the types of voluntary dedications in this period. Influxes of cash from offerings and the shekel tax, combined with the instances of prominent euergetism consisting of the donation of cash and valuables, appear to have been the common revenues in the sacred economy of Jerusalem, far eclipsing income from consecrated real estate.⁹⁴

before the messenger (*hammal' āk*) that it was an error, but fear God; else God may be angered by your talk and destroy your possessions." The LXX gives τοῦ θεοῦ for *hammal' āk*, suggesting a *Vorlage* reading *hā' ēlōhīm*. The discrepancy is intriguing given the question of the beneficiary of the vow. The MT's "messenger" would seem to imply a degree of formality to the vow; perhaps it was made in a public manner, such as in a community gathering of some sort so that word could reach the priestly authorities who would then send a messenger to receive the property vowed for sacred purposes. Whether the destination was the coffers of the priests or of the sanctuary is unknowable. The MT may have been updated to suit the practice known to its tradents; or consequently, the LXX altered precisely because such an official was unknown and vow-giving left entirely in the hands of the supplicant, as Berlinerblau has argued for Iron Age Israel; see Berlinerblau, *The Vow*, 48–112.

⁹³ After the mention of the ַעֲרֵב of the consecrated field in the Damascus Document (line 6, above), the other two occurrences of the word in the non-biblical scrolls from Qumran where the context is ascertainable refer to the valuations of persons (4Q159 1ii:6, 4Q270 2ii:9; 4Q513 17:3 and PAM 43.668 4:1 are too fragmentary to be of any assistance).

⁹⁴ There is no indication regarding the fate of sacred landholdings of the Jewish temple after the fall of Jerusalem, no surprise given the lack of evidence for prominent sacred lands associated with the temple, most consecrations having likely been monetized relatively quickly and more permanent holdings being small enough to go unmentioned by Josephus and others. But any sacred fields of significance could have been left desolate under the force of Roman law, or possibly appropriated by the Roman imperial cult. The notice by Josephus that the Roman emperor "farmed out" all of Judea (*B.J.* 7.216–17) is likely an exaggeration, but reflects nevertheless the appropriation by Roman imperial authorities on a massive scale of Jewish private land—royal land and any sacred properties included. The presence of new occupants in rabbinic materials is reflected in the term סִיקְרִיקוֹן, which appears in various Tannaitic sources (e.g., *m. Gittin* 5:6) and is understood to refer to beneficiaries of Roman authorities who received land in the region; see Ben Zion Rosenfeld and Haim Perlmutter, "Landowners in Roman Palestine 100–300 C.E.: A Distinct Social Group," *Journal of Ancient Judaism* 2, no. 3 (2011), 340–41, nn. 65–66.

5.3.3 Individual Responsibility for Consecrated Fields

Another explanation for why fields consecrated for the temple's benefit do not merit the attention of ancient histories and other literary works could be that they were relatively inconspicuous, physically remaining within the domain of their original owners. If field consecrations in Judea were drawing some inspiration from Lev 27, and if my reading of the fraudulent practices underlying the legislation in the Damascus Document is correct, the implication would be that field consecration resulted in forfeiture of usufruct and rights of alienation but not necessarily the responsibility for cultivation and sale costs. For this reason the legislation of the Damascus Document was concerned with consecrations on the farm itself—the act of consecration did not imply physical separation from the property in question. The owner rather would merely dedicate all proceeds toward sacred purposes, making sure not to have consecrated a plot or grove from which his dependents or others were regularly taking provisions and seeing to its proper redemption before it could be put toward non-sacred uses again. The redemption payment, which is to say the proceeds of the sale, would then go toward the temple treasury, as would all profits deriving from the field from before redemption.⁹⁵

⁹⁵ This assumes that monetization of sacred assets desacralizes them, their sanctity transferring to the coins and the assets themselves free for everyday use, following the rabbinic understanding (see §5.1), which in turn is rooted in the redemption concept of Lev 27. One recalls that the latter lays out regulations for persons interested in donating their agricultural property to the priests of Yahweh and in all cases in which the property in question was purchased rather than inherited, the property is monetized on that same day and its value donated in silver to the cult (Lev 27:22–24). Immediate redemption could have been encouraged for patrimonial land as well, given the interest of Lev 27 with procuring silver payments for the priesthood; see §3.2 above.

We can hardly speculate on the taxation policy regarding such fields in the Early Hellenistic period, though probably whatever taxes were drawn from them would have been handled locally by tax farmers.⁹⁶ The Hasmonean system of tax collection is similarly obscure, though one might expect a break for sacred land on the *dekate* that appears to have replaced the older imperial taxes.⁹⁷ By the time of Herod the most fertile land in the country appears to have been in the hands of the royal family and other agricultural areas were taxed directly, with sacred revenues probably deducted from those sums.⁹⁸

While the plot, grove, tree, or other consecrated asset enjoyed sacred status, one can assume that physical markers were put up to call attention to it. The Mishnah preserves teachings recalling the practice of marking fourth-year vineyards with clods of earth, 'orlâ trees with clay, and ripe first fruits by tying reed-grass around them (*m. Ma'aser Shenî* 5:1; *m. Bikkurim* 3:1). A similar kind of marking such as a boundary stone

⁹⁶ See §4.1 above on local taxation in the Ptolemaic and Seleucid periods. Extremely little can be said on Seleucid policy toward sacred landholdings. The Apollonia-Salbake (Asia Minor) decree from the reign of Antiochus III (222–187 BCE) relates to the question but does not reveal much; in the decree a Seleucid official in charge of local sanctuaries regarding what appears to be the destination of the taxes they are to pay, whether to the city or the royal treasury. See Aperghis, *The Seleucid Royal Economy: The Finances and Financial Administration of the Seleucid Empire*, 288, 324–25.

⁹⁷ For discussions on the Hasmonean *dekate* tax, see Applebaum, "Hasmoneans," 21–22; Bar-Kochva, "Manpower, Economics, and Internal Strife," 185–87.

⁹⁸ Such is Emilio Gabba's supposition with regard to the dues of the sacerdotal class; see "The Finances of King Herod," 161–62. The same supposition can be made for land entirely consecrated for sacred purposes. For another discussion on taxes in the time of the Herodians and the argument that taxation was not as burdensome as many have made it seem, even considering the levying of sacred dues, see Sanders, *Judaism: Practice and Belief*, 146–69.

or low fence may have been useful in the case of consecrated fields.⁹⁹ In any case, I suspect their cultivation and management remained in the hands of their owners rather than with temple officials, though the latter one can assume would have been involved in their oversight for the purposes of revenue collection. This state of affairs can help explain the elusiveness of temple-owned land on the historical record, for the very category of temple ownership is ill-fitting here.

It also anticipates the rabbinic perspective with regard to *heqdēš*. The voluntary application of consecrated status does not, according to rabbinic tradition, require the immediate transfer of the property into the hands of the temple.¹⁰⁰ It merely indicates a claim by the latter to the property's monetary value. According to their view, anything deemed *heqdēš* can be freely monetized or exchanged, the original consecrated asset losing its sanctity entirely.¹⁰¹ Even though in these cases the *heqdēš* properties can remain within the realm of the consecrator, he can be absolved from certain responsibilities

⁹⁹ On low fences surrounding sacred trees dedicated to Athena, see S. C. Todd, *A Commentary on Lysias, Speeches 1–11* (Oxford: Oxford University Press, 2007), 485–87. On the use of boundary stones for marking agricultural space apparently for taxation purposes, including perhaps the collection of sacred dues, see Ben-Zion Rosenfeld, "The 'Boundary of Gezer' Inscriptions and the History of Gezer at the End of the Second Temple Period," *Israel Exploration Journal* 38, no. 4 (1988), 235–45; Ronny Reich and Zvi Greenhut, "Another 'Boundary of Gezer' Inscription Found Recently," *ibid.* 52, no. 1 (2002), 58–63.

¹⁰⁰ Coins can become *heqdēš*, for example, as soon as they are designated by their owner for some sacred use, such as purchasing an animal for sacrifice; see *m. Keritot* 6:8, which deals with the question of leeway in purchasing holy offerings once one has set aside money for that purpose. Likewise, animals can become *heqdēš* animals once they are set aside for that purpose; see *m. Hullin* 10:2; *m. Bekorot* 2:2–3.

¹⁰¹ The case of *m. Me'ilah* 6:2 involves a messenger sent to purchase something with *heqdēš* coins; in order to preempt the inevitable transgression of sacrilege, the owner of the coins can set aside the same value in coin or kind and thus desanctify the coins in the possession of the messenger. Far stricter regulations pertain to items sanctified for the altar, as delimited in *m. Temurah* 7:1–3, for example. On the matter of redeemed consecrations losing their sanctity, see *m. Berakot* 7:1, where it figures into the issue of who can participate in a *zimmûn*.

regarding them since according to rabbinic law they technically have become the holdings of the temple. He does remain responsible, however, should he use them for some profane or otherwise inappropriate purpose.¹⁰² Conceptually they were at least in part within the temple's proprietary domain, though physically they remained one can assume with the domain of the donor. This would have been particularly true of a consecrated portion of agricultural real estate. The regulations of the Damascus Document also reflect this situation.

5.3.4 Alternative Forms of Field Consecration

Alternative temple communities such as that at Qumran and the Jesus movement used land-based donations as a fundraising mechanism as well. The land on which the sectarian movement of the Yahad at Qumran would build their community in the early first century BCE began perhaps as a donation from one of its leaders or in the least was purchased with funds from real estate sales by contributing members. The sanctity of the site at Qumran has been established by a number of indicators—the prevalence of ritual baths, the mysterious buried deposits of animal bones, perhaps even the architectural configuration of the site—and its self-perception as an alternative temple community is apparent from the literature of its adjacent repositories.¹⁰³ As the sect

¹⁰² Even paying the temple tax or the redemption fee for the firstborn son with *heqdēš* coins is prohibited; see *m. Šeqalim* 2:2 and *m. Bekorot* 8:8. On the punishment for the misuse of *heqdēš* property, see *m. Me'ilah* 5:1–2; *m. Makkot* 3:2; for uncertain cases of misuse, see *m. Keritot* 5:2–3. On allowances with regard to oath procedures involving *heqdēš* property, see *m. Šebu'ot* 6:5.

¹⁰³ See Joan Branham, "Hedging the Holy at Qumran: Walls as Symbolic Devices," in *Qumran, The Site of the Dead Sea Scrolls: Archaeological Interpretations and Debates. Proceedings of a Conference Held at Brown University*,

would continue to use the site further dedications of land one can presume were contributed by new members, including perhaps the spring and balsam workshop at the nearby site of Ein Feshkha.¹⁰⁴

An ostracon (KhQOstracon) found in 1996 at the site may be evidence for the phenomenon of field consecration for the Yaḥad, though its reading is in dispute. Discovered during archaeological work directed by James Strange on the Qumran plateau, the ostracon was read by the authors of its *editio princeps*, Frank Moore Cross and Esther Eshel, as recording the gift of a house, figs, and olives by a certain Honi from Holon to an Elazar son of Nahamani. Cross and Eshel understood one line of the deed of gift as having read "when he fulfills (his oath) to the community (לְיָהָד=for the Yaḥad)."¹⁰⁵ If the reading holds, it would demonstrate a link between the archaeological remains on the Qumran plateau and the Dead Sea Scrolls found in the caves just below. Since the community of the Yaḥad was a movement promoting an alternative Jewish cult to that dominated by the Zadokite priesthood at Jerusalem, it would offer sound archaeological proof for the practice of field consecration of the sort outlined in Lev 27:16–18. The

November 17–19, 2002 (ed. Katharina Galor, et al.; vol. 57 of *Studies on the Texts of the Desert of Judah*; Leiden; Boston: Brill, 2006), 117–31; Wardle, *The Jerusalem Temple*, 139–65.

¹⁰⁴ On the proper conduct with respect to wealth and assets in the literature of the Qumran library, particularly the Rule of the Community, see Murphy, *Wealth in the Dead Sea Scrolls*, 103–62, 199–206. The nearby site of Ein Feshkha is physically connected to the site of Qumran by a long wall. The villa and its accompanying industrial installations were not constructed until the Herodian period, probably sometime shortly after the 31 BCE earthquake, as excavations have demonstrated; see Yizhar Hirschfeld, "Excavations at 'Ein Feshkha, 2001: Final Report," *Israel Exploration Journal* 54, no. 1 (2004), 37–74; Magness, *Archaeology of Qumran*, 210–25.

¹⁰⁵ See F.M. Cross and E. Eshel, "KhQOstracon," in *Qumran Cave 4: Cryptic Texts and Miscellanea* (vol. XXVI of *Discoveries in the Judaean Desert*; Oxford: Clarendon Press, 2000), 497–507. See also Murphy, *Wealth in the Dead Sea Scrolls*, 383–89; Magness, *Stone and Dung*, 98.

mention of "figs" and "olives" probably refers to the trees themselves, as Cross and Eshel claim. Its paleography indicates a Late Herodian date, somewhere in the years 30–68 CE.¹⁰⁶ The recipient of the gift would then be the administrator in charge of the communal funds of the Yaḥad.¹⁰⁷

The problem, however, is that the reading of the linchpin form לִיחָד—the word that would associate the deed with the Yaḥad community—is debatable. The word appears on the bottom left of the broken edge of the ostrakon, the breakage erasing the lower half of the last three letters of the word, the ink itself badly faded and smudged.¹⁰⁸ Yardeni reads the end of that line not as וכמלותו ליחד but as וכול אילן אהןר ("and every oth[er] tree").¹⁰⁹ Frederick Cryer reads לִיחָד as לנאחזו "to take possession of."¹¹⁰ Either of these new readings would mean that the document does not record a field consecration but a simple deed of gift from one individual to another; nor would it have any bearing on the question of whether the archaeological site can be linked with the scrolls found in the caves below. Of course, the deed could still be related to the Yaḥad or whatever sectarian group lived at Qumran and was responsible for the library in the caves below,

¹⁰⁶ On the metonymic use of the plural form of the fruit product as a reference to the tree itself in an Early Roman Aramaic document from the Judean Desert see, Cross and Eshel, "KhQOstrakon," 503. On the paleography, see *ibid.*, 497–98.

¹⁰⁷ A section of the Rule of the Community (1QS 9:7–9) limits the community's resources to the men of the Yaḥad and stipulates clearly that they should never be mixed with the funds of the "men of deceit" (אנשי הרמיה). There is an effort here to discourage the mixing of sacred funds destined for the Yaḥad from those destined for non-Yaḥad priests. On approaches to wealth and the management thereof in the Qumran community, see Murphy, *Wealth in the Dead Sea Scrolls*, 447–55.

¹⁰⁸ Cross and Eshel, "KhQOstrakon," Pl. XXXIII.

¹⁰⁹ Ada Yardeni, "A Draft of a Deed on an Ostrakon from Khirbet Qumrân," *Israel Exploration Journal* 47, no. 3/4 (1997), 233–37.

¹¹⁰ Frederick H. Cryer, "The Qumran Conveyance: A Reply to F.M. Cross and E. Eshel," *Scandinavian Journal of the Old Testament* 11, no. 2 (1997), 232–40.

as Murphy has recently discussed, but merely involve the gifting of land from one member to another.¹¹¹

From the realm of the Jesus movement come two testimonies regarding the practice, but both indicate that land donations for sacred purposes in that context were regularly monetized rather than exploited as real estate. In Acts 4:34–37, the members of the movement are extolled for selling off their land and other assets and laying the proceeds at the feet of the apostles, with Barnabas the Cypriot Levite singled out for his pious observance of the practice. The characters of Ananias and Sapphira, on the other hand, are said to have not contributed the true value of their land and meet their death as a result (Acts 5:1–11). To be sure, there is nothing in the language of the account to explicitly indicate that the act was seen as a sanctification of property. The members are said to simply "take the proceeds of the sold properties" (ἔφερον τὰς τιμὰς τῶν ππρασκομένων) and "lay them down at their feet" (ἐτίθουν παρὰ τοὺς πόδας; 4:34–35).¹¹² But the religious purposes of the gift are obvious, linking it conceptually with the acts of consecration made for the benefit of the temple.

In both instances religious communities that had broken off with the Zadokite establishment at the Jerusalem sanctuary would have been using field consecrations as a

¹¹¹ *Wealth in the Dead Sea Scrolls*, 383–89.

¹¹² Richard Ascough has argued that Luke's presentation of the event is meant as a "cautionary tale about wanting honours for benefaction," for the apostles distribute the goods to others and prevent a situation in which honours are passed back onto the benefactors. See "Benefaction Gone Wrong: The 'Sin' of Ananias and Sapphira in Context," in *Text and Artifact in the Religions of Mediterranean Antiquity: Essays in Honour of Peter Richardson* (ed. Stephen G. Wilson and Michel Desjardins; vol. 9 of *Studies in Christianity and Judaism*; Waterloo, Ontario: Wilfrid Laurier University Press, 2000), 91–110, quote on 105.

means of financial support. The only difference between the two would be that in the case of the Yaḥad there is no indication that the fig and olive trees were immediately sold, if the original reading holds, while in the Jesus movement the donors were expected to monetize the properties themselves and dedicate the full proceeds afterward. In addition to the consecration of agricultural property to these alternative communities, Judeans were also donating land directly to priests at the end of the Second Temple period by declaring it *ḥērem*. Concerns among the local religious authorities over the status of *ḥērem* property appear in the literature and will be discussed in Chapter 7.

5.4 Summary

I have argued above that the laws in the Damascus Document on freewill offerings are concerned with the use of consecration as a means of blocking access to property. The first law of the section prohibits dedicating to the altar forcibly seized assets, which indeed can involve goods taken through larceny but also hypothecated properties. With regard to the latter, consecration could have been used to prevent the creditor or the wife from collecting what was rightfully due to them. The latter topic is addressed in *m. 'Arakin* 6 and regularly involved land. The halakhic concerns of both are similar and attest to a certain affinity with regard to the regulations on field consecrations, both bodies of early Jewish law taking up the issue of their fraudulent use despite the gap of roughly three centuries between them.

The second law of this section of the Damascus Document prohibits consecrating the food of something or someone—a lacuna in CD leaves the missing word(s) open to debate—with a scriptural verse speaking of entrapment by *ḥērem* dedication as the rationale for the law. This apparently involved the common practice of allowing dependents and employees who are part of the household economy, particularly farm workers, to take of the produce of the field or orchard as part of their provisions. Consecration of such produce could render those persons liable for a sacrilege penalty. While Tannaitic law would allow for the consecration to stand in such instances and merely notes measures taken to prevent sacrilege trespasses, the Damascus Document forbids consecration altogether in what can only be called a halakhic stringency.

Since these first two cases in the document relate to land, it is no surprise that the framers of the legislation found it appropriate to make mention of the consecrated "field of holding" from Lev 27:16. I hold that they recall this scriptural category to relate it to these principles—explaining the phrase "also this law [applies]" extant in the manuscript—and to use its mention of the supplement of the fifth as a punishment for these kinds of wrongful or even fraudulent consecrations. Though highly speculative given the poor state of preservation of the document here, it would seem most appropriate to me that the "field of holding" is invoked to justify a law requiring the redemption of consecrated land in these cases, when the land is needed to settle a debt or to provide sustenance to dependents. In such cases the redemption comes with the "penalty" of an added fifth, presumably because consecration should not have happened

in the first place. This in turn would prompt a discussion of the false oath, another transgression for which the added fifth is understood as a penalty. The mention of the consecrated field in this fragmentary text is thus a vital component of the document, providing scriptural backing for one of its principles, working to apply these principles to the case of an entire field, and serving as a link between the cases of consecrations and the false oath.

Having established that field consecrations are among the freewill offerings legislated upon in the Damascus Document, I connected those consecrations with the "wicked wealth" that is condemned elsewhere in the document and seems to relate in the authors' minds to impure temple assets and the corrupt officials in charge of them. This implies that the Damascus Document is associating field consecrations with the temple as an institution, reflecting a trend that would be entrenched in later Jewish legal thought—albeit free of the vitriol toward the temple—regarding entitlement to field consecrations. In an earlier period their revenues went to priests; by this point in time the temple had lay claim to them.

The laws of the document also imply that consecrated fields remained a part of the household economy, suitable to rabbinic notions that individuals took personal responsibility over the management and protection of consecrated property while directing its revenues toward the temple treasury. The implication is that sacred plots were dispersed across the countryside among private landholders, which in turn can explain the relative silence on the historical record regarding them. Philo's remark that

the Jerusalem temple profited from tracts of land and Josephus's awareness of the temple drawing revenue from land suit this picture. On the other hand, prominent giving to the temple by kings and aristocrats in the form of land endowments appears to have never been a feature of Judean life in the Second Temple period. The general sense is that the Jerusalem temple economy relied primarily on the shekel tax and other donations in the form of movables and cash and was fed only modestly by income from consecrated land.

Chapter 6. An Allusion to Consecrated Real Estate in Paul's Epistle to the Romans

6.1 Introduction

The Mishnaic tractate on sacrilege contains a short section regarding the consecration of agricultural properties for the economic benefit of the temple and priesthood. This section appears in *m. Me'ilah* 3:6–8 and supplements the primary teachings on the topic in *m. 'Arakin* 6–8. Within this part of *m. Me'ilah* is an excursus on the derivatives of consecrated property, including offshoots and outgrowths of agricultural consecrations such as fruit-bearing trees and arable fields. These products were a potential source of revenue for the temple and as such called for special protections under the laws of sacrilege. Punishment for their misuse or misappropriation is understood in rabbinic culture to have been the standard offering of an unblemished ram or the monetary value thereof, as laid out in Lev 5:15–16. Given the severity of the penalty, it is perhaps no surprise that Tannaitic rabbis debated the question of whether certain derivatives of consecrations were subject to the laws of sacrilege.

One such debate, attributed to two students of R. Aqiba in *m. Me'ilah* 3:6, has to do with the notion of the transference of sanctity from—among other things—a consecrated tree to its branches. A related teaching in 3:7 considers the perplexing case of a sacred root belonging to a non-sacred tree. In these instances a driving question is whether the sanctity of the consecration applies to its offshoots and outgrowths. This

represents a level of sophistication in the ancient Jewish treatment of sacrilege far outreaching anything preserved in the Judean source material¹ or in legal comparanda from other regions.²

I argue that a very brief saying quoted by Paul in Rom 11:16b—"if the root is holy, so too the branches"—relates to this rabbinic principle on the derivatives of *sancta*. The half-verse in 11:16b opens Paul's famous allegory of the olive tree in 11:17–24, where he articulates a vision of how non-Jewish Christ believers and nonbelieving Jews can join together in a community of faith in the church. The allegory has non-Jewish Christ believers represented by wild branches grafted onto the tree, an agricultural technique used to stimulate fruit production, and nonbelieving Jews represented by broken-off branches that can be easily reattached to their old tree. The allegory promotes the

¹ References to sacrilege (*hierosulia*) in Josephus have to do with only with the robbing of temples (*B.J.* 1.654, 5.562; *A.J.* 12.359; *C. Ap.* 1:249, 318–19) and the stealing of coins collected as part of the shekel tax (*A.J.* 16:45, 16:164, 168). A similar general understanding is apparent in Philo (*Spec.* 2:13, 3:83, 4:87; *Leg.* 3:241; *Conf.* 163; *Decal.* 133). For a cursory treatment of the sacrilege concept in Jewish sources, with no attention to the nuance apparent in rabbinic thought on the subject, see Aryeh Newman, "Sacrilege," in *Encyclopaedia Judaica, Second Edition, Vol. 17* (ed. Fred Skolnik and Michael Berenbaum; Farmington Hills, MI: Thomson Gale, 2006), 649–50. For a summary of sacrilege in the Dead Sea Scrolls, see Jacob Milgrom, "The Concept of Ma'al in the Bible and the Ancient Near East," *Journal of the American Oriental Society* 96, no. 2 (1976), 240, nn. 29–30.

