

*The Wood-Offering: The Convolution of a Halakah in Qumran and Rabbinic Law\**

Cana Werman

The precise nature and date of the practice of bringing wood to the Temple are elusive.<sup>1</sup> First mentioned in Neh 10:35, the practice is attested in Josephus, Qumran, *Megillat Ta'anit*, and in tannaitic and amoraic literature. The present paper reconsiders this ritual, examining its development in two Qumran texts and in rabbinic halakah, each of which, for reasons of its own, altered what I view as a popular custom. A tripartite discussion is therefore necessary: of Qumran literature, of rabbinic literature, and of the relationship between the testimony found in these corpora and actual practice during the Second Temple period. However, any attempt to establish Second Temple practice must recognize that the almost total absence of direct witnesses to the realia of the Second Temple period fosters reliance on the very literature, which, I seek to argue here, opposed the popular custom. I therefore proceed with due caution, hoping to avoid the pitfalls of presupposition and circular reasoning.

No references to the bringing of wood to the Temple appear in pre-exilic literature. The first attestation to this custom comes from the early Second Temple period. Nehemiah 10:35 relates that the priests, the Levites, and the people cast lots "על קרבן העצים... להביא לבית אלהינו לבית אבותינו לעתים מזמנים שנה בשנה לבער על מזבח ה'" ("for the wood-offering, to bring it into the house of our God, [according] to our fathers' houses, at times appointed, year by year, to burn upon the altar of the Lord our God, as it is written in the Law").<sup>2</sup> Nehemiah's testimony implies that the people obligated themselves to bring wood "at times appointed" according to clans.<sup>3</sup>

The somewhat obscure phrasing as well as the context of the verse make the nature of this obligation difficult to determine. It appears between two ordinances: after an obligation to contribute one-third of a shekel annually—"for the showbread, and for the continual meal-offering and for the continual burnt-offering, of the sabbaths, of the new moons, for the appointed seasons, and for the holy things, and for the sin-offerings to make atonement for Israel, and for all the work of the house of our God" in verse 34—and before an injunction—"to bring the first-fruits of our land, and the first-fruits of all fruit of all manner of trees, year by year, unto the house of the Lord"—in verse 36. This placement lends itself to two possible interpretations of the wood-offering. One is that, like the one-third of a shekel, the wood was brought to the Temple in order to facilitate the carrying out of the sacrificial rites in the Temple, namely, to supply wood for the altar. Another feasible explanation is that the wood was not supplied for the burning of sacrifices, but rather was an offering in and of itself, an independent gift (consistent with the opening of the verse: קרבן העצים) meant to be burnt on the altar on its own. Accordingly, the wood shares the status of the first-fruits mentioned in verse 36 and the bringing of wood "to burn upon the altar of the Lord" therefore parallels the bringing of the first-fruits (as in the concluding verse of Nehemiah: "and for the wood-offering, at times appointed, and for the first-fruits" [13:31]). Thus understood, the bringing of the wood constitutes an addition that embellishes the daily rites and does not relate to the ongoing financing of the cult.

An ancient halakah found in the Yerushalmi and in the scholium to *Megillat Ta'anit* (MS Parma) is relevant to the attempt to elucidate the meaning of the obligation in Nehemiah to bring wood to the Temple. This halakah reads as follows: להן כל אינש די יהוי עלוי אעין ובכורין, האומר הרי עלי עצים למזבח וגזירין למערכה אסור בספד ובתענית ומלעשות מלאכה בו ביום ("Therefore everyone who made a vow [to bring] wood

and first fruits [to the Temple]—[that is] one who says I take it upon myself [to bring] wood for the altar and logs for the pile—is prohibited regarding lamenting and fasting and [similarly] from working on that day" (*y. Pesah. 4:1, 30c*).<sup>4</sup> The halakah opens in Aramaic and finishes in Hebrew, starts with wood and first-fruits and concludes with wood alone. From the language of the Aramaic opening, it appears that the wood-offering and the first-fruits have parity: each is brought at the donor's initiative, and the assumption of this initiative releases the donor from the obligation to fast or to eulogize the dead.<sup>5</sup> I suggest that this early halakah reflects a reality in which, the people during Nehemiah's day brought wood and first-fruits to the Temple at will. Nehemiah acted to direct this popular custom toward Temple needs, in particular, the necessity to regularize the funding of the public cult. Nehemiah left the bringing of first-fruits in place; the folk tradition of bringing wood ostensibly also continued, but was now incorporated into the public funding of the Temple cult.

Such an understanding of Nehemiah's actions as an attempt to channel a popular custom into a means of funding the public cult explains the ambiguous wording of the above-cited verse. The term קרבן עצים used by Nehemiah alludes to the wood-offering's independent status, and even though wood should logically belong to the items funded from the one-third of a shekel, it is not included on that list. By this means, Nehemiah preserves the status of the wood as an independent offering according to the ancient custom. On the other hand, in transforming sporadic donations of wood into an institutionalized, fixed practice that would enable regular sacrificial offerings "as it is written in the Law," he requires that the wood be brought "at times appointed" according to clans. Hints of Nehemiah's success appear in the form of attestation to a custom of bringing wood on fixed dates in second-century-

BCE sectarian literature, as well as in Josephus, *Megillat Ta'anit*, and rabbinic literature. The question remains, however, in what manner and on what dates.