² The Greco-Roman sphere has yielded ample epigraphic, legal, and rhetorical material on the subject, which is generally concerned with the misappropriation of *sancta* from the temple sphere and offers little with regard to rationale and exposition as the rabbinic material does. For a thorough treatment of the evidence and a consideration of the difficulties in distinguishing legally and practically between *hierosulia*, *asebia*, and *klope*, see David Cohen, *Theft in Athenian Law* (Münchener Beiträge zur Papyrusforschung und antiken Rechtsgeschichte 74; München: C.H. Beck, 1983), 93–115. On simple protections given to trees and groves associated with sanctuaries in Classical Greece, see Eran Lupu, *Greek Sacred Law: A Collection of New Documents* (Religions in the Greco-Roman World 152; Leiden; Boston: Brill, 2005), 26–28, 189–90; Matthew P. J. Dillon, "The Ecology of the Greek Sanctuary," *Zeitschrift für Papyrologie und Epigraphik* 118 (1997): 113–27; and Borimir Jordan and John Perlin, "On the Protection of Sacred Groves," in *Studies Presented to Sterling Dow on His Eightieth Birthday* (ed. Kent J. Rigsby; vol. 10 of Greek, Roman, and Byzantine Monographs; Durham, NC: Duke University, 1984), 153–59. For a brief treatment of Roman *sacrilegium* see Alan Watson, *The State, Law and Religion: Pagan Rome* (Athens, GA; London: The University of Georgia Press, 1992), 55–57; Eli Edward Burriss, "The Misuse of Sacred Things at Rome," *The Classical Weekly* 22, no. 14 (1929): 105–10.

argument against presumptions among Paul's gentile audience that nonbelieving Jews had no potential for salvation and should thus be excluded entirely. It also affirms the ties of the church's non-Jewish members to Israel. Scholarship on the allegory has focused almost exclusively on these important themes that emerge from the chapter.³

To the best of my knowledge, no one has related the allegory or its opening statement in 11:16b to the Jewish traditions on agricultural consecrations in *m. Me'ilah* 3:6–8.⁴ I will demonstrate below that the opening statement on the sanctity of the root extending to the branches in 11:16b anticipates the Mishnaic discussion on the matter

³ For a recent argument that Paul saw the church as a universalization of the Jewish people, see Michael Bachman, "Paul, Israel and the Gentiles: Hermeneutical and Exegetical Notes," in *Paul and Judaism: Crosscurrents in Pauline Exegesis and the Study of Jewish-Christian Relations* (ed. Reimund Bieringer and Didier Pollefeyt; vol. 463 of Library of New Testament Studies; London: T & T Clark, 2012), 72–105. For recent scholarship on this passage, see the compilation Florian Wilk and J. Ross Wagner, eds., *Between Gospel and Election: Explorations in the Interpretation of Romans 9–11* (Wissenschaftliche Untersuchungen zum Neuen Testament 257; Tübingen: Mohr Siebeck, 2010), XI–XXVII; and see Colin G. Kruse, *Paul's Letter to the Romans* (The Pillar New Testament Commentary; Grand Rapids, MI: William B. Eerdmans, 2012), 421–59; Robert Jewett, *Romans: A Commentary* (Hermeneia; Minneapolis: Fortress Press, 2007), 650–93; Mark D. Nanos, "Romans 11 and Christian-Jewish Relations: Exegetical Options for Revisiting the Translation and Interpretation of This Central Text," *Criswell Theological Review* 9, no. 2 (2012): 3–21; "'Broken Branches': A Pauline Metaphor Gone Awry? (Romans 11:11–24)," in *Between Gospel and Election: Explorations in the Interpretation of Romans 9–11* (ed. Florian Wilk and J. Ross Wagner; vol. 257 of Wissenschaftliche Untersuchungen zum Neuen Testament; Tübingen: Mohr Siebeck, 2010), 339–76; Caroline Johnson Hodge, "Olive Trees and Ethnicity: Judeans and Gentiles in Rom. 11.17–24," in *Christians as a Religious Minority in a Multicultural City: Modes of Interaction and Identity Formation in Early Imperial Rome* (ed. Jürgen Zangenberg and Michael Labahn; London; New York: T & T Clark International, 2004), 77–89; Myles M. Bourke, *A Study of the Metaphor of the Olive Tree in Romans XI* (The Catholic University of America Studies in Sacred Theology, Second Series 3; Washington, D.C.: The Catholic University of America Press, 1947), esp. 65–75.

⁴ I have found no mention of this possibility in analyses by rabbinicists, not to mention New Testament scholars. See, e.g., Daniel Boyarin, *A Radical Jew: Paul and the Politics of Identity* (Berkeley: University of California Press, 1994), 201–9; Bruce Chilton and Jacob Neusner, *Judaism in the New Testament: Practices and Beliefs* (London; New York: Routledge, 1995), 62–70; Hermann L. Strack and Paul Billerbeck, *Kommentar zum Neuen Testament aus Talmud und Midrasch, Vol. III* (München: Oskar Beck, 1922), 290. Mark Nanos has acknowledged a connection here to the ancient Jewish practice of consecrating agricultural real estate, though he does not seem aware of the significant body of rabbinic literature on the topic; see Mark D. Nanos, "Romans," in *The Jewish Annotated New Testament* (ed. Amy-Jill Levine and Marc Zvi Brettler; Oxford; New York: Oxford University Press, 2011), 277. Bourke too alludes to the same practice; see *The Olive Tree in Romans XI*, 76–77.

and is crucial evidence that Mishnaic sacrilege law circulated in proto-rabbinic circles. It is, in fact, the second part of a couplet of halakhic sayings involving the concept of extended sanctity, the first of which is understood to involve the loaf from which the dough offering is taken. Yet as I argue below, it is better read as a reference to the mixing of unsacred produce with the heave-offering. Both sayings involve goods or properties consecrated for holy purposes, which in turn provides an additional layer of meaning to Paul's olive tree allegory in 11:17–24. When he compares the Jewish and non-Jewish members of the church to the branches of an olive tree, he may be envisioning a tree consecrated to the temple of God. The image would then be both metaphorical and literal.

6.2 Two Halakhic Sayings in Romans 11:16

The two halakhic sayings in 11:16 appear after Paul preaches in Rom 11:1–14 that the restoration of nonbelieving Jews is imminent and their inclusion among the nations a potential blessing. In 11:15 he uses the logic of *a minore ad maius*—in rabbinic terms, a קל הוורמר⁵—to argue that since the Jewish rejection of Christ brought his ministry into the non-Jewish world and resulted in the "reconciliation of the nations," all the more so would the world benefit if Jews joined the church. At this point he quotes the two sayings (Romans 11:16):

εἰ δὲ ἡ ἀπαρχὴ ἁγία, καὶ τὸ φύραμα: καὶ εἰ ἡ ῥίζα ἁγία, καὶ οἱ κλάδοι.

⁵ For a summary of the concept, see H.L. Strack and Günter Stemberger, *Introduction to the Talmud and Midrash* (Minneapolis: Fortress Press, 1991), 18.

If the offering is holy, so too the mixture; if the root is holy, so too the branches.

Paul uses these two metaphors to convey the notion that the sanctity of one part of something can extend to the whole, an introduction to the allegory in which he would advocate for, as Jewett has put it, "the mystical and material wholeness and vitality" of the church.⁶ While the metaphorical sense of the two sayings may be relatively clear, their literal sense is not. The first statement has been erroneously taken to refer to a religious practice that does not suit Paul's overall message. The second is hardly recognized as a statement of practical halakhah.

The standard reading of 11:16a is that it refers to the custom when baking bread of setting aside a small part of the dough for a priest, as decreed in Num 15:18–20 and legislated upon in *m. Hallah*.⁷ Paul's intention would then be that the offering itself sanctifies the loaf, as reflected in the NRSV translation: "If the part of the dough offered as first fruits is holy, then the whole batch is holy." But there is no evidence that halakhic authorities in the late Second Temple period or in the rabbinic movement ever ruled that the entire loaf would become off-limits for everyday use once the dough offering is set aside for the priest.⁸ Mentions of the offering in halakhic documents of the Dead Sea Scrolls are too vague to be of any assistance; some concern the separate requirement to

⁶ *Romans: A Commentary*, 683.

⁷ See recently Nanos, "Romans," 277; Jewett, *Romans: A Commentary*, 681–82. See also the thorough treatment in Bourke, *The Olive Tree in Romans XI*, 65–76. On the dough offering itself see Joseph M. Baumgarten, "The Laws of Orlah and First-Fruits in the Light of Jubilees, the Qumran Writings, and Targum P. Jonathan," *Journal of Jewish Studies* 38 (1987), 195–202.

⁸ See Philo, *Spec.* 1:132; and Josephus, *A.J.* 4:71. The Mishnah goes so far as to prohibit one from declaring an entire loaf of dough set aside for a priest, in keeping with the language of Num 15:21, "...the *first* of your dough" (*m. Hallah* 1:9).

bring to Jerusalem two baked loaves of bread at Pentecost, after Lev 23:17.⁹ And one must keep in mind that sanctity of objects for Paul's Jewish audience would very much have had practical ramifications, with a consecrated offering becoming forbidden for everyday use and consumable only by altar priests or Levites, and in some cases, their families.¹⁰ Reading 11:16a as a reference to the practice of Num 15:18–20 would imply that Paul is either quoting some heretofore unattested stringent and impracticable Jewish position on the dough offering, forbidding the entire loaf from regular use,¹¹ or he is using the term *hagia* as denoting the ritually pure in a manner inconsistent with his other writings.¹²

The second problem with the typical reading of 11:16a is the fact that the imagery it conjures would not quite suit the overall message of the chapter. The sanctification of the loaf, once the offering is set aside from it, would run precisely counter to Paul's message regarding the inalienability of Israel's heritage to the church. Applying its logic to the metaphor that follows, it would be as if the tree is sanctified once the root is cut off from it! Rather, most fitting to the context would be a saying that illustrates how

⁹ See 4Q Halakha A (4Q251), frag. 5:4; 4QDamascus^e (4Q270), frag. 3:19.

¹⁰ On purity and the temple cult, see recently Magness, *Stone and Dung*, 5–8.

¹¹ If the entire loaf becomes holy once the dough offering is set aside, then in practical terms the offerer must part not only with the *aparchē* but also the entire loaf. For a brief discussion on the sanctity of the dough offering as outlined in the Mishnah, see David Instone-Brewer, *Prayer and Agriculture* (Traditions of the Rabbis from the Era of the New Testament 1; Grand Rapids, Michigan; Cambridge, U.K.: William B. Eerdmans, 2004), 365–66.

¹² See, e.g., Bourke, *The Olive Tree in Romans XI*, 68–72. It may be true that in some cases *hagios* approximates in New Testament usage the concept of ritual purity (טהרה), as discussed in Gerhard Kittel, ed., *Theological Dictionary of the New Testament* (Grand Rapids, MI: Wm. B. Eerdmans, 1964), Vol. 1, 107–8, but such a concept would be hardly applicable to the tree in 16b, also described as *hagios*. The more usual Hebrew *Vorlage* שקד for *hagios* is the more appropriate and internally consistent reading here; see, e.g., 1 Cor 3:16, 6:19; Eph 2:20, 5:2.

something is sanctified when it is added to a holy entity (not detached from it), like branches sanctified once they are grafted into a holy tree.

A solution to these issues is that Paul refers in 11:16a to admixtures of heave-offering (תרומה) and unconsecrated produce. In rabbinic thought, unless the heave-offering is not outweighed a hundredfold by the unconsecrated portion, the entire admixture is rendered forbidden to the non-priest and still subject to the law of heave-offerings.¹³ The mixing of secular with sacred in the rabbinic teachings is referred to with verb forms of the root דמע, a word that regularly appears in the Copper Scroll and once in a sectarian halakhic text (4Q251, 9:3).¹⁴ When Paul quotes this saying on the sanctity of the *aparchē* extending to the entire *phurama*, he seems to be referring to the sanctification of these kinds of heave-offering admixtures. The offering in question is likely dough but could also be other types of heave-offerings such as wine or even olive oil.¹⁵ The sanctity of the mixture applies to instances in which something non-sacred is added to it, according to the saying he quotes. The metaphor read in this fashion better fits Paul's

¹³ For the general principles involving these heave-offering admixtures, see *m. Terumot* 3:1–2, 5:1–9; on the latter see Instone-Brewer, *Prayer and Agriculture*, 276–82. For a case involving specifically an admixture of dough, see *m. Ṭebul Yom* 3:4, *t. Ṭebul Yom* 2:7, *b. Niddah* 46b. On the meanings of the word תרומה in rabbinic writings as compared to earlier sources, see E. P. Sanders, *Jewish Law from Jesus to the Mishnah: Five Studies* (London; Philadelphia: SCM Press; Trinity Press International, 1990), 196.

¹⁴ In the Dead Sea Scrolls the term seems to be a synonym of תרומה, connoting merely a dedication in the form of produce or perhaps even the vessel containing the dedication, depending on how one reads כלי דמע in 3QCopper Scroll (e.g., XI:4). See Judah K. Lefkovits, *The Copper Scroll 3Q15: A Reevaluation. A New Reading, Translation, and Commentary* (Studies on the Texts of the Desert of Judah; vol. XXV; Leiden: Brill, 2000), 461, 505–45; and Erik Larson, Manfred R. Lehmann, and Lawrence H. Schiffman, "4QHalakha A," in *Qumran Cave 4, XXV: Halakhic Texts* (vol. XXXV of Discoveries in the Judaean Desert; Oxford: Clarendon Press, 1999), 35–36.

¹⁵ The term *phurama* probably has as its Hebrew equivalent עיסה, which also refers to something mixed together, usually by kneading. The Greek word is used in Rom 9:21 to refer to a lump of potters' clay and in 1 Cor 5:6 and Gal 5:9 to dough. See Strack and Billerbeck, *Kommentar III*, 290.

larger message on the role of non-Jewish Christians in the people Israel as he envisions it.

The tight parallelism of Rom 11:6 would indicate that its second saying regarding the holy root and branches is also halakhic in nature. I deduce that the lack of familiarity with the obscure ancient Jewish practice of consecrating real estate and movable properties to God and his priests has led scholars to assume that Paul must be speaking figuratively here, perhaps drawing on biblical language where Israel is compared to an olive tree (e.g., Jer 11:16), a root (Hos 14:6), or a righteous plant (e.g., Jub 1:16).¹⁶ I have yet to find an interpretation of 11:16b that relates the saying to the body of rabbinic halakhah on agricultural consecrations in *m. Me'ilah* 3:6–8. Included in these discussions are teachings that consider precisely the question of whether a holy root sanctifies the branches. By quoting the saying, Paul is reflecting a position that would become a matter of contention in later rabbinic circles regarding the byproducts of agricultural consecrations and eventually be canonized as Jewish halakhah. The earliest attestation of the position is in fact articulated here by Paul in the book of Romans.

¹⁶ See, e.g., Jewett, *Romans: A Commentary*, 682–83; C. Maurer, "Rhíza," in *Theological Dictionary of the New Testament, Translated and Abridged* (ed. Gerhard Kittel, et al.; Grand Rapids, MI: Eerdmans, 1985), 986. See also n. 4 above.

6.3 Protecting Derivatives of Sacred Property in *m. Me'ilah* 3:6–8

The halakhic question at the heart of Paul's statement on the sacred root involves the matter of גדולי הקדש, or the outgrowths of consecrations designated for temple upkeep.¹⁷

The Mishnah considers the question once it has established a distinction between two kinds of holy properties: altar properties (קדשי מזבה) and temple-upkeep properties (קדשי הבית). While only nominal protection is afforded to the byproducts of altar properties, such as the eggs of a chicken that has been set aside for sacrifice, the Mishnah regulates that the byproducts of properties designated for temple upkeep are to be given full protection under the law of sacrilege (*m. Me'ilah* 3:5). Underlying the teaching is the recognition that consecrations for the purpose of supporting the temple derive their value from their economic worth as a means to support the sacred institution. Altar *sancta*, on the other hand, are valued for other reasons, such as their ability to facilitate expiation or to serve as a gesture of gratitude in the form of a sacrifice. Since temple-upkeep *sancta* are important as a source of revenue, their altar suitability is irrelevant in the eyes of the Mishnah.¹⁸ This principle is stated at the beginning of the next mishnah

¹⁷ In the Hebrew קודשי בדק הבית, “holy things for temple upkeep,” the latter term deriving from scriptural verse (2 Kgs 12:6–9; 22:5).

¹⁸ The distinction is worked out in *m. Temurah* 7:1–3, the final chapter of a tractate dealing with the substitution or exchange of consecrated properties (see its parallel in *t. Temurah* 4:12–13). According to these teachings, once animals and products are designated for altar sacrifice they incur a status of unalterable and intrinsic holiness, their fate entirely wrapped up with the cult of sacrifice as it was performed by the priests at the altar. They cannot be slaughtered outside the temple, substituted for another animal, or used to pay the wages of craftsmen; their sacred status carries through to their offspring. Those designated for the upkeep of the temple, on the other hand, derive their holiness not intrinsically but from their value. I am indebted to Neusner for formulating this difference so eloquently; Neusner, *History of Mishnaic Law of Holy Things: Arakhin, Temurah*, 145. The products of temple-upkeep *sancta*—such as eggs, milk, and all agricultural produce—are always protected by the laws of sacrilege while those of altar offerings are not

and is then followed by an elucidation of the kinds of byproducts of temple-upkeep properties whose misappropriation would be subject to the sacrilege penalty. The teaching reads as follows (*m. Me'ilah* 3:6):

"Whatever is appropriate for the altar but not for the upkeep of the temple, for the upkeep of the temple and not for the altar, and not for the altar and not for the upkeep of the temple—the laws of sacrilege apply thereto. How so? If one consecrated a cistern full of water, a dung enclosure full of manure, a dovecote full of pigeons, a tree full of fruit, a field full of grass—the laws of sacrilege apply to them and to what is in them. But if one consecrated a cistern and later it filled with water, a dung enclosure and later it filled with manure, a dovecote and later it filled with pigeons, a tree and later it filled with fruit, a field and later it filled with grass: The laws of sacrilege apply to them but not to what is in them," the words of R. Judah.

R. Simeon says: "One who consecrated a field or a tree—the laws of sacrilege apply to them and to their products, because they are the products of sacred property...Laborers should not eat from dried figs of sacred property. Likewise, a cow should not eat vetches of sacred property."

כל הראוי למזבח ולא לבדק הבית, לבדק הבית ולא למזבח, לא למזבח ולא לבדק הבית, מועלין בו. כיצד? הקדיש בור מלא מים, אשפה מלאה זבל, שובך מלא יונים, אילן מלא פירות, שדה מלאה עשבים—מועלין בהם ובמה שבתוכן. אבל אם הקדיש בור ואחר כך נתמלא מים, אשפה ואחר כך נתמלאה זבל, שובך ואחר כך נתמלא יונים, אילן ואחר כך נתמלא פירות, שדה ואחר כך נתמלאה עשבים—מועלין בהן ואין מועלין במה שבתוכן; דברי רבי יהודה.

רבי שמעון אומר: המקדיש שדה ואילן—מועלין בהם ובגדוליהם מפני שהן גדולי הקדש...הפועלים לא יאכלו מגרוגרות של הקדש. וכן פרה לא תאכל מכרשיני הקדש.

(though *b. Me'ilah* 12b would introduce an exception to the latter case, which involves the consecration of the *value* of an animal for the altar, in which case its byproducts as well are to be protected by the laws of sacrilege). Moreover, there is no problem exchanging one animal for another given that their value is the same (*t. Temurah* 1:6). The distinction in sanctity between temple upkeep and altar assets is reflected two in the rabbinic traditions regarding the organization of consecrated coins: those designated for offerings of various kinds call for a heightened level of stringency, while those collected through the temple tax or otherwise placed there for temple upkeep purposes do not, as worked out in *m. Šeqalim* 7:1. On the Mishnah's teaching regarding the 13 chests for coin donations set out in the temple, see *m. Šeqalim* 6:5–6.

The discussion is framed as a disagreement between two students of Rabbi Aqiba from the mid-second century CE—Rabbi Judah and Rabbi Simeon.¹⁹ Rabbi Judah first lays out five types of landed property whose produce may or may not be suitable for the altar but whose sanctity is to be protected nonetheless given their economic value. They include a cistern full of water, a dung enclosure full of dung, a dovecote full of pigeons, a tree full of fruit, and a field full of crops.²⁰ These are standard kinds of realty on a farmstead, in keeping with the rabbinic tendency to view the independent family farm as the basic social and economic unit of society.²¹ Each offers a distinct and quantifiable

¹⁹ R. Judah's opinion is attributed to R. Meir in a parallel teaching in *t. Me'ilah* 1:20, and that of R. Simeon to R. Yosé in parallel versions in *t. Me'ilah* 1:20 and *b. Me'ilah* 13a; see J.N. Epstein, *Introduction to the Mishnaic Text* (2 vols.; Jerusalem: Hebrew University Magnes Press, 2001) [Hebrew], 124, 1157.

²⁰ The organizing principle of the teaching appears to be spatial rather than conceptual, moving from realty located closer to the farmhouse and surrounding structures and then to arable land on the property. I would disagree with commentaries that view the first three commodities as respective exemplars of the three-part heading of the teaching, because this does not account for their order of presentation or for the presence of the tree and field. See, e.g., Neusner, *A History of the Mishnaic Law of Holy Things. Part Five*, 114; Chanoch Albeck, *Shishah Sidre Mishnah: Seder Qodashim* (Jerusalem: Mossad Bialik, 1952) [Hebrew], 279; Pinhas Kehati, *Seder Kodashim. Vol. 3: Temurah, Keretot, Me'ilah, Tamid, Middot, Kinnim. A New Translation with a Commentary by Rabbi Pinhas Kehati. Translated by Rabbi Nahum Wengrove.* (Jerusalem: Eliner Library, 1995), 33–34. If this were the organizing principle of the teaching unit, one would expect pigeons, water, and dung to be sufficient. Furthermore, the claim that water is the exemplar of a commodity fit for temple upkeep but not for the altar is undermined by the fact that water was essential for the cleaning and maintenance of the altar, and is even used in specific rites such as the Water Libation on Sukkot; see *m. Sukkah* 4:9–10, *t. Sukkah* 3:16–17. It is less obvious how the examples of a tree and field serve the beginning part of the Mishnah without creating redundancies, other than the fact that they tie in with the disagreement between R. Judah and R. Simeon, probably reason enough to include them. Neusner has addressed the "strange state of affairs" regarding the cases of the tree and field by viewing them as additions; Neusner, *A History of the Mishnaic Law of Holy Things. Part Five* 114. The issue of redundancy goes unaddressed in the Babylonian Talmud's commentary on this teaching (*b. Me'ilah* 12b–13a).

²¹ Neusner, *The Economics of the Mishnah*, 63–68. See also Ben Zion Rosenfeld and Haim Perlmutter's discussion of the economic status of the בעל הבית, or typical landowner in the rabbinic conscience: Rosenfeld and Perlmutter, "Landowners in Roman Palestine," 338–47. They understand the term בעל הבית to refer to a widespread class of usually middle-income farmers who owned houses and fields and were a backbone of Jewish society in the Roman and Byzantine periods, particularly on the countryside. Tenant farming, monoculture, and *latifundia* are not the paradigms in the rabbinic materials; freeholding and polycropping are.

commodity of potential value to the temple, and as such their use and sale value are fully protected.

R. Judah then veers into territory that would prove controversial. Should any these forms of realty be empty of their respective commodities at the time of consecration—as in the case of a cistern consecrated when it had no water—the law of sacrilege according to Judah should only apply to the property itself rather than to its associated commodity. One could be subject to the sacrilege penalty for cutting down a consecrated tree but not for selling fruits that grow on it after the point of consecration; or for using a dovecoat as a storehouse but not for selling the pigeons that are later brought into it. The view establishes that protection applies only to those commodities present at the time of consecration.

R. Simeon responds with an important qualification, saying: "One who consecrated a field or a tree—the laws of sacrilege apply to them and to their products, because they are the products of sacred property (גדולי הקדש)." He recognizes here the equivalency between agricultural produce and the above-mentioned eggs of a chicken donated for temple-upkeep as established in the previous teaching (*m. Me'ilah* 3:5). He is also distinguishing between agricultural products and the commodities associated with a cistern, dung enclosure, and dovecote. The former are organic outgrowths and fundamental components of the property's value in a way that commodities associated with the latter properties (water, dung, and pigeons) are not. Cisterns, after all, cannot produce water on their own.

As support for his opinion, R. Simeon quotes halakhic traditions holding that laborers on sacred property could not eat the dried up figs from sacred fig trees, and cows put to work on such property had to be muzzled lest they eat even vetches among sacred produce.²² The protection of these products of relatively minimal value implies, according to the approach of R. Simeon, that all those of greater value should be similarly subject to the laws of sacrilege. The Mishnah does not resolve his dispute with R. Judah, but by placing his view at the end of the discussion on the matter, it seems to be pushing its audience toward him.²³ Jewish halakhic tradition would indeed follow R. Simeon.²⁴

How does this relate to Paul's statement in Rom 11:16b? Its verbatim equivalent is absent in the Mishnaic discourse just described but its underlying principle is very much present. The maxim that a holy root sanctifies the branches is one way to articulate the view—in the typically rabbinic style of casuistic discourse²⁵—that all outgrowths and byproducts of sacred real estate become sanctified by virtue of their association with the consecration, as illustrated in the Mishnah through the cases of fruit that grows on a tree and crops in a field. R. Simeon represents the point of view holding that these kinds of organic outgrowths are an inevitable and essential aspect of the potential value of the

²² See also *t. Me'ilah* 1:21 and a statement by R. Ahadboi bar Ami in *b. Me'ilah* 13a, both of which are discussed above, §5.2.3.

²³ For a discussion on the use of disputes and borderline cases in the Mishnah, see Alexander, *Transmitting Mishnah*, 155–67.

²⁴ See Maimonides, *Trespass* 5:6.

²⁵ See Alexander, *Transmitting Mishnah*, 128–41, esp. 139, where Alexander notes that the Mishnah is inviting “its students, readers, or audience to do the analytic work of inferring the general principle.”

agricultural property at the time of consecration. The sanctity of the endowment extends to its derivatives. The root sanctifies the branches.²⁶

There may be another connection to Rom 11:16b in the continuation of the Mishnah's discussion of the topic. It brings cases that also bear a noteworthy resemblance to Paul's statement. They fall under a category for which the ruling לא נהנים (they may not be used but are not subject to sacrilege) regularly applies, a linking device holding together much of the material of the chapter. The cases are as follows (*m. Me' ilah* 3:7):

[If] the roots of a privately owned tree grow into sacred property, or that in sacred property grows into privately owned property—they may not be used but are not subject to sacrilege. A well gushing forth from a sacred field—it may not be used but is not subject to sacrilege. [But if] it goes outside of the field, it may be used.

Water which is in a golden pitcher—it may not be used but is not subject to sacrilege. [If] one put it into the flask [for pouring onto the altar for the Water Libation on Sukkot²⁷—it is subject to sacrilege. The willow-branch [set beside the altar on Sukkot²⁸—it may not be used but is not subject to sacrilege. R. Eleazar b. Šadoq says: "The elders would take some of it for their *lulabs*."

שרשי אילן של הדיוט באין בשל הקדש, ושל הקדש באין בשל הדיוט—לא נהנין ולא מועלין. המעין שהוא יוצא מתוך שדה הקדש—לא נהנין ולא מועלין. יצא חוץ לשדה—נהנין ממנו.

המים שבכד של זהב—לא נהנין ולא מועלין. נתנו בצלוחית—מועלין בהם. ערבה—לא נהנין ולא מועלין. רבי אלעזר ברבי צדוק אומר: נותנין היו ממנה זקנים בלולביהם.

²⁶ Perhaps one is better served to imagine Paul's *riza* as root and stump rather than merely root, as the word can connote and as one would expect perhaps with the stocky olive tree, whose roots and trunk are often indistinguishable. The word is used for the base of a mountain, for instance, in Jud 6:13; and regularly in the New Testament as the foundation of things; see, e.g., 1 Tim 6:10 and Heb 12:15; see also Maurer, "Rhíza," 985–86.

²⁷ For the Tannaitic teachings on this Sukkot rite, see *m. Sukkah* 4:9–10, *t. Sukkah* 3:16–17.

²⁸ See *m. Sukkah* 4:5, *t. Sukkah* 3:1.

The cases relevant to this discussion include the roots of a sacred (שקדד) tree extending into non-sacred property, the roots of a non-sacred tree extending into sacred property, and a stream of water pouring forth from a spring on sacred property.²⁹ These kinds of marginal outgrowths are deemed an insufficiently vital component of the initial endowment to justify protection under the laws of sacrilege, and their usage is merely ruled improper rather than punishable.³⁰ Nevertheless, once the roots are sacred, the tree itself becomes off-limits for regular use and as such is imbued with the sanctity extending from the roots. Here too the sanctity of a core or foundational component extends to its outgrowths, even though the sacrilege penalty is remitted by the Mishnah. This may be another permutation of the teaching quoted in Rom 11:16b.

From this point until the end of the chapter, the Mishnah discusses cases demonstrating that the intention or purpose of the consecration matters when

²⁹ In *b. Baba Batra* 26b, Rabina is recorded as introducing the principle of a minimum length between the roots and tree; anything extending up to 16 cubits is considered identical to the tree in every regard and anything beyond 16 cubits follows the rulings of the Mishnah; see also Maimonides, *Trespass* 5:6. The sacred stream recalls a *lex sacra* (IG I³ 257) regarding the protection of the river Ilissos adjacent to the sacred field of Herakles at Kynosarges by Athens, and a moat consecrated to Athena next to the bath of Diochares in the city; see Papazarkadas, *Sacred and Public Land*, 21–23, n. 38.

³⁰ One does not normally consecrate a tree because of the use-value of its roots, as significant in extent and weight as olive tree roots may have been; on an olive tree in post-war France with roots weighing over 2,300 kg, see Todd, *Lysias, Speeches 1–11*, 486. And usage fees for a spring were likely collected at its source rather than downstream. The point is further illustrated in the continuation of *m. Me'ilah* 3:7 by the distinction between the water in any consecrated golden pitcher and that in the golden flask used to draw water up to the temple in the rite of Sukkot (*m. Sukkah* 4:9). In the first case, the act of consecration was intended to confer to the temple a valuable golden pitcher; the water it contains is inconsequential and thus undeserving of protection. In the second case, the water for the Sukkot rite is an essential part of the religious act, given its use in an altar libation, and thus its consecration-value is worthy of protection. In order to demonstrate that the water is not consecrated in the golden flask because of touching, the Mishnah brings the final case of the willow branches set aside the altar at Sukkot in order to decorate it (*m. Sukkah* 4:5). Even the sanctity of the altar does not transfer onto the branches—for the altar was, after all, not consecrated to hold up branches but as the table of God.

establishing protections for it. Thus the pericope ends with the following teaching: "One who consecrates a forest—the whole of it is subject to sacrilege. Temple treasurers who bought wood—the wood is subject to the law of sacrilege, but the chips and foliage are not" (*m. Me'ilah* 3:8b–c).³¹ The difference between the two involves the purpose of the consecration. In the first instance, the forest is consecrated as a long-term source of income for the treasury and thus all of its valuable products are to be protected, wood chips and foliage included. In the second, however, the temple needs wood beams for a construction project. This does not automatically consecrate the forest whence they came, but only the products whose value is consecrated for the altar.³² The sacred source does not produce protectable derivatives when those derivatives were obviously never intended or expected to be a part of the consecration. The purchase by the temple authorities of wood for construction on the sanctuary esplanade would naturally be a regular feature of the Jewish sacred economy and is reflected in Josephus's comment that John of Gischala misappropriated sacred timber when he constructed engines of war (*B.J.* 5.35–36).³³

³¹ The text reads: המקדיש את החורש— מועלין בכולו. הגזברים שלקחו את העצים— מועלין בעצים, ואין מועלין לא בשפוי ולא בנויה. See a nearly identical parallel in *t. Me'ilah* 1:25.

³² Incidentally, later rabbinic commentaries were still uncomfortable with the idea of consecration of building materials being a necessary part of temple construction, mostly because the (non-priestly) laborers would be vulnerable to sacrilege penalties for deriving any benefit from them, such as resting on the sacred beams; see *b. Me'ilah* 14a for a discussion and R. Shmuel's resolution: כ מקדישים ואח"כ בחול ואח"כ מקדישים ("One builds first and then consecrates").

³³ The wood is said to have been purchased by King Agrippa, upon the order of the people and the chief priests, and brought down from the mountains of Lebanon at great expense; see §5.3.2.

Post-Mishnaic sources continue working out the potential use-value of consecrated land for the purposes of developing a tradition of legislation on sacrilege. A Toseftan teaching reads: "[In the case of] one who lives under the covering of a [sacred³⁴] dovecote or cave—they may not be used but the laws of sacrilege do not apply. One who lives on landed [sacred] property—the laws of sacrilege apply" (*t. Me'ilah* 1:24).³⁵ Here the benefit derived from the shade-cover of a natural cave or of a dovecote—whether subterranean or built above-ground—is deemed not sufficiently correlated with the value and purpose of the original consecration. A cave or dovecote could have been designated for use as a burial chamber, a place of storage, or an animal pen, among other things, but the fact that it can provide shade to a squatter is ruled to be too far from its inherent value to warrant special protection. However, in the case of landed property, part of its value lies in its ability to be built upon and lived upon, thus calling for special protection and justifying the distinction in the Toseftan teaching.

A further refinement occurs in an anonymous Tannaitic tradition quoted in *b. Me'ilah* 13a, which recognizes the value of a sacred field not just as arable land but also as a work space. The teaching reads: "One who stamps *qal'îlîn* in a sacred field commits sacrilege."³⁶ The word *qal'îlîn* is probably a corruption of *qal'îlon*, a special kind of bluish

³⁴ The situation is obvious from the teaching's larger textual context.

³⁵ The text reads: הדר בצלו של שובך ובצלו של מערה—לא נהנין ולא מועלין; ושברקעות—מועלין בהן.

³⁶ The text reads: "הדש קלעילין בשדה הקדש—מעל". והא בתלוש בעינן! אמר רבינא: ש"מ [שמע מינה]—אבקה מעלי לה.

wool imitating the color of *tēkēlet*,³⁷ though Haas (following Rashi) understands the word to refer to a legume.³⁸ The point of the teaching seems to be that even using a consecrated field or open space for stomping or threshing in certain manufacturing processes is a form of usage liable for sacrilege. The Stammaim relate this teaching to the regulation established in *m. Me'ilah* 5:1 that "plucking" is a prerequisite for sacrilege to occur, apparently because they read *qal'îlîn* to be a type of plant. Rabina provides an artful solution to the potential contradiction by noting that the dirt of the ground is not technically attached to it, and so by using the ground in industrial activity one is actually benefiting from something that is "plucked" or detached from the ground itself.³⁹ The teaching unit demonstrates a further effort by the early rabbis to place protections on sacred fields in recognition of their potential value.

This survey of rabbinic teachings on sacrilege as it relates to sacred landholdings is in my opinion another instance of what Eyal Regev has called the rabbinic concern with the cognitive category of intention.⁴⁰ It rejects an approach to sanctity that sees it as

³⁷ See Marcus Jastrow, *A Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature* (New York: Pardes, 1950), 1372. See *t. 'Abodah Zarah* 6:1 for another use of the word.

³⁸ Haas translates it as "*qal'ylyn* wood"; *The Talmud of Babylonia, An American Translation. XXXII: Meilah and Tamid* (Brown Judaic Studies 109; Atlanta, Georgia: Scholars Press, 1986), 68.

³⁹ The reading of the Talmudic discussion presented here more or less follows Maimonides's understanding. In *Trespass* 5:5, he writes: "If one threshed in a consecrated field, he committed sacrilege, because its dirt helped the threshing and consequently he benefited from the dirt and reduced the value of the field." Rashi, on the other hand, sees the dirt benefiting the plant rather than the threshing process. The nature of the benefit goes unexplained.

⁴⁰ Regev, "The Sadducees, the Pharisees, and the Sacred," 136–40. See also Jacob Neusner, *Judaism: The Evidence of the Mishnah* (Chicago: University of Chicago Press, 1981), 270–283; Howard Eilberg-Schwartz, *The Human Will in Judaism: The Mishnah's Philosophy of Intention* (Atlanta, Ga.: Scholars Press, 1986); and W. Richard Comstock, "A Behavioral Approach to the Sacred: Category Formation in Religious Studies," *Journal of the American Academy of Religion* 49, no. 4 (1981).

easily transferrable, dynamic, and capable of effecting cosmic change, as evidenced in priestly writings of the Hebrew Bible and in certain works of the Qumran sectarians.⁴¹ Rather it is interested in more ad hoc and flexible definitions of sanctity that serve larger religious purposes of growing closer to God and working to fulfill his will, a perspective evidenced already in Hag 2:10–13.⁴² The rabbinic teachings on sacrilege surveyed here fall into this category because they place greatest importance on the intention behind the endowment and reject the conferral of sanctity merely because of proximity, association, or touch. Agricultural products of consecrated properties are sacred due to the fact that their consecration—the rabbis hold—was meant to set aside those very products for sacred purposes. In other words, the root sanctifies the branches not because holiness transfers by touch between the two but because future outgrowths and byproducts are seen as an essential component of the original endowment.

The short halakhic sayings quoted by Paul in Rom 11:16 can hardly betray an affinity to one approach to sanctity or another, though their general closeness to the Mishnah's teachings and Paul's own background in Pharisaic circles (Acts 22:3) would

⁴¹ Regev hypothesizes that Sadducean halakhah resembled the latter; see "The Sadducees, the Pharisees, and the Sacred," 137; "Priestly Dynamic Holiness and Deuteronomistic Static Holiness," *Vetus Testamentum* 51, no. 2 (2001): 243–61; "Reconstructing Qumranic and Rabbinic World-Views: Dynamic Holiness vs. Static Holiness," in *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls. Proceedings of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 7–9 January, 2003* (ed. Steven D. Fraade, et al.; Leiden; Boston: Brill, 2006), 99–112.

⁴² There the prophet answers in the negative regarding whether the sanctity of a piece of sacrificial meat transfers to food touching it, reflecting a rejection of the holiness contagion. The result is an ethic of great personal responsibility on the protection of holiness. As Carol Meyers and Eric Meyers have written in their commentary on this verse, "Each individual becomes responsible for adherence to standards that lead toward holiness"; *Haggai, Zechariah 1–8*, 56. They too note the ideological similarity here with rabbinic halakhah.

indicate an indebtedness to proto-rabbinic tradition.⁴³ More important to this project is the possibility that 11:16b is an early attestation of rabbinic discussions that would evolve into the oral teaching units of *m. Me'ilah* 3:6–8. Neusner has posited that the rabbinic teachings on the subject in Tractates 'Arakin and *Me'ilah*—in fact the entire order of *Qodašim*, for that matter—reach no further back in time than the rabbinic circles of Yavneh and Usha from the late first to the middle of the second century CE.⁴⁴ The two halakhot by Paul in Rom 11:16 would thus join the limited halakhic material from the Dead Sea Scrolls and other sources pre-dating 70 CE, surveyed in earlier chapters, in suggesting that these regulations were being worked out as part of a broader intellectual tradition reaching back into the days of the Second Temple.⁴⁵

6.4 Sacred Olive Trees and the Allegory of Romans 11:17–24

In addition to reflecting Paul's connectedness to proto-rabbinic scholastic discourse, this reading of Rom 11:16b can help contextualize the olive tree allegory that follows in 11:17–24. The allegory is conceptually and rhetorically linked to 11:16b by its opening phrase—"If some of the branches were broken off"—with the conditional particles *ei de* recurring across both verses and the linking word *klados* signaling a continuous line of

⁴³ On the "re-Judaized" Paul as portrayed in scholarly understandings of him, see John. G. Gager, *Reinventing Paul* (Oxford; New York: Oxford University Press, 2000), 54–57. See also Andrew S. Jacobs, "A Jew's Jew: Paul and the Early Christian Problem of Jewish Origins," *The Journal of Religion* 86, no. 2 (2006), 258–65.

⁴⁴ On *Me'ilah* he has written that "the tractate begins its history at Yavneh and rests not only on facts supplied by Scripture but also on conceptions contributed by Yavneans"; Neusner, *History of Mishnaic Law of Holy Things: The Mishnaic System of Sacrifice and Sanctuary*, 239. And on 'Arakin he writes that it "is the work of Ushans who chose to create a tractate on Temple-income and property"; *ibid.*, 263.

⁴⁵ For a summary of studies that take this longer view on the development of proto-rabbinic halakhic discourse, see §1.3.

thought. These points of connection between the halakhic saying of 11:16b and the olive tree allegory strongly suggest that Paul is using the very same consecrated tree as the basis for his message. If this is the case, the grafting of new branches would have as its primary goal, on a literal level, the sustenance and rejuvenation of the consecration, and on a symbolic level, the joining of all of Israel together as a holy church regardless of the stock from which its branches derive. The allegory thus becomes one in which branches from a non-consecrated tree are grafted onto a consecrated one, and by virtue of their connection, become holy. Sanctity too extends to broken branches rejoined to the tree. Together the branches are consecrated by virtue of the roots. Together they nourish and sustain the tree. The entire message is governed by 11:16b.

This reading calls into question speculation by scholars over whether Paul is intentionally subverting the usual practice of grafting domesticated branches onto wild trees as an argument against arrogance or anti-Jewish bias on the part of his gentile audience.⁴⁶ The notion is that his audience would have been familiar with the usual practice of grafting domesticated branches onto wild trees, rather than vice versa, and would have recognized the message underlying Paul's subversion of it. But there is

⁴⁶ W.D. Davies sees the inversion as working to counter anti-Jewish bias among members of Paul's audience; "Paul and the Gentiles: A Suggestion Concerning Romans 11:13–24," in *Jewish and Pauline Studies* (Philadelphia: Fortress Press, 1984), 153–63. Philip Esler argues similarly that it is meant to assert the superiority of the Judeans; "Ancient Oleiculture and Ethnic Differentiation: The Meaning of the Olive-Tree Image in Romans 11," *Journal for the Study of the New Testament* 26, no. 1 (2003): 103–24. Sigurd Grindheim understands it as furthering Paul's position that gentile Christians should not be prideful with respect to nonbelieving Jews; *The Crux of Election: Paul's Critique of the Jewish Confidence in the Election of Israel* (Wissenschaftliche Untersuchungen zum Neuen Testament 2/202; Tübingen: Mohr Siebeck, 2005), 158–68; Grindheim was anticipated by J. C. T. Havemann, "Cultivated Olive—Wild Olive: The Olive Tree Metaphor in Romans 11:16–24," *Neotestamentica* 31, no. 1 (1997): 87–106. Recently Mark Nanos has articulated a similar argument in "Broken Branches," 339–76.

nothing suggesting irony in Paul's language here and, assuming that the root and trunk were consecrated, new branches from undomesticated trees could indeed have been engrafted to assure their longevity and productivity for sacred purposes. A.G. Baxter and J.A. Ziesler have shown that in fact the grafting of wild branches onto domesticated species was a means of rejuvenation practiced in the ancient world.⁴⁷ They cite a comment by Columella (ca. 4–70 CE) that wild branches could be grafted into underproductive domesticated trees.⁴⁸ This suits Robert Jewett's claim that Paul was envisioning equality between the Jewish and gentile members of the church, as well as arguments by E.P. Sanders and Daniel Boyarin regarding the centrality of faith in Christ as the great equalizer with regard to that communion.⁴⁹ Both groups enjoy spiritual nourishment from the same roots and trunk.

Interestingly, the grafting of branches onto sacred olive trees appears to have been practiced in classical Greece as a means of propagating olive trees called *moriai*, as recently discussed by Nikolaos Papazarkadas and S.C. Todd.⁵⁰ The *moriai* are said to derive from a primordial olive tree planted by the goddess herself on the sacred rock of

⁴⁷ A.G. Baxter and J.A. Ziesler, "Paul and Arboriculture: Romans 11:17–24," *Journal for the Study of the New Testament* 24 (1985): 25–32.

⁴⁸ See E. S. Forster and Edward H. Heffner, *Lucius Junius Moderatus Columella on Agriculture* (Cambridge: Harvard University Press, 1968), 85.

⁴⁹ See Jewett, *Romans: A Commentary*, 685. Sanders has written that "Jew and Gentile may be 'in' the olive tree only on the condition of faith"; *Paul, the Law, and the Jewish People* (Minneapolis: Fortress Press, 1983), 180–98, esp. 193–94. Boyarin asserts that Paul's vision of particularist universalism would have all others outside of the inclusive olive tree as dead wood, signifying the Jewish tribe now replaced by a community defined by grace; *A Radical Jew: Paul and the Politics of Identity*, 201–9. For a similar view, see Chilton and Neusner, *Judaism in the New Testament: Practices and Beliefs*, 62–70.

⁵⁰ Papazarkadas, *Sacred and Public Land*, 260–84; Todd, *Lysias, Speeches 1–11*, 482–87; Burford, *Land and Labor*, 24, n. 23.

the Acropolis. Through the classical period, certain trees in Attica were recognized as *moriai* and their products regulated by the polis. They provided among other things the prizes of oil at the Panathenaic festival.⁵¹ The seventh speech of the fifth-century-BCE Greek orator Lysias records the trial of a certain Nikomakhos who was accused of apparently pulling up the low fence that surrounded one of these trees to mark it as sacred.⁵² His act was taken as a crime of sacrilege. Todd has suggested that the grafting of new branches onto the *moriai* may be related to this notion that some of their trees derive from the primordial tree.⁵³ The intention of the grafting would have thus been to preserve the venerable trees once they had ceased to be productive on their own. The new branches become a source of life.

A second ramification of reading 11:17–24 as involving a consecrated tree regards early Jewish halakhah on agricultural consecrations. Paul's message would imply that the sanctity of the roots and stump transfer not only to natural outgrowths of the tree but also to branches grafted onto it. I could not find a reference in rabbinic teachings to the specific case of grafting non-sacred branches onto a sacred tree, but Paul's principle would seem to be in line with rabbinic tradition nonetheless. An anecdote in *m. Pesahim* 4:8 regarding instances in which the sages (of the late Second Temple period) condemned the anonymous "men of Jericho" may be relevant to the issue at hand. One

⁵¹ Aristotle, *Athenaion Politeia*, 60.1–3. See Papazarkadas's argument that the trees were a kind of sacred realty conceptually and legally distinct from other forms of polis property; Papazarkadas, *Sacred and Public Land*, 277–84.

⁵² The nature of the crime has been a matter of dispute and the defendant may have pulled up the stump, depending on how one understands the term *sēkos*; see Todd, *Lysias, Speeches 1–11*, 485–87.

⁵³ *Ibid.*, 482.

of the transgressions of these men was allowing the non-sacred use of caprification branches attached to consecrated sycamore trees.⁵⁴ The branches would have assisted in pollination and the overall health of the tree.⁵⁵ As such they would be similar in sacred function to branches grafted onto a consecrated olive tree. The sages saw these caprification branches as fundamental to the value of the consecrated tree and thus prohibited their use according to the laws of sacrilege. Branches grafted onto an olive tree would presumably be given the same protection, even if they do not fall under the category of גדולי הקדש, the natural outgrowths of temple property.⁵⁶

Incidentally, the metaphorical use of this grafting technique in the Jewish context did not end with Paul. In *b. Pesahim* 49a, vine grafting between high-quality grapes and wild grapes is compared to the marriage of a scholar into an uneducated family; and in *b. Yebamot* 63a, the image of vine grafting is used in a statement attributed by R. Eleazar to describe the joining of Ruth and Naomi to Israel. Marc Rastoin has recently suggested a connection between the latter and Rom 11:17–24.⁵⁷ His argument is that the Babylonian

⁵⁴ The phrase reads: ("they [the men of Jericho] permit the eating of the caprification branches of sacred property"). The Toseftan version (*t. Pesahim* 3:19) provides, in place of the difficult word גמזיית ("caprification branches"), the word גזזיית, more generally connoting "branches"; Rashi addresses both possibilities in his commentary on the verse. See Jastrow, *Dictionary*, 252.

⁵⁵ See Ken Mudge et al., "A History of Grafting," *Horticultural Reviews* 35 (2009), 441–45.

⁵⁶ Grafting as an agricultural technique was well known to the early rabbis, who referred to it as הרכבה. It is particularly relevant to Tractate *Kil' ayim*, which is concerned with the possibility that the grafting of one species onto another could be in violation of the scriptural prohibition against mixing seeds (Lev 19:19; see, e.g., *m. Kil' ayim* 1:7). Thus we hear in *t. Kil' ayim* 1:10 that sages prohibited the grafting of palm branches onto olive trees; see *ibid.*, 450–52.

⁵⁷ Marc Rastoin, "Une bien étrange greffe (Rm 11, 17): Correspondances rabbiniques d'une expression paulinienne," *Revue Biblique* 114, no. 1 (2007): 73–79. The relevant statement reads: אמר ליה הקדוש ברוך הוא לאברהם: שתי ברכות טובות יש לי להברידך בך, רות המואביה ונעמה העמונית ("The Blessed Be He said to Abraham: Two good blessings I have to engraft for you: Ruth the Moabite and Naomi the Ammonite...").

Talmud preserves a haggadic tradition that circulated among Jewish literati already in the days of Paul and that Paul drew inspiration from them in his formulation of the allegory. The argument is perhaps undermined by the terminology of R. Eleazer's statement, which calls upon grafting techniques in vine cultivation (as in *m. Šebi'it* 2:6) rather than olive tree cultivation.⁵⁸ Paul's connection to proto-rabbinic oral tradition is far better attested by the two halakhic sayings he quotes in 11:16, both of which relate to much larger and chronologically closer bodies of rabbinic tradition.

An even more compelling association between Rom 11:17–24 and rabbinic allegory appears in the Palestinian Talmud. While the authors of the Mishnah were familiar with olive grafting as an agricultural technique (as in *t. Kil' ayim* 1:10), a curious midrash by the third generation Palestinian Amora R. Levi (who lived ca. 300 CE) reads as follows (*p. Kil' ayim* 27b):⁵⁹

"Your wife shall be like a fruitful vine within your house; your sons, like olive saplings around your table" (Ps 128:3). Just as there is no grafting with olives, so may there not be any worthlessness among your children.

"אשתך כגפן פוריה בירכתי ביתך בניך
כשתילי זתים סביב לשולחנך". מה זיתים
אין בהן הרכבה, אף בניך לא יהא בהן
פסולת.

R. Levi takes notice of the fact that scripture speaks only of saplings with regard to the olive tree and not of grafted branches. To him this demonstrates that Jewish

⁵⁸ The relationship to the root ברך ("to bend, bend a knee, bless") is explained by the fact that the vine can be bent over and drawn into the ground to promote the growth of an independent plant. See Jastrow, *Dictionary*, 195. For tree grafting, the term is the causative form הרכיב; see *m. Pesahim* 4:8, *m. Šebi'it* 2:6.

⁵⁹ Text and translation follows Irving J. Mandelbaum, *The Talmud of the Land of Israel: A Preliminary Translation and Explanation. Volume 4: Kilayim* (Chicago Studies in the History of Judaism; Chicago: University of Chicago Press, 1990), 38–39.

families should never be adulterated through the engrafting of foreign branches. In sharp contrast to Paul, where foreign branches sustain the tree, R. Levi has them polluting it. The neat subversion of the message of Rom 11:16–24 begs the question of whether R. Levi was intentionally engaging in an anti-Christian polemic here, a topic I plan to pursue in another study. It is true that R. Levi's statement has been fully incorporated into another matter, leaving no overt reference in the redacted text to Paul's allegory.⁶⁰ Furthermore, the purity of bloodlines was a matter of general interest in rabbinic circles, as similar figurative uses of the term פסולת ("worthlessness") attest.⁶¹ On the other hand, in at least one other place (Leviticus Rabbah 6:6) R. Levi is invoked in an oral tradition that is perhaps a more clear-cut instance of anti-Christian polemicizing among Palestinian Amoraim, as Burt Visotsky has discussed, albeit with some reservations.⁶² If his statement in *p. Kil' ayim* 27b indeed relates to Rom 11:16–24, it would be one of a string of ancient comments on it that glosses over its association with agricultural consecrations.⁶³ It appears that already in antiquity the ancient Jewish practice to which Paul refers in Rom 11:16b was falling into obscurity.

⁶⁰ The teaching unit is interested in whether R. Levi's statement contradicts *t. Kil' ayim* 1:10, which speaks of the grafting of olive branches onto a palm tree. See *ibid.*, nn. 176–77.

⁶¹ See, e.g., *Sifre Deuteronomy* 312 and *Genesis Rabbah* 68.

⁶² "Anti-Christian Polemic in Leviticus Rabbah," in *Fathers of the World: Essays in Rabbinic and Patristic Literatures* (vol. 80 of *Wissenschaftliche Untersuchungen zum Neuen Testament*; Tübingen: J.C.B. Mohr, 1995), 95–96.

⁶³ For texts and discussion, see Bourke, *The Olive Tree in Romans XI*, 73–76.

6.5 Summary

When Paul introduces the olive tree allegory of Rom 11:17–24 with an axiom on a root sanctifying the branches (11:16b), he is quoting a piece of practical halakhah regarding agricultural consecrations. It is immediately preceded by another halakhic saying in 11:16a, this one reinterpreted here as involving the sanctification not of the loaf once the dough offering is set aside, but of an admixture of a heave-offering and non-sacred produce. Both sayings set up the allegory that follows by establishing the principle of extended or transferrable sanctity: just as the heave-offering sanctifies the batch when it is intermixed with the non-sacred, so too the root sanctifies the branches of a tree. The latter statement is rhetorically linked to the allegory that follows, suggesting that Paul is envisioning the grafting of non-sacred branches onto a sacred olive tree. The practice of agricultural consecrations of this sort is a little known feature of early Jewish life, examined in-depth for the first time in this dissertation. It has a parallel in the sacred *moriai* of classical Greece, where the grafting of new branches may have been a means of perpetuating them. Its obscurity can explain why, to the best of my knowledge, no scholar has recognized the plain meaning behind Paul's statement on root and branch.

By quoting a halakhic saying relevant to the practice, Paul is offering some proof—limited though it may be—that proto-rabbinic circles were discussing the matter of offshoots and outgrowths of agricultural consecrations long before they would be codified in *m. Me'ilah* 3. The disagreement in *m. Me'ilah* 3:6 between two students of R. Aqiba involves the very issue at the center of Rom 11:16b. R. Judah would limit the

transference of sanctity to the branches and remove sacrilege protections from the branches. R. Simeon would have the roots sanctifying the branches and thus rule that misuse of the latter would be subject to the sacrilege penalty. The Mishnah presents R. Simeon's argument as the preferred position and it would later become codified as standard halakhah. Paul and Rom 11:16b have apparently never received due credit for being the earliest known evidence of it. With regard to the book of Romans, this new reading may do little more than help us appreciate the rhetorical artistry of Paul's language and his connectedness to proto-rabbinic scholastic discourse. With regard to the early Jewish practice of consecrating agricultural real estate, however, it is a vital piece of evidence among rare pre-Mishnaic attestations.

Chapter 7. *Hērem* Property and Landholding by Priests

7.1 Introduction

In addition to field consecrations put into effect by vowing property to the altar of God or by declaring it sacred, real estate appears to have been set aside for sacred uses by virtue of a *hērem* decree. The term *hērem* etymologically is related to Semitic terms for "holy" and in the Hebrew Bible is often used in verb forms to connote the thorough destruction of the enemies of Israel, apparently as a form of offering to God.¹ There has been no shortage of research into the enemy or wartime *hērem* of the Deuteronomistic History's conquest narratives, but far less work has been done on the use of the mechanism outside of the battlefield—on the home front and in courts of law.

¹ This is particularly apparent in prophetic speech but also in the Deuteronomistic History. The prophet Isaiah uses *hip̄l* forms of the verb in parallel with a form of the root *n-k-y* ("smite") in 11:15 and the phrase *nātan laṭṭābah* ("gave over to slaughter") in 34:2; he uses the noun form in the phrase 'am *hermî* ("the people of my *hērem* destruction") in 34:5 and as a synonym for *giddūfîm* ("mockery") in 43:28. The prophet Jeremiah speaks of Yahweh bringing defeat upon Judah through his "servant" Nebuchadnezzar and quotes him as saying, "I will devote them to destruction (*wēhahāramtîm*) and make them a desolation, an object of hissing—ruins for all time" (25:9). Then later he encourages the demise of Nebuchadnezzar's kingdom using similar language: "Destroy her (*wēhahārimūhā*), let her have no remnant!" He uses other *hip̄l* forms of the verb in parallel with the root *p-q-d* ("attend to") and *h-r-b* ("destroy") in 50:21 and as an antonym for the root *h-m-l* ("show pity for") in 51:3. The imposition of punitive *hērem* and the devastation it wrought had no place in the golden age of the future, according to late prophecy. Zechariah imagines the security awaiting Jerusalem and notes that "It shall be inhabited, for never again shall it be doomed to *hērem* destruction" (14:11). And Malachi has Elijah reconciling parents with children in end times so that Yahweh "will not strike the whole land with *hērem* destruction" (3:24), a somber and powerful note on which the entire book of Malachi ends. Daniel has Antiochus IV hearing of a challenge to his empire from distant lands and, as a result, marching forth in a great fury "to destroy and annihilate many with *hērem* destruction" (11:44). On the use of the term in the Deuteronomistic History, see below. For the term's etymology and range of meanings, see Benovitz, *Kol Nidre*, 69–71; Greenberg, "Herem," 10–13; Norbert Lohfink, "הָרַם *hāram*; הֶרֶם *hērem*," in *Theological Dictionary of the Old Testament* (ed. G. Johannes Botterweck and Helmer Ringgren; Grand Rapids, Michigan: William B. Eerdmans, 1986).

In Chapter 3 I examined the use of the term as a means of donating the full ownership rights of a plot of patrimonial land to a priest (Lev 27:28). The owner simply declares the field *ḥērem* and it moves into the realm of the sacred eternally, apparently because *ḥērem* carried the sense of a more permanent or lasting form of sanctity than verb forms based on the root *q-d-š* did. I also considered the intriguing verses in Lev 27:20–21, which deals with the case of one who has already sold the usufruct of a field to another and now declares it consecrated. In this case the field "shall be sacred to Yahweh, like the *ḥērem* field; his patrimonial property becomes the priest's." This *ḥērem* field is probably simply anticipating the field declared *ḥērem* in v. 28 of the chapter but could also have been in reference to a type of field given that status by another mechanism, such as a court-ordered imposition of sacrosanct status or in rare cases the seizure and/or destruction of property in the context of war, an option explored below.

After the few verses regulating *ḥērem* property in Lev 27, the next extant source that gives the topic any sustained attention in a legal sense is a halakhic text from the Qumran library preserved in a single fragmentary manuscript, 4Q251 (4QHalakha A). Its paleography would suggest an early Herodian or late Hasmonean date, placing it in the mid- to late first century BCE or perhaps slightly thereafter.² A recent study on the document by Aharon Shemesh has presented compelling evidence that it is a systematic commentary on a compendium of laws in Exod 21:1–23:19, prompting Shemesh to refer

² On its paleography and date, see Larson, Lehmann, and Schiffman, "4QHalakha A," 27–28.

to the document as "Midrash Mishpatim."³ Those verses in Exodus include a law conferring firstborn animals to priests (Exod 22:29), which leads into a discussion in 4Q251 on priestly perquisites in general, including the priests' rights to *ḥērem* property. Among the prooftexts invoked in the discussion are the regulations concerning the *ḥērem* field in Lev 27.

In my view this document offers an important link in the chain of Judean legal tradition on *ḥērem* property spanning Lev 27 through the rabbinic teachings on the topic. Before discussing it I will chart the evolution of social and cultural institutions involving *ḥērem* in the Hebrew Bible and Second Temple literature and demonstrate that the old wartime and punitive *ḥērem* would be superseded by *ḥērem* vows, one of several vow- and oath-taking procedures used in late Second Temple period life and resulting in the consecration of property for sacred purposes. The laws of 4Q251 I argue are to be read in the context of the latter, regulating the proper use of that property once it takes on sacred status.

There are good reasons to presume the document is responding to two main developments in late Second Temple society with regard to *ḥērem* property: First, in some instances persons appear to have been dedicating property to the temple treasury by virtue of *ḥērem* decrees, an idea that patently contradicts scripture's bestowal of the property to the priest. 4Q251 would appear to be reasserting priestly entitlement over

³ "4Q251: Midrash Mishpatim," *Dead Sea Discoveries* 12, no. 3 (2005), 290–302. The name is in reference to the Torah portion in which that compendium of laws appears.

against the temple in these instances. Second, there were perhaps proto-rabbinic leniencies allowing for the immediate desanctification of *ḥērem* once it joined the holdings of the priest. 4Q251 would seem to be responding to these leniencies by affirming its status as eternally sacred and providing regulations on how to protect that sanctity. The document also refers explicitly to a field declared *ḥērem* and would seem to be applying these principles to that case as well. The fragmentary nature of the text precludes any confident reconstruction of what its regulations may have been, though I attempt to suggest a few possibilities based again on issues addressed elsewhere in early Jewish source material. Nevertheless, the mere fact that 4Q251 takes up this legal topic is an important step in helping us ascertain the nature of this particular practice involving sacred property.

7.2 On the Development of Institutions Involving *Ḥērem*

Let us begin by charting the development of institutions involving *ḥērem*. The earliest attestation of a form from the root *ḥ-r-m* is in the Covenant Code, where it is employed as punishment for anyone who offers to sacrifice to other gods (*zōbēah lāēlōhîm yohōrām*; Exod 22:18), a legal formulation whose context suggests something other than certain death and could have resulted in the destruction of movables and seizure of landed assets.⁴ The link between dispossession and the *ḥērem* practice in Israelite civil law could

⁴ The law is part of a triplet of capital cases (Exod 22:17–19). Standard execution in the Covenant Code, however, is conveyed by the expression *môt yûmât* (e.g., Exod 21:15–17); see William Henry Propp, *Exodus 19–40: A New Translation with Introduction and Commentary* (The Anchor Bible; New York: Doubleday, 2006),

lie behind the Deuteronomic fashioning of the law against an apostate town, which calls for the *hērem* death of all its inhabitants, the sanctification of all its valuables, the destruction of the town itself, and the conferral upon it of sacrosanct status so that it remain a *tēl 'ôlām*, "an eternal ruin" (Deut 13:16–18).⁵ It also in my opinion relates to the wartime *hērem* of the conquest accounts of the Deuteronomistic History, which are typically understood as reflecting an Israelite mechanism of war but in my opinion can be related also to the civil practice of using a declaration of *hērem* as a tool of punitive dispossession.⁶ In the interests of rooting out heresy and inflicting punishment on the

204–5; Cornelius Houtman, *Exodus, Volume 3, Chapters 20–40* (Historical Commentary on the Old Testament; Leuven: Peeters, 2000), 214. Thus, the application of *hērem* status to the one who was proven to have committed the crime of illicit sacrifice must have implied something else. The Babylonians would employ the proscribed as slaves on their temple estates, comparable to the proscription of the Gibeonites in Josh 9:27; see Stern, *Biblical Herem*, 133; Milgrom, *Leviticus 23–27*, 2396. Enslavement to the priesthood along with the seizure of the proscribed person's properties (including any landed assets) by the sanctuary would have been an appropriate punishment for the wrongful sacrifice to a rival god, which would have been not only an affront to the covenant between Yahweh and Israel but also the denial of "nourishment" to which Yahweh alone (and his earthly representatives) had a rightful claim. Targum Pseudo-Jonathan renders the word *yohōrām* with the phrase "he will be killed with the sword and his possessions destroyed." Since the dispossession of one's heirs lies at the heart of the punishment, it would be fitting for landed property to be seized by the religious authorities in keeping with the principles of *lex talionis*. This in turn can explain the juxtaposition in the Covenant Code of the punishment for illicit worship immediately before laws on various landless classes—the resident alien, poor, widow, and orphan (Exod 22:20–23)—because the fallout from a conviction for illicit worship would add to the landless as well, the heirs of the convicted now dispossessed of their patrimony.

⁵ There is a notable focus in this legislation on the status of valuable properties in the town and the legislators are interested in protecting those properties from looting and maintaining the site of the apostasy as a *tēl 'ôlām* (v. 17). One can assume that the surrounding arable land would have fallen into the hands of the authorities; the text ignores the issue altogether. The institution as described in Deuteronomic law is in service of producing what is defined as a type of whole burnt offering—a *kālil laYHWH* (v. 17)—and then protecting all items of value contained within the town as one would protect a holy offering; their violation becomes a form of sacrilege.

⁶ In the book of Joshua, destructive *hērem* is applied to the cities of Jericho (6:21), Ai (8:26), Makkedah (10:28), Egon (10:35), Hebron (10:37), Debir (10:39), the whole land of Canaan (10:40), Hazor (11:11), and the whole land of the Anakites (11:21). The legal framework is provided by Deut 7:1–5. See Moshe Weinfeld, "The Ban on the Canaanites in the Biblical Codes and Its Historical Development," in *History and Traditions of Early Israel: Studies Presented to Eduard Nielsen, May 8th 1993* (ed. André Lemaire, et al.; Leiden; New York: E.J. Brill, 1993); Fishbane, *Biblical Interpretation in Ancient Israel*, 199–209; Susan Niditch, *War in the Hebrew Bible*:

heretics, the Deuteronomistic History retrojects onto Israel's mythic military history the thorough extermination and destruction of the non-Yahwists who inhabited the Land of Israel. It does so by drawing in large part on the civil practice of marking persons and their property as *ḥērem*, a practice that resulted in the execution of the criminal and the confiscation of his/her property, dispossessing their heirs of patrimony. The *ḥērem* institution was far more than a mechanism of war.

There is reason to believe that the priestly writings of the Hebrew Bible are well aware of the distinction between *ḥērem* property procured on the home front and that procured from foreigners on the battlefield. The *ḥērem* law of Num 18:14 and Ezek 44:29 shows awareness of this distinction when it states that "any *ḥērem* in Israel" will be the priests'—"in Israel" identifies the situation as civic in nature rather than resulting from a wartime decree and would thus rule out war booty.⁷ Instead it seems to involve voluntary dedications by Yahwists but also too perhaps court-ordered bans and seizures

A Study in the Ethics of Violence (New York: Oxford University Press, 1993), 28–89; Alexander Rofé, "The Laws of Warfare in the Book of Deuteronomy: Their Origins, Intent and Positivity," *Journal for the Study of the Old Testament* 32 (1985), 25–37; and Nelson, "Ḥerem and the Deuteronomic Social Conscience," 39–54. These studies have focused almost entirely on its role as a mechanism of Israelite warfare, possessing similarities to practices across cultures and historical periods whereby enemy populations would be decimated and their settlements destroyed for the purposes of resettling newcomers to the area and taking over the agricultural fields of the defeated. Potentially valuable booty could be renounced before the battle through the taking of a vow and either burned entirely in the manner of a whole-burnt offering to the local god or physically brought to the local shrine or sanctuary and added to the god's treasury. For comparanda, see Greenberg, "Ḥerem," 10–13. But the *ḥērem* institution was practiced on the homefront as well, a point too often overlooked in studies on it.

⁷ The matter is a central theme in Josh 7, where Achan is executed for misappropriating some of the *ḥērem* seized during the rout of Jericho and marked for the temple treasury (Josh 7:21–26); on a reworking of the story in Pseudo-Philo, see below, §7.3.3. Saul is admonished for sacrificing to God some of the animals declared *ḥērem* after his rout of the Amalekites (1 Sam 15:7–11). It would appear that in unusual instances war booty could be labeled *ḥērem* and protected as such. For examples of the voluntary dedication of *ḥērem* valuables taken from battle, see Mic 4:13 and Jud 16:19; in the latter a bedchamber of Holofernes is dedicated by the heroine as ἀνάθημα.

in instances of grave crimes such as apostasy by an Israelite. The practice would have a parallel in ancient Greece. Alison Burford has discussed the ramifications of political death awaiting citizens who were convicted of certain crimes against the Greek polis: not only did such convictions result in public execution or exile, but they could call for the confiscation of land and other property.⁸ In particularly heinous crimes, the polis could decide to label the convict's land sacrosanct—an empty field left fallow as a symbol for the world to see. A similar civil practice in the Israelite context could lie behind the Deuteronomic law and the Deuteronomistic History's accounts of "devoting to destruction" one's enemies on the battlefield.⁹

This punitive form of *hērem* appears to have continued in the early Second Temple period. In Ezra 10:8 a warning is issued that anyone who fails to come to Jerusalem for a national assembly concerning the issue of intermarriage would have his

⁸ *Land and Labor*, 31, 49–50, 237, n. 40. Examples cited by Burford include the trial at Athens in 415 BCE of men accused of mutilating the Hermae (their properties were confiscated and put up for public sale); and the punishment by exile and by land confiscation of anyone at Mylasa in southwest Turkey for insulting the ruler Mausolus. In instances of land not sacrosanct, their purchase for the benefit of the state could have been viewed as a special civic duty; *ibid.*, 49.

⁹ The *hērem* vow in a time of war is attested in Num 21:1–3. During the Israelites' wandering in Transjordan and the Negev, we are told of the capture of a few Israelites by the Canaanite king of Arad. The response to the capture is as follows: "Then Israel made a vow to Yahweh and said, 'If you deliver this people into our hand, we will devote their cities to *hērem* destruction.' And Yahweh heeded Israel's plea and delivered up the Canaanites; and they and their cities were devoted to *hērem* destruction. So that place was called Ḥormā (Hormah)." This aetiology on the origin of the name of the town Hormah includes within it the basic logic of a wartime vow by which divine support is petitioned through a promise that all booty will be offered up rather than taken for human benefit should a victory ensue. The similarity to Jephtha's personal vow in Judg 11:30–31, which resulted in the sacrifice of his daughter after his victory in battle, is clear; see Fishbane, *Biblical Interpretation in Ancient Israel*, 204; see also Judg 1:1. Medieval Jewish commentators, aware of the practice of sanctifying space by virtue of a *hērem* vow, understand Hormah to have been given just this status. Rashi notes that Joshua proscribed the cities as *hārmê gābôa* ("the *hērem* properties of the Most High"), and Ramban follows him. On the conflict between the fully sacrosanct and thus unexploitable status of *hērem* in earlier biblical sources, particularly the Deuteronomistic Sources, and that emerging from Lev 27:21, 28 which confer them to a priest, see Benovitz, *Kol Nidre*, 85–87.

property made *ḥērem* (*yohōram kol-rēkûšô*) and himself excommunicated (*yibbādēl miqqēhal haggôlâ*). The language of the threat denotes moveable property only (*rēkûš*)—probably livestock and other commodities.¹⁰ Though we are left with little indication of whether the confiscated property was then given to the priests or entirely destroyed—both scenarios would have scriptural support—there is reason to believe the latter was intended. The decree of Darius earlier in the book of Ezra (6:11) notes that anyone who alters his edict calling for the rebuilding of the temple will be impaled and his house made into a dung hill (*ûbaytēh nēwālû yit' ābēd*). It could be that Ezra's decree in 10:8 would have resulted in a similar display, implying perhaps that the language of *ḥērem* is employed here merely as a synonym for words of utter destruction, as is common in prophetic speech.¹¹ The fate of any landed assets associated with the excommunicated individual is an intriguing question; Joseph Blenkinsopp has suggested they would have joined the temple's holdings in land.¹²

We have seen that the authors behind Lev 27 are aware of the distinction between persons labeled *ḥērem* (v. 29), probably at court order and with the sentence

¹⁰ See particularly Ezra 8:21, where the word *rēkûš* appears to denote livestock; see also Ezra 1:4, 6; 1 Chr 27:31, 28:1; 2 Chr 31:3, 32:29; Dan 11:13. 1 Esdras 9:4 provides κτήνη ("livestock, cattle") here. Josephus (*Ant.* 11.148) writes that the property in question was οὐσία, a generic term for all real and moveable assets (e.g., *Ant.* 11:103, 214, 269; but see *B.J.* 2:122, 464; *Ant.* 18:194 and also Lk 15:12, where it clearly refers to land), and for *yohōram* he uses a passive participle of the form ἀφιέρω, which elsewhere he applies to denote consecration for the benefit of the temple treasury (*Ant.* 3.201, 4.72, 15.364); see Rengstorf, *Concordance to Josephus*, Vol. I, 277.

¹¹ See above, n. 1.

¹² Blenkinsopp, "Did the Second Jerusalemite Temple Possess Land?," 61–68; and see §1.1.2.

carrying the penalty of death by execution, and properties voluntarily labeled as such.¹³ The latter are prohibited in Lev 27 from being sold or redeemed by virtue of their status as "most holy" to Yahweh, as stipulated in v. 28, and become the priests' holding, as noted in v. 20. Nothing in Lev 27 suggests that movable property carrying that status would need to be destroyed or land need to be protected as sacrosanct. While the decree in Ezra reflects a less severe punishment where the person suffers merely excommunication rather than death—the scriptural basis, incidentally, of the Amoraic application of the *ḥērem* as a kind of excommunication¹⁴—it could be the case that any land left behind by such person would have been confiscated and sanctified. My only proviso to Blenkinsopp's argument would be that the land in question could have gone into the private holdings of priests rather than to the incorporated assets of the temple. Too little is known of excommunication procedure in the Second Temple period to be of much assistance on the matter and the question must remain an open one.¹⁵

After this decree in Ezra the invoking of *ḥērem* in Second Temple literature is primarily in the context of personal vows and oaths taken as self-imposed enforcement mechanisms. This is expressed well in *m. Nedarim* 5:4, where one person prohibits himself from deriving any benefit from or having any contact with another by saying, "I am *ḥērem* to you." The custom appears to have been commonplace in Second Temple

¹³ See §3.2.5.

¹⁴ This view of *ḥērem* as excommunication is attested only in the Palestinian Talmud and not in Tannaitic literature; in the Palestinian Talmud it is synonymous with ןוּרְיָ while in the Babylonian Talmud it is a stricter form of it; see Benovitz, *Kol Nidre*, 71–72, 106–7.

¹⁵ "Extirpation and Excommunication," *Vetus Testamentum* 35, no. 1 (1985), 13–38, esp. 21, 37–38.

period society. There is an oath procedure recorded in 1 Enoch 6:4–6 (4Q201 III:1–3) where the participants bound one another by threat of *hērem*.¹⁶ A similar procedure appears in Acts 23:12–14, when Jews make a pact (ἀνεθεμάτισαν ἑαυτούς) not to eat or drink until they had killed Paul; their pact was under the force of a *hērem* oath translated here as anathematization.¹⁷

The practice of wartime *hērem* appears to have long been relegated to the realm of the imagination by the late Second Temple period. It appears only once in the books of the Maccabees (1 Macc 5:3–5; 2 Macc 10:15–17). While 1 Maccabees draws inspiration from the conquest narratives of Joshua in presenting its protagonists as the divine elect cleansing the land of heresy, it diverges from the Deuteronomistic History in its sparing use of the language of *hērem*.¹⁸ The one instance in which it does appear is in the account of Judah Maccabee's rout of a pocket of Idumeans living in the Acrabeta district of

¹⁶ See George W. E. Nickelsburg, *1 Enoch 1: A Commentary on the Book of 1 Enoch, Chapters 1–36; 81–108* (Minneapolis, Minn.: Fortress, 2001), 177; Nickelsburg has also examined the sanctity of the area of Mt. Hermon in classical antiquity given its use for pagan cult activity; see *ibid.*, 239–47. See also Hyung Dae Park, *Finding Herem?: A Study of Luke-Acts in the Light of Herem* (Library of New Testament Studies 357; London: T&T Clark, 2007), 91–92.

¹⁷ See *ibid.*, *passim*, and Benovitz, *Kol Nidre*, 92–94 for other examples from the New Testament.

¹⁸ Katell Berthelot has recently made this observation and concludes that the Hasmoneans did not in fact see themselves as fulfilling God's command to Joshua; "The Biblical Conquest of the Promised Land and the Hasmonaeon Wars according to 1 and 2 Maccabees," in *The Books of the Maccabees: History, Theology, Ideology. Papers of the Second International Conference on the Deuteronomical Books, Pépa, Hungary, 9–11 June, 2005* (ed. Géza G. Xeravits and József Zsengellér; vol. 118 of Supplements to the Journal for the Study of Judaism; Leiden; Boston: Brill, 2007), 45–60. I would rather explain the sparing use of *hērem* as reflective of the evolution of the institution. On 1 Maccabee's indebtedness to Deuteronomy in general, see Francis Borchardt, "The Deuteronomic Legacy of 1 Maccabees," in *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period* (ed. Hanne von Weissenberg, et al.; vol. 419 of Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft; Berlin: De Gruyter, 2011), 297–319. See also Goldstein, *I Maccabees*, 4–26.

Samaria (1 Macc 5:3–5; 2 Macc 10:15–17),¹⁹ where according to 1 Macc 5:5 the Jewish victors "anathematized them" (ἀνεθεμάτισεν αὐτοὺς; 1 Macc 5:5).²⁰ The version in 2 Macc 10:15–17 differs slightly in the details of the event but too appears to have invoked biblical models for a war *hērem*.²¹ Yet this one instance is an outlier and as such could likely have been little more than the literary use of wartime *hērem* language to underscore the enmity of the Idumeans and the severity of the military blow they received. Generally one is struck by how rare the language of the wartime *hērem* is in 1 Maccabees, amidst its myriad descriptions of battles and given its reliance on biblical

¹⁹ The district's major city, Acraba, commanded over the main *wadi* and route leading from Shechem down to the Jordan River valley and would become a toparchy of Herodian Judea (Pliny, *Natural History* 5:70; Josephus, *B.J.* 3.55). The presence of Idumeans in this area is reflected not only in the toponym Eduma, a nearby town, but also the awareness among ancient historians that this pocket of Idumean habitation on the border of Judea and Samaria is to be distinguished from greater Idumea to the south; see Goldstein, *I Maccabees*, 294; Aryeh Kasher, *Jews, Idumaeans, and Ancient Arabs: Relations of the Jews in Eretz-Israel with the Nations of the Frontier and the Desert during the Hellenistic and Roman Era (332 BCE-70 CE)* (Texte und Studien zum antiken Judentum 18; Tübingen: J.C.B. Mohr, 1988), 25–26; Yoram Tsafirir, Leah Di Segni, and Judith Green, *Tabula Imperii Romani. Iudaea-Palaestina: Eretz Israel in the Hellenistic, Roman and Byzantine Periods. Maps and Gazetteer* (Jerusalem: The Israel Academy of Sciences and Humanities, 1994), 56–57. A fortress has been excavated at the site; Hanan and Erlich suggest that the fortress was built by the Hasmoneans as part of their strategy regarding Samaritan hostilities then occupied by the Herodians in their efforts to mollify Jewish-Samaritan tensions, like those reported by Josephus in 51 CE (*B.J.* 2.235); H. Eshel and Zeev E. Erlich, "The Fortress of Acraba in Kh. Urmeh," *Cathedra* 47 (1988) [Hebrew], 24.

²⁰ The Greek translator of the conjectured Hebrew original of 1 Maccabees probably encountered a *hipîl* form of the verb *h-r-m*, which had been written in the style of Deuteronomistic and prophetic accounts of war, and provided the usual equivalent; see Christophe Batsch, *La guerre et les rites de la guerre dans le judaïsme du deuxième Temple* (Supplements to the Journal for the Study of Judaism 93; Leiden: Brill, 2005), 418–21. The particularly harsh language of 1 Maccabees likely results from its notice in 5:4–5 that the Idumeans were committing brigandage against Jews along the trading routes; their thorough defeat comes thus as a form of punishment. Those accused are actually the Baianites, apparently a biblically inspired reference to Idumeans from their territorial homeland; see Kasher, *Jews, Idumaeans, and Ancient Arabs*, 28–29; Goldstein, *I Maccabees*, 294–95 and references there.

²¹ That account alludes to a wartime *hērem* oath (as that taken in Num 21:1–3 and Judg 11:29–31) by noting that Maccabeus and his men offered up prayer and asked God to be their ally. Appropriately, the oath is taken before the campaign commences.

models.²² It is absent in places one would expect to find it in Josephus's histories as well.²³ In the War Scroll it seems to be used as an homage to biblical wartime motifs when it appears in eschatological visions and underscores the absolute finality of the defeat of the Sons of Darkness.²⁴ In the Damascus Document (CD 9:1, 4Q266 8ii:8–9) it appears in a polemic against a certain kind of execution.²⁵

The fact that the *hērem* as an externally imposed punitive measure had given way to the *hērem* as a self-imposed oath meant to restrict one's access to someone or

²² Accounts where one would expect the invoking of the biblical wartime *hērem* had it been regularly practiced include 1 Macc 5:43, Judah's burning of the sacred precinct at Karnaim; 5:58, Judah's destruction the sacred precincts at Azotus; and 1 Macc 10:83–84, Jonathan's rout of the Dagon temple at Azotus.

²³ Josephus shows no familiarity with the practice and regularly rewrites biblical history omitting all references to the custom, leaving it out as well in his account of Judah's defeat of the Idumeans at Acraba (*Ant.* 12.328); see Park, *Finding Herem*, 98–106; Batsch, *La guerre*, 424–25. I will also note the instance told in *Life* 370 in which Josephus has property confiscated from those siding with John of Gischala during his struggles with him; the guilty persons' houses would be burnt to the ground, along with their families. Remaining property would then be set aside to be put up for public sale (δημοσιώσειν τὰς οὐσίας) rather than anathematized or sanctified in any way. Nor does Josephus use the language of *hērem* or priestly entitlements when he notes that he took the spoils from surrounding Syrian cities and sent them home to Jerusalem (*Life* 81), and this comes just after he notes his pious refusal of priestly emoluments. The temple rather than the priesthood is said to benefit from spoils Herod dedicates to God after his wars (*Ant.* 15.402); the remark is met with no opprobrium by Josephus.

²⁴ The *hērem* is invoked on only two occasions in the lengthy scroll but at crucial points in the series of battles. The more noteworthy is at the very end of the seven battles on the decisive day of the battle with the Kittim, "When the great hand of God shall be raised up against Belial and all the army of his dominion for eternal defeat...and the Kittim shall be smashed without [remnant]." The priests' trumpets will sound, and the entire multitude will spread out against the army of the Kittim "to devote them to *hērem* destruction" (להחרימם; 1QM 18:1–5); see Yigael Yadin, *The Scroll of the War of the Sons of Light against the Sons of Darkness. Edited with Commentary and Introduction* (London: Oxford University Press, 1962), 10–13. The other instance is at the end of Yadin's "Battle Serekh Series," a description of tactical maneuvers to be employed during the war, concluding with the final defeat of the enemy. In this case the text uses a rare instance of the substantive to indicate extermination, reading that the enemy will be rolled back at the sides "until the *hērem* [destruction]" (עד ההרם; 1QM 9:7); see *ibid.*, 8–10, 183. The Temple Scroll understands war booty to be an entirely separate category from *hērem* property, conferring upon the priesthood a levy on war booty and anything carrying the status of *hērem* (11Q19 60:5). Elsewhere in the scroll the precise amounts of the levy are enumerated (58:13). On the ideological hold the wartime *hērem* would have on the authors of the Dead Sea Scrolls and its literary uses in late Second Temple Judaism, see Batsch, *La guerre*, 417–26, 429–46.

²⁵ The text reads "Any man who destroys a man (יהררים) among men by the statutes of the gentiles..." and could refer to the practice of death by stoning; see Batsch, *La guerre*, 411–12. On a reference to *hērem* vows in CD 6:15–17, see above, §5.2.5.

something is also attested in the Tannaitic material on the subject. There it appears in the tractate on oaths (e.g., *m. Nedarim* 2:4–5) but is given significant treatment in a series of long teachings in the tractate on dedications and consecrations (e.g., *m. 'Arakin* 8:4–7; *t. 'Arakin* 4:23–25, 29–34). This combined with the Second Temple evidence just surveyed sets the stage for 4Q251. Incidentally, that document too contains an indication that the *ḥērem* mechanism was little more than a manner of setting aside property for sacred purposes and at this point had nothing to do with the forced consecration or imposition of sacrosanct status on the holdings of an enemy of the Jewish God.

7.3 A Halakhic Text on *Ḥērem* and the *Ḥērem* Field (4Q251, Frags. 10, 14, and 15)

7.3.1 The Text

The halakhic text 4Q251 mentions *ḥērem* in three non-adjoining fragments dealing with the issue of priestly perquisites. These texts (Frag. 10, 14, and 15) relate to a much larger section (including Frags. 9, 11, 12, and 16) devoted to the same topic and comprising altogether roughly one-third of the extant text of 4Q251. Shemesh has rearranged the conventional ordering of 4Q251's fragments, as reflected in their final publication, based on his theory that they comprise a work of exegesis on Exod 21:1–23:19.²⁶ The single verse of Exod 22:28, "You shall not put off the skimming of the first yield of your vats. You shall give me the first-born among your sons" is the catalyst for this lengthy consideration of priestly perquisites, suggesting to Shemesh the following

²⁶ Shemesh, "4Q251: Midrash Mishpatim," 295–98; Larson, Lehmann, and Schiffman, "4QHalakha A," 25–51.

reconstruction and new organization of the fragments: The skimming of the vats and first-born concept is expanded to include first-fruits, the loaf offering, and the fruit of the fourth-year and does so by drawing largely on parallel laws on priestly dues in Num 18:14–17 (Frag. 9, 10).²⁷ Since Num 18:14 includes the notice that "everything *hērem* in Israel," the authors of 4Q251 then launch into a discussion of *hērem* property rooted in Lev 27. They are now twice-removed from Exod 22:28. Here we pick up with the text of 4Q251:²⁸

Fragment 10 (final 2 lines):

(1) [וכול עץ מאכל התאנה והר]מון והזית בשנה הרביעית

(2) [יהיה כול פרי קודש הילולים כ]תרומה כל חרם לכהן

(1) [and every edible tree, the fig, the pome]granate, and the olive in the fourth year,
 (2) all its fruit shall be a holy praise-offering, like] a heave offering. Everything *hērem* is the priest's...

Fragment 14:

(3) [והבהמה הטמאה אשר]

(4) לוא יקריבו ממנה י]גאלו ושדה החרם תהיה אחזת [הכוהן

(5) [ת נפשו לשם ל

(3) ...and the impure animal, of which [... (4) one may not sacrifice it, he] shall redeem it. And a *hērem* field will be the holding of [a priest...(5)] himself....

Fragment 15:

²⁷ Frag. 9 is mislabeled as Frag. 17 in Shemesh, "4Q251: Midrash Mishpatim," 17.

²⁸ Text follows and translation based on Larson, Lehmann, and Schiffman, "4QHalakha A," 37, 42–43.

(6) קדש קד[שים הוא והי]ה

(7) ה[חרימו לכוהן לעוברו]²⁹

(8) והיה [לון] [לכוהן והאיש אש]ר

(9) אל [יאכל איש]

(6) ...It is most ho]lly and it [...] (7) They shall declare it *hērem* for a priest so that it passes [... (8) And it shall be] for him [...] for the priest and the person wh[o... (9) No] one shall eat...

Shemesh has placed these three fragments in this order, understanding *hērem* as the catchword.³⁰ Fragments 11–12 he places after the discussion, and Frag. 13 he associates with 4Q251's commentary on Exod 21:18–30 prior to this point; both of these assumptions are well-founded given the correspondence in topic. Shemesh summarizes the organizational scheme of this section as follows: "Having listed the presents given to the priests on the basis of Exod 22:28, the author added the dedication [i.e., *hērem*] offering, discussed in frags. 14 and 15, which also belongs to the priest, even though this halakhah's source is Leviticus 27."³¹ The consecration of an animal unfit for the altar also appears in Lev 27 (vv. 11–13), as does the *hērem* field (vv. 21, 28), and the term קדש קדשים (Frag. 15, line 6 above) as a descriptor of *hērem* property (v. 28). This is all indebted to Lev 27 and suggests that the issue of *hērem* property was important enough to the authors of 4Q251 that they veered far afield from their source material in Exodus in order to incorporate scripture from Num 18:14 and Lev 27 and offer prooftexts for the

²⁹ See below other suggestions on how to read and translate this form.

³⁰ Shemesh, "4Q251: Midrash Mishpatim," 288, 290.

³¹ *Ibid.*, 290.

larger point they were trying to make. In other words, in a comment on a verse on first-born animals they saw it fit to proceed into a lengthy excursus on *ḥērem*, among which is a ruling of some sort regarding the *ḥērem* field.

Before exploring possible reasons why they felt so compelled, let me also point out something emerging from this document that in my opinion suits quite well the conclusions of Chapter 5 regarding normal field consecrations. Fragment 14 of 4Q251 draws on two laws from Lev 27: the law of the impure animal dedication (vv. 11–13) and the law of the *ḥērem* field (vv. 21, 28). Presumably the authors incorporated material from that chapter because of its relationship to the issue of priestly dues, which had already been taken up in Fragment 10. These are the only two extant halakhot taken from Lev 27 in 4Q251 and they appear one right after the other. In Lev 27, on the other hand, they are separated by the laws of house and field consecrations (vv. 14–24). The authors of 4Q251 skipped over those real estate consecrations entirely in their listing of priestly dues. This supports my argument in Chapter 5 that revenues from consecrated real estate were no longer feeding the coffers of individual priests but had probably long before the composition of the Damascus Document been directed toward the temple treasury. Had there been controversy on the matter or had priests regularly been taking revenues from consecrated real estate and its redemption, we would expect it to appear either in the Damascus Document's list of priestly perquisites and more importantly in 4Q251's exegesis of Lev 27. On the contrary, the topic is deemed entirely irrelevant. This is not the case for *ḥērem* property.

7.3.2 A Reassertion of the Priests' Claim to *Hērem*

It is a subtle difference but 4Q251's recapitulation of the *hērem* law of Num 18:14, which confers this property to the priest, omits the form *bēyisrāēl* ("in Israel") in a manner similar to other texts of the Qumran library.³² I have argued above that the form *bēyisrāēl* appears in Num 18:14 and Ezek 44:29 to exclude proscribed property acquired from foreigners on the battlefield.³³ Since the wartime *hērem* appears to have no longer been practiced in the late Second Temple period, the distinction would hardly have been a necessary one to make in halakhic texts of the era. Thus we see its omission altogether in 4Q251, whose authors would have only encountered *hērem* property emerging from vows and oaths taken voluntarily by Jews and not assets emerging from the battlefield (or probably, for that matter, from court-ordered confiscations too).

More importantly, there is good reason to suppose that the affirmation of the priests' right to *hērem* here is far more than a regurgitation of a scripturally mandated entitlement. It is an appeal to scripture to advocate reform and reestablish the priests as the rightful beneficiaries of these dedications. The notion emerges from several pieces of evidence suggesting that persons were regularly dedicating *hērem* to the temple treasury rather than conferring them to priests.

³² This assumes that the editors' reading here is correct (the word is on a broken edge and only the tops of its letters remain) and all indications suggest that they are; the top of the *lamed* in *bēyisrāēl* would certainly be visible in the extant manuscript had that word appeared there and the larger context leaves no room for the conferral of *hērem* property to anyone but a priest. The comparative materials also confirm the point. See 11Q19 60:5 (the Temple Scroll) and 4Q379 Frag. 3:6 (apocrJosh^b), both of which affirm the priestly right to this type of property while omitting any distinction between Israel and foreigners. The former point has already been made in Park, *Finding Herem*, 80.

³³ See §7.1.

First and most compelling is the appearance of *ḥērem* goods in the Copper Scroll, a document likely of the late first century CE listing temple treasures and their whereabouts in various locations on the Judean countryside.³⁴ Perhaps the list was made when the treasures were hidden on the eve of the war with Rome.³⁵ One cache of *ḥērem* goods (9:14–16) was hidden in a cistern near a place called Beth Tamar, apparently near the Jericho plain, and another (11:5–7) in a rock near the "garden of Zadok."³⁶ There is nothing on the details of the *ḥērem* deposits other than the fact that they were kept together, separated from the more than 60 other caches appearing in the Copper Scroll which bear no special status of the type. It contains no mention of the priestly entitlements such as the heave-offering or redemption fees, and following Lefkovits the

³⁴ Forceful rebuttals to earlier claims that the list is little more than imaginative folklore—greatly exaggerating the wealth of the temple from the point of view of a Qumran community whose standard of living was notably modest, or perhaps a Jewish community post-70 CE now deprived of the temple and its wealth—have been put forth by Lefkovits, Wolters, and McCarter, among others. These scholars view the list as very much a reflection of reality and hardly hyperbolized or utopian given what we know of the temple's wealth in this period. See P. Kyle McCarter, "The Copper Scroll Treasure as an Accumulation of Religious Offerings," in *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site* (ed. Michael O. Wise, et al.; vol. 722 of *Annals of the New York Academy of Sciences*; New York, NY: The New York Academy of Sciences, 1994); Lefkovits, *The Copper Scroll 3Q15*, 443–70; Al Wolters, "Copper Scroll," in *Encyclopedia of the Dead Sea Scrolls* (ed. Lawrence H. Schiffman and James C. VanderKam; Oxford; New York: Oxford University Press, 2000). The dating is supported by the late Herodian writing style and the archaeological context in Cave 3; see *ibid.*, 144.

³⁵ The actual weight and worth of precious metals listed in the document are probably never ascertainable given the ambiguities in terminology. For a summary of scholars' various estimates of the total weight in silver and gold of the deposits, see Lefkovits, *The Copper Scroll 3Q15*, 482–85. They vary from 302 to 1280 talents of gold and 789 to 3282 talents of silver, plus copious amounts of unspecified metals. Much of the discrepancy derives from the difficult measurement סא and deposits containing both silver and gold combined in unspecified amounts. Also difficult to establish is whether the document was created for caches carried out of the sanctuary in a time of trouble or stored temporarily in the countryside before ever being brought there. If the latter, the caches could have originated from various sanctuary banks or collection places throughout the countryside, of the sort described by Philo in *Spec. Laws* 1.77–78. One can assume that every attempt would have been made to collect the valuables at a later date, either once the fall of Jerusalem was inevitable or at some point in its wake.

³⁶ Park, *Finding Herem*, 81–82; Lefkovits, *The Copper Scroll 3Q15*, 306–7.

difficult term כלי דמנע is best rendered as "dedicated vessels" rather than vessels containing priestly shares.³⁷ These all appear to be offerings meant for the temple treasury, though in at least two cases the caches were situated on properties possibly associated with priests.³⁸ Thus it appears that within the temple treasury there were deposits resulting from consecrations of the *hērem* type specified for the sanctuary. The other deposits may have originated from Qorban offerings or private donations.

A second point relates to legal material in the Qumran library. The mention of *hērem* vows in the Damascus Document (CD 6:15) comes in a section that appears to be criticizing the temple institution and resembles a similar complaint in the Rule of the Community (4Q258 1:12).³⁹ Both sources therefore associate *hērem* with the temple. Furthermore, it is recalled that in the laws on freewill offerings to the altar in CD 16, the consecration of the food of one's mouth is seen as potentially an act of entrapment by *hērem*, using Mic 7:2 as a prooftext.⁴⁰ The prooftext would hardly make sense if *hērem* were not understood as a gift transferrable to the temple.

A third point relates to apparent confusion in Tannaitic circles regarding the proper beneficiaries of *hērem* dedications. It is true that the majority view follows

³⁷ Ibid., 461, 505–545.

³⁸ This depends on the assumption that Zadok's courtyard of 10:17 and Zadok's garden of 11:6 indeed refer to properties of a priest, and that *byt hqš* in 7:9 should be read as the "house of the Hakkôš family," one of the priestly divisions (Ezra 2:61; Neh 7:63; 1 Chr 24:7–10); but see Lefkovits, *The Copper Scroll 3Q15*, 225–231, where the latter is read as a "summer house." And there is nothing in the text associating the deposit in Zadok's courtyard with the man.

³⁹ See §5.2.5.

⁴⁰ See §5.2.3.

scriptural precedent and confers these properties to priests. An example of the view is this anonymous tradition in *t. Temurah* 1:5:

Which properties are deemed *ḥērem*? When one says, "This *ḥērem* is for a priest." Which properties are deemed *ḥēqdeš* [consecrated property]? When one says, "This *ḥēqdeš* is for the upkeep of the Temple."

אלו הם חרמים? האומר: חרם זה לכהן.
אלו הם הקדשות? האומר: הקדש זה
לבדק הבית.

This simple bifurcation would allow the donor to earmark gifts for priests as *ḥērem* and gifts for the temple as *ḥēqdeš*. And we see a similar perspective with regard to *ḥērem* in the Mishnah, which discusses whether priests and Levites can themselves declare something to be *ḥērem* given that it is their rightful due (*m. 'Arakin* 8:5).⁴¹

Yet in the subsequent teaching the Mishnah changes course slightly when it addresses the question of where property dedicated by a *ḥērem* vow should go when the dedicator does not specify its destination; the Mishnah refers to these kinds of dedications as סתם חרמים, "implicit *ḥērem* dedications" (*m. 'Arakin* 8:6). According to R. Judah b. Beterah they should feed the temple treasury—a view, one should note, that would openly contradict Num 18:14 (and Ezek 44:29); according to the sages they are to go to the priests.⁴² The Tosefta recognizes also that some rabbis held a position similar to

⁴¹ A debate is framed between R. Judah and R. Simeon regarding whether Levites can declare things *ḥērem*, R. Judah holding that they do not and R. Simeon that they do. Rabbi's solution is that R. Judah refers to landed property, for the Levites could not dedicate anything from their inalienable pasturelands (Lev 25:34b), and that R. Simeon refers to movables. The exegetical grounding of the argument is obvious but it does of course rely on the assumption that *ḥērem* property is the holding of individual priests.

⁴² The sages then must explain why in Lev 27:28 property marked as *ḥērem* could be referred to as "most holy" and they do so by asserting that it "applies to Most Holy Things and Lesser Holy Things," which is to say that *ḥērem* dedications can be made on things suitable for the altar and things that are not. For an

that of Judah b. Beterah and conferred these properties to the temple, offering a nice synthesis of the range of rabbinic understandings of things and persons declared *ḥērem* as referring to priestly gifts, temple offerings, and individuals sentenced to death (*t. Arakin* 4:34).⁴³ A similar ambivalence is expressed in the Sifra's commentary on Lev 27, which like the Mishnah associates the dissenting view that some *ḥērem* properties can go to the temple with Judah b. Beterah (*Behuqotai* 12:4–5).⁴⁴ In *m. Nedarim*'s discussion of the inexplicit *ḥērem* dedication, the point of view is associated not with a particular rabbi but with the entire Jewish population of Galilee. Should they mark property as *ḥērem* and not indicate the intended recipient, one can assume they meant the temple, "for the Galileans are not familiar with the *ḥērem* property of the priests."⁴⁵ The Judeans, in contrast, would have been.

analysis of this mishnah, see Instone-Brewer, *Techniques and Assumptions*, 72–73. The disagreement between Judah b. Beterah and the sages is never unequivocally resolved, though the explanatory addendum to the sages' argument, combined with the mishnaic teaching's opening statement and its assertion of *ḥērem* as the priest's individual holding, strongly suggest an inclination toward the latter.

⁴³ The teaching reads: "There are three kinds of *ḥērem*: 'However, anything which a man declares *ḥērem* for the Lord...' [Lev 27:28a]—these are the *ḥērem* properties of the priests. 'Everything *ḥērem* is a most sacred thing to the Lord' [Lev 27:28b]—these are the *ḥērem* properties of the Most High. 'Any person declared *ḥērem* shall not be ransomed' [Lev 27:29]—these are individuals sentenced to death by a court.'" Thus this midrash understands Lev 27:28's characterization of *ḥērem* property as "most holy to Yahweh" as referring to something pledged to the altar rather than given to a priest. It could be the case that the authors of 4Q251 were similarly aware of the problem—that one might think *ḥērem* goods were to be designated for the temple treasury based on the language of scripture—and thus rules explicitly otherwise. Unfortunately the reconstruction of קדש קדשים in Frag. 15 (line 6 above) is only a supposition and one can hardly be certain of how that phrase was being used if it indeed appeared in the original.

⁴⁴ Jacob Neusner, *Sifra: An Analytical Translation. Volume III: Aharé Mot, Qedoshim, Emor, Behar, and Behuqotai* (Brown Judaic Studies 140; Atlanta, Georgia: Scholars Press, 1988), 403.

⁴⁵ The case is brought as one of several exemplars of the following principle: "Inexplicitly declared vows are more stringent, and their explanation lenient." Here the stringency is the marking of assets for the temple; the leniency would come if the dedicator explained that they are meant for priests. In the latter case one could treat the property with less scrupulousness.

I see this alternative rabbinic view regarding the beneficiaries of *ḥērem* as reflecting a tension in rabbinic memory on the issue. Scripture would clearly indicate that they were one of the priestly perquisites, but the Tannaim would also have been familiar with traditions conferring them to the temple. As noted, the latter view is attested in sources from the Second Temple era itself. The Copper Scroll lists some as part of the temple treasuries and the Damascus Document appears to be associating them with the wealth of the temple as well.

For these reasons I deduce that the authors of 4Q251 were making an appeal to the clear association of *ḥērem* with priests in scripture to reassert this traditional privilege of the priesthood. This is not to imply that the temple authorities were necessarily laying claim to *ḥērem* in a forceful way, though one should not rule out that possibility. Rather it could have been the case that the reform came from the people, with donors voluntarily handing over movables and real estate carrying *ḥērem* status to the temple rather than to priests, prompting this point of clarification from the halakhists behind 4Q251.

It would not be the only instance in this section of 4Q251 in which the rights to a priestly perquisite were reasserted on scriptural grounds. Immediately preceding the paraphrase of Num 18:14 on *ḥērem* is the stipulation that fruits of the fourth-year—that is, the first year in which the fruit of a tree is permitted for consumption according to Lev 19:23–25—are to be given over to priests as a holy offering (line 1 above). It has been pointed out by many that the Qumran sectarians' claim on this point differs from

rabbinic halakhah, which has the fourth-year fruits consumed by their owners in Jerusalem or their monetary equivalent spent in its markets rather than given to the priests (as in 11QT 60:3–4 and 4QMMT B 62–63; cf. *m. Ma'aser Shenii* 5:1–5).⁴⁶ I suggest that regarding the priestly right to *ḥērem* the sectarians are also submitting a word of protest, given the evidence that the temple treasury was at least in some way benefitting from these dedications.

From Frag. 14 (line 4 above) we see that support for the notion was also drawn from Lev 27:21's characterization of the *ḥērem* field as a priest's holding. The field would appear to be mentioned as part of a review of properties in Lev 27 that should be, in the view of 4Q251, the rightful holding of the priest. I would thus disagree with the assessment by the editors of the document that it is mentioned merely as a comparandum for the consecration of the non-kosher animal. As they write, "Rather, it is most probable that all this line [with regard to the *ḥērem* field] says is that a 'non-kosher' animal which is not redeemed by its owner (despite the requirement of the previous line that it must be redeemed) is to be considered like a donated field which becomes the property of the priests."⁴⁷ Now that we can place Frag. 14 after Frag. 10, following Shemesh's reconstruction, it becomes more clear that the entire pericope is concerned

⁴⁶ Larson, Lehmann, and Schiffman, "4QHalakha A," 38; Shemesh, "The Laws of First Fruits in the Dead Sea Scrolls," 152–53; Regev, *Sectarianism in Qumran*, 139; Yadin, *Temple Scroll*, 162–63. Another notable difference between the two is the Qumran sectarians' assertion—again following scriptural precedent (Lev 27:32)—that the animal tithe is to be gifted to priests rather than consumed by their owners in Jerusalem as the rabbis would hold (4QMMT B 63–64; cf. *m. Zebahim* 5:8); see Regev, *Sectarianism in Qumran*, 139; Sanders, *Judaism: Practice and Belief*, 150.

⁴⁷ Larson, Lehmann, and Schiffman, "4QHalakha A," 42.

with *hērem* property and draws on Lev 27 mainly for that reason rather than for its mention of the issue of the impure consecrated animal. The latter is relevant, to be sure, given that the entire legal excursus is related to the first-born animals of Exod 22:28, but not as directly on point as Lev 27's treatment of *hērem*. The *hērem* field too is mentioned to reaffirm its association with the priest.

As I have noted above, the rundown in 4Q251 of Lev 27 omits the field consecrations of vv. 16–24, offering further support to the idea that by this point in time the temple had long been claiming the profits to consecrated real estate and without protest. It could be that *hērem* properties were the more profitable and more commonly dedicated assets. Like the fourth-year fruits, the sectarians here are ruling that the profits thereof should not be invested in Jerusalem and its temple treasury but left with priests on the countryside.

7.3.3 Protecting the Sanctity of *Hērem* Property

My second main argument with respect to this section of 4Q251 is that it is concerned with protecting the sanctity of *hērem* property once it moves into the domain of the priest. In the case of the *hērem* field, this would apply to its products and derivatives, as with the consecrated field and other agricultural real estate covered in Chapters 5–6 above. With due caution given the very fragmentary state of preservation of the document here, I hope to demonstrate also that it appears to be responding to a more lenient proto-rabbinic view on the matter and that the protest against this view was not limited to the Qumran sectarians. An adaptation of Achan's theft of *hērem* valuables

from Jericho (Josh 7:1–26) in Pseudo-Philo's *Liber Antiquitatum Biblicarum* also seems to be responding to the lenient treatment of *ḥērem* property among certain halakhists in late Second Temple society. These fragmentary lines of 4Q251 are thus best read against the backdrop of this dispute, even if we are incapable of ascertaining their precise meaning given the state of the text.

The main reason I am inclined to read 4Q251 this way is because of where it goes after it deals with *ḥērem*. In Frag. 16, which according to all views immediately follows Frag. 15,⁴⁸ concerns itself with how the members of a priest's household are to benefit from the holy portions that make their way into the household. It is largely a paraphrase of Lev 22:11–13, on which the reconstruction of 4Q251 has relied.⁴⁹ Taken together with the earlier fragments, we get a general sense of 4Q251's movement from a consideration of the priestly dues to a discussion of the proper management of those dues within the priestly home. Exegetically, the document is now far removed from the Exodus passage on the first-born, on which this is entirely based; it has traversed Num 18 and Lev 27 and now brings Lev 22 into the discussion. I hold that some kind of legislation on the management of *ḥērem* property served as the link between the two latter sources, that is,

⁴⁸ The editors accept the traditional ordering; see also Shemesh, "4Q251: Midrash Mishpatim," 297.

⁴⁹ Frag. 16 reads as follows (after Larson, Lehmann, and Schiffman, "4QHalakha A," 44): "...when a woman is married to a priest, she may eat the food of her husband...one purchased by him and one born into his household these may eat of his food. A prostitute [or a profaned woman may not eat of the sanctified food. And] any sacrilege which [a person] shall commit [...] to eat, for [it] is an abomination [...] owner who has no redeemer." The text of Lev 22:11–13 is as follows: "No lay person should eat of the sacred donations (*wēkol zār lō' yō' kal qōdeš*). No bound or hired laborer of a priest shall eat of the sacred donations; but a person who is a priest's property by purchase may eat of them; and those that are born into his household may eat of his food. If a priest's daughter marries a layman, she may not eat of the sacred gifts (*tērūmat haqqodāšîm*); but if the priest's daughter is widowed or divorced and without offspring, and is back in her father's house as in her youth, she may eat of her father's food. No lay person may eat of it."

between the treatment of priestly dues and the treatment of their management in the priest's home and farm. Such would be the most sensible and contextually relevant content of Frag. 15 (lines 6–9 above). With that in mind let me make the following suggestions regarding the extant text of that fragment:

(1) Line 6, *הוא והי]ה קדש קד[שיים* ("...It is most ho]ly and it [...]"), if its reconstruction by the editors of the text is correct, would be a recapitulation of Lev 27:28. The rabbinic midrash quoted above (*t. 'Arakin* 4:34; *Beḥuqotai* 12:4–5) and associated with R. Judah b. Beterah uses this phraseology as the rationale for why certain persons were dedicating *hērem* property to the temple rather than to the priesthood, though scripture would clearly indicate the latter. Here in 4Q251 it appears just before the discussion on how to properly maintain the sanctity of gifts of the priesthood, including properties declared *hērem*. Therefore it would be reasonable to assume that the phrase is meant as an important preface and reminder of *hērem*'s sanctity even within the priest's home.

(2) Line 7, *ה]חרימו לכוהן לעוברו* ("They shall declare it *hērem* for a priest so that it passes [...]"), is enigmatic due to its strange final form. The translation given by the editors and provided here, as well as their alternative suggestion, "to make him transgress,"⁵⁰ would call for an infinitive construct form and a *hip'il* one at that.

Participles of the root *'-b-r* appear in the Qumran library in reference to passersby (e.g., 4Q368 10ii:6; 4Q432 13:1) or sinners (e.g., 1QS I:24, V:7). The former option could work

⁵⁰ Ibid., 43. This alternative suggestion is rooted in the texts mentioning consecration as a trap or stumbling block (e.g., Matt 15:5, Mark 7:11), as discussed above; see §5.2.3.

best given the context here, allowing perhaps for [דרך] לעוברי ("for passersby") since the reading of the final *waw* is uncertain and what remains of the letter could in fact be *yod*. The issue of whether a guest in the house of a priest should partake of priestly gifts happens to have been taken up by Philo, who in *Spec. Laws* 1.122 notes that the practice is prohibited "for the privilege belongs not to a dwelling-house but to a caste."

Another possibility is to read in the final extant form of the line a *dalet* instead of a *resh*—a distinct possibility given the placement of this letter precisely on the edge of the fragment⁵¹—giving לעובדו ("to his laborer") or לעובדי [ביתו] ("to the laborers of his house"). In the same passage in *Spec. Laws*, Philo notes that assets gifted to a priest are not to be used for the wages of a hired laborer, "for he will sometimes use the gift for improper purposes..." (1.123). Only the priest's slave is free to partake of the sacred dues, "for the master's estate consists of the sacred gifts of charity by which the slave must necessarily be maintained" (1.126), following the law of Lev 22:11. Both this and the above reading are not without their problems—in both we would expect a conjunction of some sort prefixed to the form in question—but they strike me as less syntactically awkward than the published suggestions. They would also relate more directly to the rights of the priestly household to *ḥērem* property and other sacred dues, the larger issue of this part of the document.

⁵¹ It must be said that while the late Hasmonean or early Herodian script of 4Q251 clearly distinguishes between *resh* and *dalet* using a vertical bar on the top right of the consonant and the bar appears absent in the published facsimile, the letter is precisely on the edge of the fragment and is partially damaged. The editors do place the reading of it in some doubt; *ibid.*, 43, Pl. IV.

(3) Lines 8 and 9,]אל[יאכל איש]ר...[("And it shall be] לו] [והיה ("And it shall be] for him [...] for the priest and the person wh[o... (9) No] one shall eat...") would appear to continue this discussion as it relates to the priestly household and lead into the recapitulation of Lev 22:11–13 regarding the priest's wife and daughter and the access they enjoy to the holy offerings.

If we assume that 4Q251 is interested in placing protections on *ḥērem* property and maintaining its sanctity in the priest's home, then we would find ourselves once again facing a noteworthy contrast with the tendency of the Tannaitic rabbis. They, after all, appear to have been quite comfortable removing the sanctity of *ḥērem* altogether once it moves into the domain of the priest. Consider the following teaching in *t. 'Arakin* 4:31:

"Things which are declared *ḥērem* by altar priests are not subject to redemption" (M Arakhin 8:6); and they are not released in the Jubilee. Things declared *ḥērem* by Israel [i.e., non-priests]—if the owners want to redeem them, the priest can allow it. Regarding things declared *ḥērem* by Israel, once they come into the domain of the priest, they are like ordinary [i.e., non-sacred] things in every respect.

"חרמי כהנים אין להם פדיון"; ואין יוצאין ביובל. חרמי ישראל—רצו הבעלים לגאל הרשות ביד כהן. חרמי ישראל—כיון שבאו ליד כהן הרי הן כחולין לכל דבר.

Consider also its very close parallel brought as a *baraita* in *b. 'Arakin* 29a:

Our sages taught [on Tannaitic authority]: Things which are declared *ḥērem* by priests are not subject to redemption, and one gives them to a priest. So long as *ḥērem* properties are in the owners' house, they are like *ḥēqdeš* [consecrated property] in every respect, as it is said,

תנו רבנן: חרמי כהנים אין להן פדיון ונותנין לכהן. חרמים כל זמן שהן בבית בעלים—הרי הן כהקדש לכל דבריהן, שנאמר: "כל חרם בישראל קדש קדשים הוא לה". נתנן לכהן—הרי הן לכל דבריהן כחולין, שנאמר: "כל חרם

'Everything *ḥērem* is a most sacred thing to the Lord' (Lev 27:28b). Once they are given to the priest, they are like ordinary [non-sacred] things in every respect, as it is said, "Everything *ḥērem* in Israel shall be yours" (Num 18:14).

בישראל לך יהיה".

There is a deft exegetical move made in both of these teachings. It involves reading the phrase הרמי כהנים in *m. 'Arakin* 8:6 as referring not to *ḥērem* properties declared as such *for* priests, as the Mishnah would seem to understand it, but properties declared as such *by* priests. This would allow one to understand Lev 27:28, which prohibits the redemption of *ḥērem* property and its automatic release in the Jubilee, as referring only to *ḥērem* dedications made by priests themselves on their own property. (In such cases, one priest gives a gift to another, renouncing all ownership and redemption rights over it.) Once Lev 27:28 can be read in this quite limited way, these teachings would argue, scripture is left with absolutely no comment on the redemption rights for properties declared *ḥērem* by everyone else. They then can be understood as redeemable and their status as *ḥērem* revocable. As a result, the priest has the option of allowing them to be monetized.

Moreover, and even more striking given Lev 27:28's description of *ḥērem* property as "most holy to Yahweh," these two teachings hold that such property takes on *ḥullīn* or non-sacred status once it moves into the domain of the priest. The sanctity is retained only while it remains in the possession of its donor, which the *baraita* uses to explain the "most holy" status in Lev 27:28. But once it is transferred into the priest's

domain, he is absolved from all responsibility to maintain its sanctity. Ostensibly he is given permission to do what he sees fit with it, including using it to pay the wages of laborers under his employ or serving its products at meals with non-priests present, among other things. Again, the Mishnah did not include this perspective in its commentary on *ḥērem* dedications in *m. 'Arakin* 8:4–7 but it does note elsewhere that *ḥērem* dedications can be trusted with priests of dubious status (*m. Ḥallah* 4:9), reflective of a similar tendency to reduce the sanctity of *ḥērem* if not divest it of sanctity altogether.⁵²

Contrast this with 4Q251, which juxtaposes the teachings on *ḥērem* in Lev 27 with the rulings in Lev 22 on how the priests' dues are to be consumed by members of the larger household. Though 4Q251's precise regulations on the matter remain elusive, its general *Tendenz* seems clear enough. The very inclusion of Lev 22 demonstrates its interest in protecting the holy status of *ḥērem*. The Tosefta teaching and the Bavli *baraita* preserve two versions of a rabbinic teaching working in precisely the opposite direction. Though the teachings were put into writing centuries after the composition of 4Q251, they could likely derive from proto-rabbinic opinions formed already in the late Second Temple period, to which 4Q251 responds. If so, 4Q251 would be addressing the second of two apparent disagreements among Judean halakhists in this period with regard to *ḥērem*: one, they are always to go to priests and never be dedicated to the temple

⁵² The desanctification of *ḥērem* goods once they pass into the possession of a priest contrasts the rabbinic principle that things sanctified cannot "descend" with regard to their sanctity; see *m. Megillah* 3:1.

treasury; and two, their sanctity is to be protected even when they pass into the realm of the priest. The mention in 4Q251 of the *ḥērem* field would work to apply these precepts to real estate declared *ḥērem* as well.

The appearance of the phrase *כי המעל אשר ימעל* ("any sacrilege which [a person] shall commit") in the very next fragment (Frag. 16) should come as no surprise then, even if we can say very little on the nature of the sentence to which it is attached. The authors of 4Q251 are concerned with the ramifications of desanctifying *ḥērem* and discuss it in the context of a larger consideration of the priests' responsibilities toward his sacred gifts and the ramifications for not upholding them. Again, this all appears in a lengthy excursus to a commentary on the law of the firstborn from Exodus. The matter must have been a pressing one indeed to justify such a diversion, by far the longest of the extant portions of 4Q251. Following Shemesh, the next longest excursus would be the six lines of Frag. 18, a recapitulation of Num 35:9–11 in a comment on Exod 21:12–14. This is significantly shorter than the 17 extant lines of the excursus on priestly perquisites and their proper treatment in the priestly home.⁵³

Let us consider another line of evidence demonstrating concern regarding the protection of *ḥērem* property's sanctity around the time of the late Second Temple period. For it would seem that the authors of 4Q251 were not alone in this regard. The anonymous early Jewish work of rewritten Bible called *Liber Antiquitatum Biblicarum* (*LAB*) contains a fascinating tale involving *ḥērem* and espouses a view that, like 4Q251,

⁵³ See Shemesh, "4Q251: Midrash Mishpatim," 296–98.

seeks to place stringent protections on it. The work itself was penned by a Judean or Galilean author referred to as Pseudo-Philo (because his work was preserved together with Philo's writings) likely in the first century CE or perhaps shortly thereafter.⁵⁴ The tale in question occurs just after the Israelite conquest of the land, equivalent to the early chapters of the book of Judges. It is part of a series of narratives expanding upon the character of Cenaz, mentioned only in passing in Judges 3:9–10 as the father of Othniel.⁵⁵

The tale involves seven golden idols inlaid with luminescent gems that had been taken from the Amorites by the tribe of Asher and hidden by them on the summit of the "mountain of Shechem," or Mount Gerizim (*LAB* 25:10). In a reworking of the tale of Israelite apostasy in the wake of Joshua's death (*Judg* 2:10–23), Pseudo-Philo has Cenaz identifying the miscreants by lot, putting them to trial, and burning them alive together with the stolen valuables in a *wadi* bed (*LAB* 25:2–26:2). This all recalls the account in *Josh* 7:1–26 of Achan, an Israelite who stole from the *hērem* valuables that were taken by the Israelites during their conquest of Jericho. Achan and his family too were uncovered by lot and sent to their death by execution in a valley (*Josh* 7:10–26). Clearly the Achan tale is being interwoven by Pseudo-Philo into an episode now placed after the conquest has been completed.

⁵⁴ For a summary of views on the dating of the work and an argument for an early second century CE date, see Howard Jacobson, *A Commentary on Pseudo-Philo's Liber Antiquitatum Biblicarum, with Latin text and English Translation, Volume One* (*Arbeiten zur Geschichte des antiken Judentums und des Urchristentums* 31; Leiden; New York: Brill, 1996), 199–210; for a discussion of the author's provenance, which is unknowable, see *ibid.*, 210–11. Since the original was written in Hebrew, a location outside of Judea or Galilee becomes difficult to maintain.

⁵⁵ Othniel is the first judge called by name in the book of Judges. On Pseudo-Philo's relatively large amount of material on Cenaz, see *LAB* 25:2–26:15.

The book of Joshua never addresses the question of what happened to the *ḥērem* valuables stolen by Achan. The book's original instruction was for all precious metals to be taken from Jericho and placed in the treasury of Yahweh ('*ôṣar YHWH*; Josh 6:19). Pseudo-Philo, in his reworked account, advocates an entirely new position. He addresses the issue of what to do with the *ḥērem* valuables in an exchange between Cenaz and God just before Cenaz is to have the Asherites executed. The exchange is as follows (26:1–2):⁵⁶

Cenaz said, "Shall we burn those precious stones in the fire or sanctify them to you, for among us there are none like these?" God said to him, "If God takes anything for his own sake from what was proscribed, what will man do?"

Et dixit Cenez: Numquid et lapides hos preciosos comburimus igni, aut sancificamus eos tibi, quoniam non sunt in nobis similes his. Et dixit ad eum Deus: Si Deus aliquid accipit in suo nomine de anathemate, quid faciet homo?

Pseudo-Philo then has God assure Cenaz that the stones are to be destroyed, bringing into clear focus the contrast with Josh 7. The biblical account had *ḥērem* going into the treasury of God, but here even God refutes any claim to property carrying that status. And the formulation of his response advocates the position quite explicitly that, in imitation of him, persons too are to refrain from deriving any benefit from *ḥērem*. Pseudo-Philo, in my opinion, uses divine speech to further an early Jewish polemic

⁵⁶ The Latin text, likely a translation of a Greek version of an original Hebrew, follows Guido Kisch, *Pseudo-Philo's Liber Antiquitatum Biblicarum* (Publications in Medieval Studies, the University of Notre Dame; Notre Dame, Indiana: University of Notre Dame, 1949), 184; translation follows Jacobson, *Commentary on Pseudo-Philo's LAB, Vol. 1*, 135–36; on manuscript issues, see *ibid.*, 760 (Vol. 2); on the question of the Hebrew and Greek *Vorlagen*, see *ibid.*, 215–24 (Vol. 1).

against the desacralization of *ḥērem* property for the benefit of individual priests. He may be polemicizing against their economic exploitation by even them.

He does so in a subtle and deft expansion of one chapter of biblical history—the life and events of the little known character of Cenaz, successor to Joshua and father of the first of the named judges of Israel—in order to rewrite details of another chapter, the consecration to God's treasury of *ḥērem* valuables taken from Jericho. So sacrosanct is *ḥērem* to him that even God disavows any benefit from them. Assuming that certain halakhists in Judean society were not only allowing individual priests to benefit from *ḥērem* but were also ruling that once they moved into the priest's domain they could be treated like *ḥullîn* or entirely desanctified property, Pseudo-Philo's message emerges as a forceful appeal to scripture in hopes of reforming practices of which he disapproved.⁵⁷ His insistence that *ḥērem* be treated as entirely sacrosanct would surpass in its stringency even the point of view of 4Q251, if my reading of it above is correct. The authors of 4Q251 would allow *ḥērem* to enter into the priest's household and be exploited there but still have it treated with the sanctity applied to other holy offerings. The Tannaitic and perhaps proto-rabbinic view has them stripped of this sanctity altogether in the priest's home and farm, the most lenient view of them all.

⁵⁷ Since the identity of the author and the precise date of composition are unknown, it is difficult to say much on his cultural setting. He does advocate a traditional Torah-piety in his rewritten Bible; see *ibid.*, 214–53 (Vol. 1).

7.4 Landholding by Priests

We cannot say much on the measures taken among priestly circles in the late Second Temple period regarding gifts they received in the form of *ḥērem* properties. Yet we can suppose nevertheless that *ḥērem* dedications were supplementing the holdings of a priestly class that had enjoyed landed property despite the biblical ideal encouraging landlessness among their ranks (Num 18:20, 24; Deut 18:1–2; Ezek 44:28). The ideal is expressed most comprehensively in the book of Ezekiel's utopian vision of a landless class of priests and Levites who dwell on sacrosanct land surrounding the temple and are sustained entirely by the offerings of the people and their representative the prince. The notion that God's holy men were given no portion of arable land but only pastures and pens for their animals—that is, the *migrāšîm* of the Levitical cities⁵⁸—would be entrenched in later Second Temple Jewish rhetoric as well. Statements in the Wisdom of Ben Sira (45:20–22), the Greek Testament of Levi (2:12), and the Temple Scroll (11Q19 60:1) recall the denial by the priesthood of a portion and an inheritance in the Land of Israel.⁵⁹

⁵⁸ On the Levitical cities (Josh 21:1–40, Lev 25:32–34, and Num 35:1–8), see §2.3.

⁵⁹ Ben Sirah's encomium of Aaron, the founding patriarch of the priestly caste, includes a close echo of the perspective of Num 18:20 and Deut 18:1–2: "He added glory to Aaron and gave him a heritage; he allotted to him the best of the first fruits, and prepared bread of first fruits in abundance; for they eat the sacrifices of the Lord, which he gave to him and his descendants. But in the land of the people has no inheritance, and he has no portion among the people; for the Lord himself is his portion and inheritance" (45:20–22). The Greek Testament of Levi conveys the same message. When an angel appears to Levi in a dream, he says to him: "Your life shall be from the Lord's provision; he shall be to you as field and vineyard and produce, as silver and gold." The fruits of labor in the field are to be replaced by the offerings of the Lord's table, even if in reality this ideal-type was only partially effective. The Temple Scroll (11Q19 60:1) restates Deut 18:1–2.

Already we have seen how the field consecrations of Lev 27 undermined this ideal, conferring to priests the usufruct or even the full ownership rights of portions of land as a special gift and supplement to their regular sacred dues. The conferral of land and other property, both movable and immovable, to the priesthood by virtue of a *ḥērem* decree appears to have continued through the Second Temple period, as 4Q251 and Tannaitic halakhah on the matter suggests. That land could be gifted to priests in this manner seemingly conflicts with the ideal of landlessness among the priesthood, implying that the embrace of the ideal is meant not as a prohibition against the holding of arable land but as a rhetorical tool to encourage the faithful giving of agricultural dues to priests and Levites. The fact remains that these classes appear to have been landholders and perhaps in some cases prominent ones, with the source material providing no evidence of criticism or censure of the practice.⁶⁰

Josephus himself was a priest and landholder, his plot located somewhere near Jerusalem. He recounts efforts by Titus to compensate him for his land after the war with Rome, for it had become unprofitable to him when Roman troops garrisoned in the area. Titus is said to have given him land "in the plain" as compensation (*Life* 422).⁶¹

⁶⁰ For a discussion on the ideal of landlessness in the late Iron Age and Persian period, see §2.4.

⁶¹ He is silent on how he procured the land, but he does indicate in *Life* 7 that his father was "among the most notable men in Jerusalem," suggesting that the father would have been a landowner himself, bequeathing his land to his sons Josephus and Matthias. Adolf Büchler thinks that many of the Jehoiarib division of priests, of which Josephus as well as the Hasmonean line was a part, originated in Jerusalem with only a faction (the Maccabean line among them) having moved to Modiin for a period (1 Macc 2:1); see *The Priests and Their Cult in the Last Decade of the Temple in Jerusalem. Translated from the German by Naphtali Ginton* (Jerusalem: Mossad Harav Kook, 1966 (1895)), 135–37; see there (n. 45) his evidence showing the particular prominence of the Jeroiarib division.

There is no hint in his narrative that his ownership of land, as a priest, was somehow improper. Furthermore, like Philo he begins his summary of the revenues of the tribe of Levi with a discussion of Levitical cities (*Ant.* 4.67–69), noting that each was endowed with land—specifically γῆ, a general term not ruling out productive plots—that was "goodly and fair" and assigned by the will of God "from fear that through indigence and the quest of the necessities of life they should neglect the temple" (67). After mentioning the land due to the Levites, he notes their rightful claim to the tithes and summarizes both perquisites with the following statement: "These are what the tribe receives from the community" (74). Though inserted into a historical description of the patriarchal history, the statement is placed in the present tense and indicates the ongoing conferral of these perquisites—land included—to the sacred tribe.

Josephus's depiction in *Ant.* 4 likely suited the reality he knew: a priesthood holding agricultural land and relying on those holdings as additional financial support in their occupational endeavors related to the temple cult. It would resonate with his remark that at the time of the Samaritan schism the priests and others who followed Manasses to Gerizim were provided money, houses, and land for cultivation (*Ant.* 11.312).⁶² The comment's historicity aside, it shows his comfort with—if not expectation that—priests would need money and land for cultivation in order to make a living. The biblical ideal type of the landless priest, entirely supported by sacred offerings, is absent here. Josephus was likely one of many affluent priests who enjoyed extensive holdings

⁶² See §4.2.2.

and was perhaps not the only one compensated for them after the war with Rome.⁶³

They would be following in the footsteps of a landed priestly aristocracy serving both the Jerusalem and earlier the Gerizim temples in bygone eras.⁶⁴ Josephus makes note of the high priest Ananias's great wealth (Ant. 20.205), this too a possible reference to holdings in land.⁶⁵

In Philo's discussion of the Levitical cities (*Spec. Laws* 1.158–161), he notes that the cities were gifted to the tribe of Levi to "carry on other kinds of business necessary for the service of their cities" (158). Implicit in these remarks is the recognition of the importance of land ownership as part of the livelihood of the priesthood. Along these

⁶³ The priests who defected to the Roman side during the siege of Jerusalem—a dramatic account which Josephus portrays as a particularly demoralizing event for the rebels (*B.J.* 6.113–17)—agreed to defect only with the promise of protection at Gophna and the restoration of every man's property (τὰς κτήσεις; 115). These resources, some of which may have included landholdings or compensation for them, would have been particularly crucial to them now that they saw the imminent demise of the temple and thus the cutoff of a regular supply of their income.

⁶⁴ For the Persian period, see §2.5. In the Hellenistic period, we can merely deduce that certain men of the priesthood were enjoying wealth in land. Both Jason of the Oniad priestly clan and Menelaus were able to promise higher tribute to the Seleucids and in essence buy the high priesthood, their income presumably deriving in large part from agricultural holdings; on these episodes, see Schürer, Vermes, and Millar, *History of the Jewish People*, Vol. I, 148–50. It appears that priests of Hellenistic Samaria, in the words of the excavators of Mt. Gerizim, "constituted the highest class in Samaritan society"; Magen, Misgav, and Tsfania, *Mount Gerizim Excavations I*, 28. Though the hundreds of lapidary dedicatory inscriptions of the third–second centuries BCE in the Gerizim corpus rarely mention titles, seven of the nine that do happen to record donations by priests; see *ibid.*, 25–30, 34–35, Cat. Nos. 24, 25, 382, 388–89. The Maccabean family of priests who successfully spearheaded the revolt against the Seleucids came from modest beginnings, leaving behind all their holdings (ὅσα εἶχον) in their home village of Modiin in their flight to war (1 Macc 2:28; see also *Ant.* 12.271). Whether landholdings were among their Modiin properties is impossible to know from the sources, but it is clear that the family would amass great landed wealth as priest-kings in the decades to follow; see §5.1. These insights can give further backing to previous assertions by scholars that many of the Judean priestly aristocracy in the early Roman period were holders of land;

⁶⁵ see Levine, *Jerusalem*, 360; Menahem Stern, "Aspects of Jewish Society: The Priesthood and Other Classes," in *The Jewish People in the First Century: Historical Geography, Political History, Social, Cultural and Religious Life and Institutions* (ed. Shemuel Safrai and Menahem Stern; vol. 2 of *Compendia Rerum Iudaicarum ad Novum Testamentum*; Assen: Van Gorcum, 1976), 587. Ananias was later condemned by Josephus for sending servants to the threshing floors to forcibly take tithes. His vast properties are then drawn upon to underscore his greed; see VanderKam, *From Joshua to Caiaphas*, 458–59.

same lines, Philo must alter slightly the biblical notice that the inheritance of the tribe of Levi consists of the sacred provisions for the Lord rather than a contiguous portion of land, as the lay tribes received. While scripture seems to refer to the priesthood's sustenance of sacred offerings in lieu of sustenance from patrimonial land, Philo explains the concept as referring to the honor of priestly service and compares the priests to the trustees of an inheritance (*Spec. Laws* 1.131). The copious sacred perquisites he then lists are thus framed not as a source of sustenance but as a gift of honor, perhaps in part because of his awareness of a priesthood supported at least somewhat by private holdings.⁶⁶ The sacred gifts themselves were, at least for many priests, no longer a necessity of life.

Early rabbinic teachings on various legal topics seem quite comfortable with the notion that priests owned or worked agricultural land. In the least, they are aware of the reality of the situation and are interested in offering legislative clarity regarding it. For example, *m. Demai* 6:3–5 and *t. Demai* 7:1–15 rule on various sharecropping arrangements between priests, Levites, and non-priests, among whom include priests/Levites leasing their land to tenants (who in turn could be priests themselves). The teachings are specifically interested in the owner's and tenant's respective obligations for sacred contributions. The Tannaim quoted are unconcerned with the

⁶⁶ That being said, there is no reason to suppose that Philo envisioned a Judean priesthood that was entirely landed or necessarily well-off. In *Spec. Laws* 1.154 he accuses those neglectful of their duties to support the priests for leaving some of them impoverished.

biblical proscriptions regarding priestly landholding.⁶⁷ Later rabbinic tradition would claim that the priest Eleazar ben Harsom owned 1000 villages in the Har Ha-melekh area⁶⁸ and R. Tarfon the Tannaitic priest, who is said to have participated in the temple cult as a young boy, held land in Galilee.⁶⁹

Given the dispersal of the priesthood across the countryside and the influence they would have held in Second Temple Jewish society, *hērem* consecrations and other gifts could have been a show of respect for them and the institution they represented. Of course, a priest always reserved the right to refuse such gifts. Josephus was proud to announce that he scorned all gifts to him, even the tithes due to him as a priest (*Life* 80). Philo notes that the priest reserved the right of refusal for property handed over to him, which is "the chief and most perfect way of releasing dedicated property" (*Hypothetica* 7.5). Since the exchange of this type of sacred gift would usually have occurred on the countryside rather than at the temple,⁷⁰ one can assume in certain cases that the priest

⁶⁷ Awareness of the proscriptions appears elsewhere; see, e.g., the disagreement in *m. Ma'aser Shenit* 5:14 between R. Meir and R. Yose regarding whether priests and Levites should be included among the classes of people who need not recite the "*ma'aser* confession" stipulated in Deut 26:13–15 because they received no share in the land (i.e., proselytes and freed bondmen are exempted by all authorities). Meir exempts the priests and Levites; Yose obligates them based on their holding of the עֲרֵי מְגֵרָשׁ, the Levitical pasturelands. Halakhah follows Yose (as in Rambam, *Hilchot Ma'aser Shenit* 11:17). The discussion is pure theory: in the very next teaching the Mishnah notes that the *ma'aser* confession had been abolished by a certain high priest named Yohanan, perhaps one of the Oniads.

⁶⁸ This is a part of the Ephraim mountains south of the Carmel; see *y. Ta'anit* 69a, *b. Yoma* 35b. Shimon Applebaum has suggested that the Hasmoneans, who traditionally owned this area of Har Ha-melekh, made grants to notables of Judean society, priests among them and in this way Eleazar ben Harsom's heirs began accumulating wealth. Applebaum, "Economic Life," 636. See also David A. Fiensy, *The Social History of Palestine in the Herodian Period: The Land is Mine* (Studies in the Bible and Early Christianity 20; Lewiston, N.Y.: E. Mellen Press, 1991), 36–38, 52.

⁶⁹ *b. Nedarim* 62a and see *ibid.*, 52, n. 141.

⁷⁰ A Toseftan tradition (*t. Hallah* 2:9) lists *hērem* dedications as one of the priestly gifts received anywhere within the borders of the Land of Israel, distinguishing it from those received at the temple or in Jerusalem.

and dedicator or their families would have been acquainted with one another. Thus we see here foundations for a dynamic in which interpersonal relationships between priest and non-priest move into center stage. Priestly acceptance or refusal of a dedication could have been determined by any number of factors related to village-level social relations of priestly clans with their neighbors.

The concern that the gifting of land and other valuables to the priesthood would be used as a means of swaying influence in one's village or social circle, or even bribing religious authority figures who also exercised control over much of the justice system in Second Temple Judea, may lie behind condemnation of *hērem* dedications and other vows in some of the Qumran literature. I have already noted the disapproval of them in the Damascus Document (CD 6:15) and the Rule of the Community (4Q258 1:12), though these may refer to gifts dedicated to the temple.⁷¹ In addition to these we find in the Temple Scroll a section dealing with the proper behavior of priests and ruling that the priest "shall not pervert justice, and he shall not accept a bribe to perfect righteous judgment. And he shall not crave a field, a vineyard, any wealth, a house or any valuable thing in Israel" (11Q19 57:19–21). This joins other condemnations of the Jerusalem establishment and its priests for misappropriating sacred monies and committing other unspecified acts of impiety.⁷²

⁷¹ See §5.2.5.

⁷² Ecclesiastes appears to be condemning evil priests in a passing remark in 8:10: "And I saw scoundrels coming from the Holy Site and being brought to burial, while such as had acted righteously were forgotten in the city." The Testament of Levi portrays the priesthood as corrupt and self-serving, its members dealing

Something else to keep in mind is that the priestly clans serving at the Jerusalem temple on a rotation schedule may also have held land communally in a manner bearing some resemblance to the communally held Levitical *migrāšîm* of the Iron Age.⁷³ Among the teachings of Amoraic (third–fourth century CE) Palestinian rabbis in the Jerusalem Talmud is a memory of *ḥērem* landholdings held communally by priests. The following appears in a discussion of priestly perquisites and specifically the priests' right to *ḥērem* in *y. Hallah* 60b:⁷⁴

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|--|---|
| <p>(1) R. Aḥa, R. Abbahu in the name of R. Yoḥanan: "Everything <i>ḥērem</i> is a most holy thing to the Lord' (Lev 27:28b). Just as Most Holy Things are given to men of the priestly division on duty, so properties declared <i>ḥērem</i> are given to men of the priestly division on duty."</p> | <p>(1) רבי אחא רבי אבהו בשם רבי יוחנן: "כל חרם קודש קדשים הוא לה". מה קדשי קדשים לאנשי משמר, אף חרמים לאנשי משמר.</p> |
| <p>(2) Does this apply also to movable properties? For it is taught: What is the difference between landed and movable property? Landed property is given to men of the priestly division on duty, and movable property to any altar priest.</p> | <p>(2) מעתה אף המטלטלין? דתני: מה בין הקרקעות למטלטלין אלא שהקרקעות לאנשי משמר והמטלטלין לכל כהן.</p> |
| <p>(3) R. Yose b. R. Bun, R. Ḥiyya in the name of R. Sheshet: "They shall live off of the Lord's offerings by fire and his portion [of land]' (Deut 18:1). Just as offerings by fire are given to men of the priestly division on duty, so a portion of land</p> | <p>(3) רבי יוסי בי רבי בון רבי חייה בשם רב ששת: "אשי ה' ונחלתו יאכלון". מה אישים לאנשי משמר אף נחלה לאנשי משמר.</p> |

illegally with sacred offerings (14–17). It predicts the progressive debasement of the priesthood in seven stages or Jubilees; in the last stage, "they shall be in captivity and will be preyed upon; both their land and their possessions shall be stolen" (17:9–10). The Psalms of Solomon have various references to the improper behavior of the cult personnel in Jerusalem (1:8, 2:3–5, 8:11–12, 8:22). And Peshier Habakkuk condemns the "wicked priest" for amassing the people's money (1QpHab 8:6–13) and plundering the people's possessions on the countryside and in the towns of Judah (12:9–10).

⁷³ See §2.3.

⁷⁴ Text follows Heinrich W. Guggenheimer, *The Jerusalem Talmud. First Order, Zeraim. Tractates Ma'aser Šeni, Ḥallah, `Orlah, and Bikkurim. Edition, Translation, and Commentary* (Studia Judaica 23; Berlin; New York: De Gruyter, 2003), 383–84; translation mine in consultation with Guggenheimer.

is given to the priestly division on duty."

These Amoraic statements preserve a memory that altar-bound offerings ("most holy" things) are typically given to the (clan-based) priestly division on duty and deduce from it that *ḥērem* dedications—also called "most holy" in Lev 27:28—must have been similarly gifted to a group of priests on service duty at the temple. The anonymous second statement and the third in the name of R. Sheshet both limit the *ḥērem* properties gifted in this manner to landed assets; movables according to their view could be conferred to any priest and need not take into account the service rotation schedule at the altar. The implication of the teaching is that priestly clans were receiving gifts of land marked as *ḥērem* and then assuming responsibility for them as communal holdings.⁷⁵

Of course one could hardly reconstruct the temple's and priesthood's administrative practices carried out pre-70 CE based entirely on these Amoraic statements, but in my opinion they are not completely off the mark in their assumption that priestly clans were holding land communally while the temple stood. That priestly clans were holders of their own sacred wealth apart from the temple treasury is indicated by the apparent refusal of certain Sadducees to use the shekel-tax fund from the treasury for the payment of the daily (Tamid) sacrifices during their periods of altar service, preferring instead to provide their own animals for sacrifice lest the collected

⁷⁵ For a discussion of communal landholding practices in the Hebrew Bible as they emerge from references in the text and a comparison with Ottoman law, see Guillaume, *Land, Credit and Crisis*, 28–55; and see above §2.4.

shekels be tainted in some way.⁷⁶ The evidence for a decentralization of the tithe collection system in the Early Roman period would also suggest that priestly clans were taking individual responsibility for the collection of their dues and accumulation of sacred wealth.⁷⁷ One might also view the "Woe is me" traditions in *t. Menaḥot* 13:21, as well as Josephus's report on the infighting among priestly clans and the resulting impoverishment of certain priests, against the backdrop of communal priestly wealth and a decentralized system for the collection of sacred dues.⁷⁸ Certain wealthy priestly clans must have succeeded in procuring not only more of the sacred shares, but also perhaps more lucrative assets, land included.

The members of the priestly class in Second Temple Judean society lived dispersed throughout the towns and villages of the countryside but in many cases in discrete settlements or quarters within villages. Evidence for the latter from rabbinic

⁷⁶ The dispute is framed in *b. Menaḥot* 65a as involving whether an individual can donate and bring the Tamid offering on his own; the Sadducees argue that it is possible while the Pharisees require the offering to be brought from the entire people via the temple treasury; see Instone-Brewer, *Techniques and Assumptions*, 114–15; Regev, *The Sadducees*, 132–39; Klawans, *Purity, Sacrifice, and the Temple*, 196–98.

⁷⁷ Aharon Oppenheimer makes the argument based on the notice regarding John Hyrcanus's tithe reforms in *y. Ma'aser Shenit* 56d, which suggest royal prerogative over the system, and later evidence (e.g., Josephus, *Vita* 80) that tithe collection had by then become decentralized; 'Am Ha-Aretz, 30–38. See also Schmidt, *How the Temple Thinks*, 208–09, 227–29. Schmidt points out that decentralization may have been necessary merely because of the sheer amount of produce that would have needed to be brought to Jerusalem.

⁷⁸ The "Woe is me" traditions of *t. Menaḥot* 13:21 condemn the houses of Boethus, Qatros, Elhanan, and Ishmael ben Phiabi for various forms of corruption. Part of the sumptuous residence of a member of the Qatros clan may have been excavated in the Jewish Quarter Area B ("the Burnt House"); Joshua Schwartz, "Bar Qatros and the Priestly Families of Jerusalem," in *Jewish Quarter Excavations in the Old City of Jerusalem Conducted by Nahman Avigad, 1969–1982. Volume IV: The Burnt House of Area B and Other Studies. Final Report*. (ed. Hillel Geva; Jerusalem: Israel Exploration Society, 2010), 308–319. Josephus remarks that certain chief priests sent slaves to the threshing floors to take tithes due to other priests, with the result being that some priests starved to death (*Ant.* 20.179–81). He also condemns the high priest Ananias for the misappropriation of tithes (*Ant.* 20.205–6). Philo explains the impoverishment of certain priests as a result of the neglect of the populace to give the proper sacred dues (*Spec. Laws* 1.154).

sources has been gathered by Adolf Büchler and B.Z. Luria, though the source material makes it difficult to distinguish between realities of life in Late Roman and Early Byzantine Palestine and those of a pre-70 CE environment.⁷⁹ Sources quoted in these studies include a tradition in *y. Berakot* 9d referring to a "city entirely of priests" (עיר (שכולה כהנים) and another in *b. Sota* 38b involves a halakhic case regarding a synagogue entirely composed of priests. A *baraita* in *y. Ta'anit* 69a appears to Büchler to be a list of statements regarding settlements with significant numbers of priests, among which are the villages of Capharabis and Dikhrin (Kefar Zechariah), both located in the Judean lowlands, an area largely depopulated of Jews in the period of the wars with Rome.⁸⁰ Another tradition in *y. Ta'anit* 69a (and its parallel in *b. Berakot* 44a) involves the marriage at Gophna of eighty pairs of brothers, all of whom were priests, to eighty pairs of sisters, all of whom were daughters of priests.⁸¹ Gophna, some 15 miles north of Jerusalem and a prominent town in the Herodian period, happens to be where the chief priests who defected to Rome sought shelter, as told in Josephus, *B.J.* 6.115.⁸² A *baraita* in *b. Ta'anit* 27a notes that half the priestly divisions in the Land of Israel live at Jericho, a comment explained by the Stammaim in the same *sugya* as referring to the practice of

⁷⁹ Büchler, *The Priests and Their Cult*, 119–154; B.Z. Luria, "Priestly Cities in the Second Temple Period," *Hebrew Union College Annual* 44 (1973) [Hebrew], 1–18. See also Tuvia Kahane, "The Priestly Courses and Their Geographical Settlements," *Tarbiz* XLVIII, no. 1–2 (1978–1979) [Hebrew], 9–30.

⁸⁰ Büchler, *The Priests and Their Cult*, 139–44. Both Capharabis and Dikhrin are in the area of Maresha/Beit Guvrin; Capharabis is said by Josephus to have been taken in 69 CE (*B.J.* 4.552). On the villages, see Tsafir, Di Segni, and Green, *TIR Iudaea-Palaestina*, 97, 99–100. On the movement of the priests northward into the Galilee in this period, see Dalia Trifon, "Did the Priestly Courses (Mishmarot) Transfer from Judaea to Galilee after the Bar Kokhba Revolt?," *Tarbiz* 59 (1989–1990) [Hebrew], 77–93; and Zeev Safrai, "When Did the Priests Transfer to the Galilee? A Response to Dalia Trifon," *ibid.* 62 (1993), 287–92.

⁸¹ Büchler, *The Priests and Their Cult*, 120.

⁸² Tsafir, Di Segni, and Green, *TIR Iudaea-Palaestina*, 137.

sending half of a priestly division to Jericho during their period of service at the altar to provide water and food for their brethren in Jerusalem. The tradition of a large priestly presence at Jericho is probably related to its role as a major Hasmonean and later Herodian royal administrative center, a status it enjoyed in previous periods as well.⁸³ These are intriguing clues on discrete settlements or concentrations of priests in the Second Temple period.

The understanding that Jewish priests dwelt in communal settlements would also suit their strictly endogamous tendencies. Josephus draws attention to the great care priests take to marry within their race, with priestly archives existing in Jerusalem recording every marriage and priestly lineage and no regard placed on wealth or distinction but only family pedigree (*C. Ap.* 1.31–36). The emphasis on priestly endogamy must have encouraged a more insular existence. The Dead Sea sectarians did advocate strict priestly endogamy, as reflected in the legislation of the Temple Scroll (4Q11 57) and in a halakhic letter (4Q396 4:11).⁸⁴

Alexei Sivertsev has argued for the importance of household and clan traditions in the formation of rabbinic disciple circles.⁸⁵ Among the former are traditions that emerge from certain priestly houses, such as those of R. Tsadoq, which are often transmitted in connection with Rabban Gamaliel, or of R. Tarfon. The traditions of each

⁸³ Schwartz, "On Priests and Jericho," 23–48.

⁸⁴ The Temple Scroll legislates against the intermingling of priests and non-priests through marriage, stipulating that each priest should find a wife from his father's house and father's family; the halakhic letter condemns some of the sons of Aaron for intermingling and defiling the holy seed as a result.

⁸⁵ *Households, Sects, and the Origins of Rabbinic Judaism* (Supplements to the Journal for the Study of Judaism 102; Leiden; Boston: Brill, 2005), 242–55.

of these rabbis, who were of priestly stock themselves and can be portrayed in rabbinic tradition as representative of a priestly point of view, are according to Sivertsev reflective of their own priestly households traceable back to Second Temple times. In addition to their role in disseminating Torah, these concentrations of priests across the Judean countryside would have been spheres of influence in civil and religious matters and also recipients of gifts of honor and other scripturally prescribed dues. Among the gifts we can count *ḥērem* dedications, fields and other real estate offerings included among them.

The esteem and influence that the Jewish priesthood would continue to enjoy even after the destruction of the temple in 70 CE has been largely underappreciated in scholarship, as Matthew Grey has recently demonstrated.⁸⁶ A body of evidence from Late Antiquity in the form of Byzantine synagogue inscriptions and Jewish liturgical poems preserve memories of the old priestly divisions for temple service and in some cases list them together with the corresponding settlements in the Galilee to which they

⁸⁶ Matthew J. Grey, "Jewish Priests and the Social History of Post-70 Palestine" (Ph.D. Dissertation, University of North Carolina at Chapel Hill); see also Oded Irshai, "The Priesthood in Jewish Society of Late Antiquity," in *Continuity and Renewal: Jews and Judaism in Byzantine-Christian Palestine* (ed. Lee I. Levine; Jerusalem: Dinur Center, Yad Ben-Zvi, and Jewish Theological Seminary of America, 2004) [Hebrew], 67–106; S. Fine, "Between Liturgy and Social History: Priestly Power in Late Antique Palestinian Synagogues?," *Journal of Jewish Studies* 56, no. 1 (2005), 1–9. Nevertheless, one is hard pressed to see the destruction of the temple as anything but a drastic shift in the priests' overall standing, with the rabbinic class emerging as the primary tradents of Jewish law, even pertaining to matters of the defunct temple cult. Zeev Weiss has recently made the argument on archaeological grounds; see Zeev Weiss, "Were Priests Communal Leaders in Late Antique Palestine? The Archaeological Evidence," in *Was 70 CE a Watershed in Jewish History? On Jews and Judaism before and after the Destruction of the Second Temple* (ed. Daniel R. Schwartz and Zeev Weiss; vol. 78 of *Ancient Judaism and Early Christianity*; Leiden: Brill, 2012), 91–111.

apparently moved after the wars with Rome.⁸⁷ These Byzantine testimonies seem to represent a cultural memory of priestly clans re-establishing themselves or remaining in new settlements in the north of Israel. Their family- and clan-based organization could have had economic ramifications as well, with private holdings and their profits possibly incorporated across the larger circle of priests in any given settlement. These realities are in my opinion better understood as vestiges of the social and economic organization of the Jewish priesthood prior to the destruction of the temple than newly formed social patterns emerging entirely in a post-temple reality.

Field consecrations by *ḥērem* decree and other gifts to the priestly clans of Judea prior to 70 CE could have been not only a display of respect to them and the institution they represented but could also be a means of swaying influence in one's village or social circle. This could apply also to non-priestly circles that recognized some form of field consecration, with notable examples coming from the world of the Qumran sectarians and the early Jesus movement, as discussed in Chapter 5.⁸⁸ Both have attestations of new members selling their land and devoting the proceeds to a communal

⁸⁷ The Caesarea-Maritima synagogue inscription, for example, gives the numbered priestly courses followed by the Galilean settlement with which each was identified; see Joseph Naveh, *On Stone and Mosaic: The Aramaic and Hebrew Inscriptions from Ancient Synagogues* (Jerusalem: Israel Exploration Society, 1978) [Hebrew], nos. 51, 52, 56; Hannah M. Cotton, ed., *Corpus Inscriptionum Iudaeae/Palaestinae. Volume II: Caesarea and the Middle Coast* (Berlin: De Gruyter, 2011), 66–68. Two lamentations for Tisha b'Av by Eleazar ha-Qallir mention the priestly divisions; liturgical poems by Yose ben Yose, Yannai, Yehuda, and Hadutha ben Abraham also deal with priestly themes. See Kahane, "The Priestly Courses and Their Geographical Settlements," 9–30; Ezra Fleisher, "Regarding the [Priestly] Courses in Piyyutim," *Sinai* 62 (1968) [Hebrew], 13–40, 142–62; "The Piyyutim of Yannai the Hazzan on the Priestly Courses," *Sinai* 64 (1969) [Hebrew], 176–84.

⁸⁸ See §5.3.4.

fund. *Hērem* dedications of land and movables could have worked in a similar way among priestly or Sadducean circles.

7.5 Summary

The fragmentary halakhic text 4Q251 contains a rather long excursus on the matter of priestly perquisites, including several extant lines relating to the conferral and management of *hērem* property. Since Shemesh has made a convincing case for 4Q251's connectedness to the legal material of Exod 21:1–23:19, we can recognize 4Q251's discussion of *hērem* as marginally off-topic or at best tangential to the priest's right to the firstborn in Exod 22:28. Its inclusion here as an excursus can thus indicate that it was a pressing matter to the authors of 4Q251.

Before providing suggestions as to why it was a matter of concern, I gave a brief synopsis of the development of the *hērem* institution from its earliest attestation in Hebrew source material, where it appears to have been used as a punitive measure either in civil courts or on the battlefield, to its presence in late Second Temple period sources, where it was one of several self-imposed oaths and vows leading to the marking of property as off-limits to the vow-taker. The latter custom is the one with which the authors of 4Q251 would have been familiar in their everyday lives and to which they offered comment. The marking of property as *hērem* is attested in Ezra 10:8 as part of a punishment for truancy to a national assembly, and there are various literary uses of the old wartime *hērem* in Jewish literature of the Hellenistic and Early Roman

period. But these I argue are vestiges of an older practice defunct by the time of 4Q251 in the mid- to late first century BCE.

The first concern of 4Q251 with regard to *hērem* is to assert its status as one of the priestly dues, a claim backed by scripture but apparently ignored or reinterpreted by some who were donating *hērem* property to the temple treasury. The inclusion of *hērem* goods among the treasury deposits of the Copper Scroll is one piece of evidence attesting to the practice against which the authors of 4Q251 were filing this protest. Another is awareness in Tannaitic tradition that some *hērem* dedications can in fact be designated for the temple, including the dissenting opinion of R. Judah b. Beterah that *hērem* dedications whose recipient is not declared explicitly should be given to the temple. The general tendency of the Tannaim, on the other hand, is to follow scripture's conferral of *hērem* to the priests and the assertion of the same by the halakhists in 4Q251 could very likely have been in response to a minority few who were doing otherwise. In other words, I have not argued here for a large-scale appropriation of this traditional priestly perquisite by the temple's fiscal arm, as appears to have been the case with regular field consecrations. Rather, I simply point out evidence for the temple benefitting from this type of vow at the expense of priests.

A second concern of 4Q251 is that the sanctity of *hērem* be maintained even after it moves into the domain of the priest. I have had to infer this given the poor state of preservation of the document here but the inference is a reasonable one in my opinion because of the context of 4Q251's discussion of *hērem* and the nature of its extant phrases.

The discussion comes just before a recapitulation of Lev 22:11–13, which seeks to protect the sanctity of the priest's dues after they come into his household. And it includes forms such as לעוברו (possibly לעובדו) and לכוהן והאיש אשר, which are not rooted in scripture and suggest the interaction of priest and non-priest with respect to *ḥērem*, the very concerns of the Lev 22 passage. The reconstructed phrase קדש קד[ש]ים הוא in the same pericope would quote directly Lev 27:28's description of *ḥērem* as a "most holy" thing. The same phrase appears to have caused the rabbis some degree of consternation, given their tendency to remove all special sanctity from *ḥērem* once it becomes the priest's holding. I have suggested that the authors of 4Q251 are responding to a similar leniency with respect to *ḥērem* among proto-rabbinic circles active in their day. Support for this argument comes in an instance of rewritten Bible from Pseudo-Philo's *Liber Antiquitatum Biblicarum* (*LAB*), where God himself forswears all benefit from *ḥērem* and asks, "If God takes anything for his own sake from what was proscribed, what will man do?" (26:1). This would appear to be an even stricter view than that espoused by 4Q251 with respect to *ḥērem*'s exploitability in the home, farm, and market.

Finally, I discussed the issue of landholding in the Judean priesthood of the late Second Temple period. Lying behind the regulations of 4Q251 is the practice of gifting tracts of land and movables as *ḥērem* dedications to priests, a practice whose social ramifications are not to be underestimated. I have surveyed evidence showing that the priesthood in the Second Temple period included landholders among their ranks and that perhaps many of its workable plots were held communally. I have also suggested

that the clan-oriented settlement patterns of the priesthood as attested from Late Roman and Byzantine source material had been deeply entrenched already long before the temple was destroyed. The gifting of land to these priestly enclaves must therefore be read through the lens of the complex relations in the days of the Second Temple between an esteemed class of priests and the laity on the countryside, a topic extending beyond the scope of this study.

Chapter 8. Summary and Conclusions

The use of land as a productive asset by sanctuaries and cults of the ancient world stretches back to the early days of institutionalized religion in the ancient Near East. Documents from as early as the third millennium BCE show that deities were being named as the owners of agricultural plots and their lands leased out for profit. Sanctuary archives from the first millennium BCE at Uruk and Ebabbar provide a wealth of evidence on the exploitation of land by Babylonian gods and demonstrate that they were enjoying the revenues from significant—albeit not predominant—shares of the local cultivable real estate. These plots were regularly leased out to agricultural entrepreneurs in complex business arrangements, with the incorporated sanctuary holdings benefitting from the lion's share of the revenue. As scholarship in the Near Eastern context has recognized this type of landholding as a distinct category alongside royal and privately held land, so too scholarship on the ancient Greek cultural sphere has argued that there as well it was bestowed a distinctive status and administrative apparatus within the polis economy. Though kings, empires, and governors found ways to draw revenues from these sacred landholdings, they remain across cultures of the ancient world a prevalent fixture of religious institutional life and a prominent aspect of the so-called temple economy.

I have endeavored in this study to chart the development of the practice of consecrating land in early Judaism. I believe this is an important aspect of the temple

economy of Jerusalem, for it involves the allocation and consumption of land—a much-valued asset in the agricultural economies in which ancient Jews were agents—and the status of the revered ancient Jewish institutions of temple and priesthood. The investigation of sacred landholdings is a useful case-study in the role of the latter in broader society. It is a helpful supplement to work on the Jewish temple that focuses solely on its cult of sacrifice or the architectural form of its sacred precinct. And it can complement an already robust body of research on biblical and early Jewish theologies of land with insights on land's exploitation in daily life and religious practice. This topic explores the impact of early Jewish religious institutions on the farming customs of ancient Jews on the countryside, including their personal interactions with cult officials and their individual efforts at sustaining Yahweh's altar in the city.

The Judean literati of the sixth and fifth centuries BCE who were responsible for redacting and disseminating the literature that would become canonized into the Hebrew Bible did not, it would appear, have to deal with the question of temple lands desacralized during the Babylonian war ending in 586 BCE. Scholars who have argued for the category of temple land in monarchic Judah do so primarily because of its existence in the great civilizations of the ancient world. The *migrāšîm* (pasturelands) of the Levitical cities may indeed be correlated in some way with the pasturelands and animal enclosures associated with rural shrines prior to the Deuteronomic centralization reforms, but these were by no means arable plots. Nor does the Torah or the

Deuteronomistic History grant them any special sanctity, aside from their unsellable status in the Holiness Code.

The first to imbue the Levitical *migrāšim* with sacred status is Ezekiel in the Temple Vision of Ezek 40–48, a utopian document likely composed by followers of the prophet who were active in the later part of the sixth century BCE, as plans for a new temple in Jerusalem under Persian auspices were underway. The book they produced has the prophet imagining a sacred land endowment, whose function is to help disengage the priests and Levites from land cultivation altogether, as I have suggested in Chapter 2. The endowment itself is to be given as a gift to Yahweh by the entire people when they allot the Land of Israel to its tribal members in a coming age. While it is a most sacred gift, it is to consist in essence of two habitation quarters: one encompassing the temple and meant for Zadokite priests, the other adjacent to it and meant for Levites. The inspiration for the idea appears to derive from the Levitical cities of the Iron Age.

In my view, the endowment does more than provide a buffer for the temple from sources of impurity emanating from the city, the prince, and the people, as it typically has been viewed in scholarship. It also frees the temple's cultic personnel from all self-sufficiency endeavors, landholding among them, in keeping with the Torah ideal of a landless priesthood. The priestly dues and the nourishment of Yahweh's altar are, according to the book of Ezekiel's program, to become democratized. This vision of reform is quite suitable to the post-collapse society of Judea in the sixth century BCE,

whose surviving priests and their families may have found themselves in desperate need of assistance. In the later generations, the book's ethic of a temple economy sustained entirely by donations from the people and its prince appears to have resonated with the local authorities. Nehemiah's temple reforms and implementation of an annual tax to pay for the needs of the Jerusalem sanctuary work towards this goal. They would also obviate any reliance on landholding as a means for the burgeoning Jerusalem temple to cover its overhead costs. The markedly uncultivable sacred district of Ezekiel's Temple Vision is part of this core approach.

It would seem that part of the problem to which the book of Ezekiel responds in its temple reform program is embedded in the cultic fundraising customs regulated in Lev 27. That chapter is a very late addition to the Torah and likely the work of redaction of the Holiness School, to which it is ideologically aligned. Its relatively lengthy rules regarding the consecration of agricultural fields to Yahweh are the vital body of evidence for the ways land changed hands in order to sustain early Jewish institutional life. It outlines five types of field consecrations as gifts for priests: the usufruct of one's patrimonial land (Type 1), the silver equivalent of the market value of that usufruct (Type 2), the ownership rights of one's patrimonial field that had already been sold to another but would become the priest's at the next Jubilee (Type 3), the silver equivalent of the market value of the usufruct of a purchased field (Type 4), and the ownership rights by virtue of a *ḥērem* decree.

I made the following arguments on this type of donative mechanism in Chapter 3: it did not feed incorporated sanctuary wealth but the individual holdings of priests and clans; its legislative agenda involves placing priests on equal playing ground with the people in regard to land tenure regulations; and its imposition of a 20% redemption fee is meant to bring the appraisal value in line with the market value of its produce. These arguments I hope will provide an important corrective to scholarly misconceptions of the document. The misconception that the temple treasury was the ultimate beneficiary could reflect a lack of appreciation for the complexities of the Jerusalem temple as an institution, managing multiple reserves of wealth across its treasury and priesthood. Or it could stem from the wholesale adoption of rabbinic understandings of field consecration, which clearly have it supplying the temple.

In either case, we have in Lev 27 a practice meant to supplement the regular priestly perquisites from the field and farm and resulting inevitably in landholding by priests. This would better explain how land already under the nominal ownership of Yahweh according to biblical land theology and thus imbued with holiness could then be, in a sense, "doubly" sanctified by virtue of a voluntary consecration. If a comparison is to be made to the divine ownership of land in the ancient world—that is, when local deities are presented as absentee landlords—then the entire Land of Israel must necessarily be the Jewish analog according to this framework. If a comparison is to be made to temple lands designated as such for the purposes of sustaining the cult, the field consecrations of Lev 27 are a close but ultimately imperfect comparison. In this

early phase they had nothing to do with Yahweh's incorporated assets at the sanctuary and are not at all temple land. They are priestly land. I hope to have demonstrated the significance in distinguishing between the two, particularly in a Second Temple period context where various priestly clans were rotating in and out of the Jerusalem sanctuary for periods of service and the concomitant collection of perquisites.

I have posited that incidences of fraudulent behavior on the part of priests abusing their special privileges as the earthly representatives of Yahweh also lie behind the document at the end of Leviticus. Misreadings of either or both Lev 27:20 and 23 have obscured the document's fundamental message that a family's eternal claim to its patrimony is never shaken or undermined even when that patrimony has been utilized for sacred purposes under the management of priests. Such land automatically reverts to its owner at the Jubilee. And its products cannot be sold by the priests if its patrimonial owner is not the one doing the consecrating. In other words, this document is an attempt at self-regulation from within the institution of the priesthood.

The 20% redemption fee is typically read as an instance of opportunism on the part of the temple, meant to exploit one's sentimental attachment to their land and regret for handing it over to a priest. Since Lev 27:25 clearly states that the 20-gera holy shekel standard is to be used by the priest in giving appraisal values, and we know from the Judean scale weights of the late Iron Age that the regular urban and village markets employed the royal 24-gera standard—a shekel that is 20% heavier—I conclude that the redemption supplement is meant merely as a corrective measure to bring a consecrated

field's appraisal value up to the actual value of its produce on the market. The priesthood's continued use of the holy shekel, perhaps out of a sense of conservatism for its own sake, resulted in this discrepancy. This is not an instance of opportunism at all by the priests of Yahweh. Since the 20% relates to economic realities of the late Iron Age, I see this as another vital piece of evidence showing that even a text such as Lev 27, which was redacted into the Torah in a relatively late phase, is rooted in much older practices. For this reason I have posited that the field consecrations and redemption payments of Lev 27—a potentially fraught give-and-take between priest and benefactor on the countryside—were one of the potentially corrosive practices to which the book of Ezekiel responds in its vision for temple reform.

Ultimately Lev 27 reflects ambivalence toward landholding in the name of Yahweh and would seem to be quite satisfied with the gifting of silver rather than land itself, as was probably the case in nearly every religious institution by this point in history when regular commerce was taking place in metal currency. Largesse by Persian and Hellenistic rulers toward the cult of Yahweh consists in no documented instance of a land grant to the temple. Tax concessions and gifts of metal valuables were the norm. Rent capitalism as an economic system in the Land of Israel is not evidenced at all prior to the Ptolemaic period. This all suggests that neither the pre-exilic nor post-exilic temples functioned as land rentiers.

The foreignness of the custom to the Jerusalem establishment could lie behind the depiction in 1 Maccabees of an unrealistic and ultimately unacceptable list of gifts

presented by the Seleucid ruler Demetrius I to the Jewish people. Among the list are the profits from the hinterland of Ptolemais, as well as the revenues coming from the active port city itself, to be devoted for the purposes of the Jerusalem temple. At first glance this item in Demetrius I's list would seem to be merely one in a long hyperbole crafted to come across as too good to be true, stressing the deviousness of its giver. Yet considered in its larger literary context in 1 Maccabees, it emerges as the only instance in the book of a source of direct revenue being offered by a foreign ruler for the Jerusalem temple. Other offers by Seleucid kings in the book are received favorably; consisting usually of tax concessions, they never include such revenues meant for sacred purposes.

For these reasons I have claimed in Chapter 4 that the hinterland of Ptolemais is cast by the author of 1 Maccabees in the role of the scornful gift. It symbolizes in the author's eyes—and likely in the eyes of many in his Judean audience as well—the impure source of revenue for the temple. It would work precisely against the ethic of purification from foreign influence and foreignness in general at the heart of the book's narrative. Ptolemais was after all a Hellenistic cultural and commercial center whose population had shown hostility to Jonathan the Hasmonean and to the Judean people. Its yields as altar-sustenance would hardly further the Judaizing ideology of the Hasmonean court.

One must assume that the author of 1 Maccabees in the late second century BCE would have been familiar with the schismatic temple founded in northern Egypt in the middle of that century by Onias IV, scion of the line of high priests now displaced by the

Hasmoneans. If Josephus's account of the founding is to be trusted, the temple benefitted from an endowment of land from Ptolemy VI Philometer. I argue in Chapter 4 that its status as sacred land is most sensible given Josephus's description of its endowment as intended to support the needs of the sanctuary and its priests.

In Josephus's *Ant.* version of the tale of its founding, he has Ptolemy and Cleopatra incredulous that a Jew would set up a sanctuary in such an impure place with sacred animals roaming about. I hold that Josephus and his audience would have recognized the entire sacred property and holdings for what they were—a source of revenue for the temple. In Josephus's eyes these holdings were stained by the impurity of the place's pagan past and were thus a source of defilement for the altar of Onias. Perhaps members of the Hasmonean court closer to the time of Onias and his immediate descendants would have held a similar impression. This theory challenges Tcherikover's understanding of it as cleruchic land for a colony of Judean military settlers. Though admittedly the practical ramifications with respect to taxation would be no different, both types of land enjoying special crown benefits.

Thus, when the author of 1 Maccabees portrays the granting of Ptolemais as unacceptable, perhaps he had in mind the land endowment helping to pay for operations at rival Leontopolis. This point of view would later resurface in the well-known and ill-fated policy adopted by the Jerusalem temple of rejecting in 66 CE all gifts and offerings made by Romans to the temple. That decision was met with much consternation by many in the Judean intelligentsia, including Josephus himself. I suggest

that the dispute over whether the appropriateness of the endowments of non-Jews as sources of revenue for the Jerusalem temple reaches much further back than 66 CE and relates precisely to the early Jewish attitude to land endowments. The latter function both in the Josephan account of the founding of the Oniad temple and the 1 Maccabee's account of Demetrius's offer to Jerusalem as a symbol for the impure source of sacred wealth. Given the absence of such land endowments and temple land from the Judean record, it would seem that this feature of religious institutional life was easily relatable by these men to elements of foreign religion. In other words, temple land and its accoutrement—the sacred animals, the consecrated groves, the conspicuous endowment by a king or aristocrat—could have come across to some as un-Jewish, or at least un-Judean.

I suggested in Chapter 2 that the corruption of the phrase *migrāš lammiqdāš* ("pastureland for the sanctuary") in proto-MT Ezekiel in all textual witnesses reflects precisely this discomfort with the notion of a sacred pasture, a patently foreign feature in Judea of the late Second Temple period. Similarly, the book of Ezekiel's idiosyncratic language of a *těrûmâ* of land for priests and Levites may have struck the proto-MT tradents as strange in the least, if not entirely problematic, due to their familiarity with *těrûmâ* as a priestly gift for which Levites had no claim; not to mention the fact that it consisted always of movables, usually olive oil, wine, or some other edible product of the farm. For this reason I argue that proto-MT Ezekiel consistently cuts the size of the *těrûmâ* of land in half, effectively excising the Levites' claim to it. Thus the discrepancies

between MT and LXX Ezekiel are to be explained as intentional alterations resulting from the fact that the book's sacred land offering resembled neither in its language nor its content the religious practices of its Judean tradents in that period.

We get a glimpse into how consecrated real estate actually did function in Judea in the late Second Temple period in a legal section in the Damascus Document, an Essene (or proto-Essene) founding text of the mid-second century BCE. As discussed in Chapter 5, it reads the field consecrations of Lev 27 no longer as a means of gifting land and its products to priests but of funding the altar in a manner akin to a freewill offering. This I view as a major step in the evolution of field consecrations—with their revenues going to the temple rather than to priests—yet we are in the dark as to when precisely it occurred in the some four centuries that had transpired since the composition of Lev 27. The absence of any word of protest from the authors of the Damascus Document, themselves probably disaffected priests from the Jerusalem establishment, would imply that it had long been the case. The same would hold true for its absence from the Temple Scroll. This undermines scholarly claims of widespread absorption of temple estates by the Hasmoneans.

These privately held and operated plots of consecrated real estate were the closest thing in Judea to temple estates. By the late Second Temple period, the sanctuary's fiscal arm was indeed enjoying revenues from them, it would seem, but their everyday management was hardly in the hands of temple administrators. I believe that cost and responsibility to have been incurred by the land's owners and consecrators. It is

perhaps to such plots that Philo speaks in *Spec. Laws* 1.76 and Josephus in *Ant.* 13.56.

Their diffusion throughout the landholding class can explain their general absence from the historical record.

They come up in the Damascus Document because its authors appear to have been concerned with the use of consecration as a means of blocking access to forcibly seized assets or assets to which household dependents could typically claim rights-of-use. Among the forcibly seized assets, I suggest that they regularly consisted of landed properties that had been pledged as a security on a loan and were now rightfully due to a creditor; the debtor seizes the property and blocks access to it by consecrating it to the temple in Jerusalem. I have pointed to the fact that a significant part of the Tannaitic commentary on the field consecrations of Lev 27 is concerned with precisely this issue. The Tannaim allow its consecration to stand but simply call for its immediate desanctification by virtue of a public auction. This could result in the temple earning a profit in cash if the sale value exceeds the size of the debt. Here is an instance of a civil case in which the temple authorities could in fact be called in to deal with an issue involving consecrations and it is attested already in the middle of the second century BCE.

Tannaitic sources refer to the the sacred holdings of the Jerusalem temple, both in land and movables, by the name *heqdēš*, "consecrated property." According to these sources, the status of *heqdēš* is applicable to anything of value in the home and farm. The protection of its sanctity is in rabbinic culture the responsibility of the dedicator; a

common way to desacralize such property was to sell it, the sanctity of the object or plot of land now transferring to the coins or other currency resulting from the sale. Though the word *heqdēš* is, to the best of my knowledge, unattested in Jewish source material prior to the Mishnah, we see in the Damascus Document a laying out of its parameters with regard to forced seizure and misuse in the household. Concerns over unwitting acts of sacrilege must have pervaded farms and households where agricultural real estate—fields, groves, even individual trees—had been consecrated as gifts to the altar in Jerusalem. We are without any kind of data on the extent of such consecrated properties in land in Judea, though I would expect them to have been a well-known feature of Jewish life, as the legislative concerns in halakhic literature spanning Qumran and the Tannaim would attest.

I believe I have uncovered a key statement in Paul proving that the scholastic teachings on field consecrations that were later codified in Tannaitic sources circulated among Pharisees in the first century CE. When in Rom 11:16 Paul uses the phrase "the root sanctifies the branches," he is quoting a piece of practical halakhah—never before recognized as such in scholarship, to the best of my knowledge—holding that sanctity transfers to agricultural derivatives of consecrated plants or trees. According to rabbinic halakhah, the transference only occurs with endowments meant for temple-upkeep purposes, not for altar offerings. The difference is worked out in a disagreement between R. Judah and R. Simeon. Paul offers yet another piece of evidence that the legal tradition on field consecrations has a history reaching long before these Tannaitic sages.

A corollary of the evolution of field consecrations in Judea from a priestly perquisite (akin to the tithes, first fruits and heave-offerings) to a freewill offering for the temple treasury (akin to the shekel tax) meant that the old practice of donating land to priests under the guise of consecration to Yahweh had become defunct. In Chapter 7 I argue that field consecration by *ḥērem* decree worked to fill that void. The conferral of *ḥērem* to the priesthood is scripturally backed and had long been a feature of the Jewish sacred economy, but it would appear to have been undermined by persons who were gifting *ḥērem* properties to the temple. Priests may have watched these potentially valuable assets pass them by in favor of the incorporated assets of the temple treasury. A halakhic text (4Q251) from around the turn of the era reasserts the priestly claim to *ḥērem* in an excursus to running commentary of a section of Exodus. The length of the excursus and its marginal relevance to the Exodus passage attest to the urgency of the issue to the authors of 4Q251 or the halakhic tradition it inherits.

The authors of 4Q251 would also, if my reading of the text is correct, affirm the sanctity of *ḥērem* property—including that of the *ḥērem* field and its products—and offer legislation on how the priest is to protect that sanctity once the asset moves into his domain. I read this as a response to a leniency among proto-rabbinic circles that allows for the desacralization of *ḥērem* once it falls under the proprietary domain of priests. A similar rejection of that leniency seems to show up in Pseudo-Philo as well. Once we recognize that *ḥērem* dedications had taken over as a form of gifting property to priests,

the same dynamics for understanding the gifting of land to the priesthood in Lev 27 would now apply to *ḥērem* gifts in the late Second Temple period.

In the end, I argue that "temple land" is an inadequate and inappropriate category in the history of Israelite and Judean society. In other regions these sacred holdings often began with a prominent land grant by a king or aristocrat, and then were leased out by sanctuary officials to the highest bidder or to some recipient of the honor. In the Yahwistic sanctuaries of the Land of Israel, however, there is simply no evidence that this kind of arrangement was ever a feature of the local economy. In the Iron Age and into the Persian period, consecrated land was a supplement to the regular priestly perquisites and was held individually by priests or, more likely, communally by priestly clans. By the Hellenistic period and onward to the destruction of the Jerusalem temple in 70 CE, consecrated land appears to have been akin to a freewill offering, its cultivation and management remaining in the hands of its freeholder and its produce or profits donated to the temple treasury probably after having been monetized.

Neither of these types fully approximates the type of temple land we witness in other economies of the ancient world. Both involve the marking of land as sacred in order they could be exploited for cult-related purposes, to be sure, but they do not reflect the direct involvement of the temple authorities in the real estate markets of Judea. What we find instead in Judea are field consecrations—potentially short-term, modestly sized plots or groves meant as a supplement to regular sacred dues and typically cultivated by their endower or simply donated to a priest or priestly clan. This

can explain why there is no terminological equivalent to "temple land" in the ancient Jewish lexicon. The diffusion of plots marked as sacred across the private holdings of the laity and priesthood can also explain the elusiveness of the category from the historical record.

In my opinion, the only place for which we have evidence of the well-known category of temple land in the ancient Jewish context is the Oniad temple in Egypt. How Onias and the financial officers at his temple managed the sacred land endowment they received from the Ptolemaic court is not clear. They could have leased it out to Jewish colonists or granted its sub-plots to priests as compensation for their service.

I have not argued that the difference with respect to the Judean situation has to do with a conscious resistance to foreign practice—as tempting as that may be—though by the later part of the Second Temple period aspects of the institution would indeed have come across as markedly foreign. I tend to relate it the long-standing belief in the Jewish tradition in the importance of a temple fed by all members of the house of Israel, the people taking primary responsibility for the cultivation of the Land of Israel and the support of its altars at Jerusalem and Gerizim. Biblical and early Jewish rhetoric encourages landlessness among the priesthood in promoting this ethos, though the sources clearly indicate that in the Second Temple period the Jewish priesthood included many landholders among its ranks. The sustenance of the altar of God is to come from the people for whom the altar offers expiation and a life-giving sustenance of its own.

This ethos is a central part of Ezekiel's vision of temple reform, which imagines the temple and priesthood residing in an uncultivated sacred district and supported entirely by the people. It is maintained with Lev 27's protections of the Jubilee concept and refusal to grant special favors to the cult of Yahweh with regard to landholding, even if that document recognizes and accepts the fact that persons were using gifts of land as a perquisite for their local priests. It is reflected too in the early Jewish practice of consecrating a part of one's own agricultural holdings as a donation for the sanctuary in Jerusalem, a practice echoing the notion that the people themselves are to take responsibility for the upkeep of their altar and temple. The protection of the sanctity of that plot would appear to have remained entirely the responsibility of the individual, the temple authorities intervening only in instances when consecration was used to wrong another party.

Of course, landholding came with costs and risks of its own and the preference of the financial arm of the Jerusalem temple for donations in cash rather than land requires no explanation. The economic benefits of promoting an ethic of a diffuse support system for the temple are similarly obvious. The development of the shekel tax as a means for the entire people to contribute to the sustenance of their sanctuary in Jerusalem led, by all accounts, to significant surpluses in the sacred treasury and more than covered the cult's regular operating experiences, helping too with the municipal needs of Jerusalem. The encouragement of thrice-yearly week-long pilgrimages to the temple city of Jerusalem would have injected it with cash, swelled its storerooms with

produce, and sustained the local markets. The same can be said of Gerizim when it was active.

Thus by the late Second Temple period, land donations were probably not sought out because the cash flow through the temple treasury was adequate and far simpler than land management would have been; and in the earlier period, because the scriptural ideal of a diffuse support system for the cult was actively promoted. Nevertheless, field consecrations did exist on the countryside as a means for the individual household to donate to a local priest or to the temple, feed the sacred reserves, and take part in some way in the cult of sacrifice. The payment of the shekel tax would have worked toward the same end. Seen in this light, field consecrations emerge as a voluntary religious act part of the web of interaction at the household and village levels. They do not bear witness to an attempt by the temple in Jerusalem to amass landed wealth, for the temple's needs were met without it.

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Biography

Benjamin D. Gordon is a fifth-year doctoral student and Perilman Fellow in the History of Judaism track of the Graduate Program in Religion at Duke University. His research focuses on the cultures and institutions of Jewish life in Judea and Galilee in the biblical period and classical antiquity. He holds a B.A. in Religion from the College of William and Mary in Virginia (1999) and an M.A. in Archaeology from the Hebrew University of Jerusalem (2008). During his years in Jerusalem, Ben worked on major archaeological projects at Jerusalem and Sepphoris. He is currently co-authoring with Eric Meyers and Carol Meyers a volume on the Duke excavations at Sepphoris. Ben has also had multiple years of coursework in ancient Greek and Latin and spent two years (1999–2001) studying classic Jewish texts at the Conservative Yeshiva in Jerusalem, an institute under the auspices of the Jewish Theological Seminary of America. After completing his research on sacred landholdings in early Judaism, Ben is interested in writing a monograph on the service divisions, clans, and settlement patterns of Judean priests before the destruction of the Jerusalem temple in 70 CE. He has recently been awarded the Lerner Post-Doctoral Fellowship in Jewish Studies at Duke for the academic year 2013–14.