Second Temple literature links the wood-offering to a specific date. *Megillat Ta'anit*, a nationalistic Hasmonean work, cites the fifteenth of Av as a day on which it is forbidden to fast because it is the time of עצי כהנים (and as Epstein notes this is short for עצי כהנים והעם<sup>6</sup>): "עצי כהניא ודלא למספד בהון: ("on the fifteenth of Av falls the time for the wood of the priests, and it is forbidden to eulogize [on them]").<sup>7</sup> Because of the nature of the dates mentioned in *Megillat Ta'anit*, we cannot necessarily conclude that wood was brought to the Temple in the late Second Temple period; perhaps the occasion celebrated the bringing of wood on that day in the past. Such an interpretation creates parity between the Wood Festival and the other festivals in *Megillat Ta'anit*, which commemorate joyous events in the past rather than contemporary ones. Verification of the actual carrying out of this practice shortly before the destruction of the Temple comes from another Second Temple period source. In an aside to his description of what sparked the First Revolt, Josephus states: "The eighth day was the feast of wood-carrying, when it was customary for all to bring wood for the altar, in order that there might be an unfailing supply of fuel for the flames, which are kept always burning" (*War* 2.425). From the context, it appears that the feast took place on the fourteenth of Av. Both Josephus and *Megillat Ta'anit* shed light on a statement by Rabban Simeon ben Gamliel: לא היו ימים טובים לישראל כחמישה עשר באב וכיום הכיפורים שבהם בני ירושלים יוצאין בכלי לבן שאולים ובנות ירושלים יוצאות וחולות בכרמים ("There were no days better for Israelites than the fifteenth of Av and the Day of Atonement. For on these days the Jerusalemites go out in borrowed white clothes and the Jerusalemite girls go out and dance in the vineyards"—*m. Ta'an.* 4:8).<sup>8</sup> The better manuscripts of the Mishnah testify that it was the Jerusalemites who wore

white—in the more common version the girls wear white—and Second Temple sources indicate that this was the convention among those entering the Temple. As Mandel notes, the custom of bringing wood witnessed by *Megillat Ta'anit* and Josephus provides the best explanation for the mass visit by the people to the Temple on the fifteenth of Av.<sup>9</sup>

Thus, Second Temple sources testify both to the bringing of wood to the Temple in mid-Av and to its mass nature: "the priests" (*Megillat Ta'anit*), or the "priests and the people" (according to Epstein's reconstruction of *Megillat Ta'anit*), or "all" (Josephus). Based on the evidence from these witnesses alone it is necessary to qualify the success of Nehemiah's measures. The people bring wood to facilitate the routine carrying out of the cult, not "at times appointed," but once a year; not by clan, but en masse. Yet, consideration of Qumranic and rabbinic literature elicits a more complex reality.

#### *The Wood Festival at Qumran*

Two documents from Qumran, 4Q365 and the *Temple Scroll*, contain an injunction to bring wood to the Temple. Separate consideration of each text and its halakah is the first step, to be followed by a comparison of the two texts and by an attempt to determine the reality to which they respond.

The briefer version of the command is found in 4Q365:<sup>10</sup>

(4) וידבר יהוה אל משה לאמור צו את בני ישראל לאמור בבואכמה אל הארץ אשר

(5) אנוכי נותן לכם לנחלה וישבתם עליה לבטח תקריבו עצים לעולה ולכול מלאכ[ת]

(6) [הב]ית אשר תבנו לי בארץ לערוך אותם על מזבח העולה [תח]ת הע[ו]ל[ו]ת<sup>11</sup> לבער]

(7) [איש]ם לפסחים ולשלמים ולתודות ולנדבות ולעולות דבר יום [ביום]

(8) [מים ולד[ל]תות ולכול מלאכת הבית יקריבו אותם]

- (9) אחר מ[ועד היצהר יקריבו את העצים שנים [שנים משבטיכם ליום]
- (10) [האחד ויהיו המקריבים] ביום הריש[ו]ן לוי [ ]
- (11) ראו[בן ושמעון [וב]יום הרב[יעי]
- (4) The Lord spoke to Moses, saying, command the children of Israel, saying, "When you come to the land which
- (5) I am about to give you as an inheritance, and where you shall dwell securely, bring wood for the sacrifices and for all the wo[r]k of
- (6) [the H]ouse which you will build for me in the land, arranging it on the altar of sacrifice, un[der] the offer]ings [to combust their fire]
- (7) ] for Passover sacrifices and for and for peace-offerings and for thanksgiving offerings and for the free-will offerings and for da[ily] whole burnt-offerings [
- (8) ] and for the doors and for all the work of the House the[y] will br[ing it
- (9) after] the [fe]stival of new oil let them bring the wood, two [by two from their tribes on each ]
- (10) day and those who bring] on the fir[st] day, Levi [
- (11) Reu]ben and Simeon [and on t]he four[rth] day [<sup>12</sup>

This passage presents the obligation to bring wood after the Festival of Oil (line 9) as a divinely ordained command addressed to Moses.<sup>13</sup> The *Temple Scroll* fixes the Festival of Oil in the third week of the sixth month; therefore the Festival of Wood



Another possibility is that the author is alluding to his understanding of Nehemiah's "wood-offering /קרבן עצים/" as referring not to an offering burnt on the altar, but rather to the bringing of, as in donating, wood for fuel for the burnt-offerings and for Temple renovations. To my mind, 4Q365's phrase לכול מלאכת הבית (line 8) also alludes to Nehemiah. It echoes Neh 10:34, where the concluding phrase כל מלאכת בית אלהינו signifies that the one-third shekel is to be used to underwrite the routine sacrifices and grain-offerings as well as any other cultic needs. In utilizing a phrase related to Nehemiah's one-third-shekel donation in the context of a description of the wood-offering, 4Q365 creates a correspondence between the wood and the rest of the items listed as funded by the one-third shekel; namely, the wood belongs to the ongoing maintenance of the Temple cult.

The original length of the Qumran text remains undetermined. Perhaps it concluded with a list of the names of the tribes, or went on to detail the amount of wood to be donated by each tribe. Because the text draws a picture of a year's supply of wood being brought to the Temple storehouse, it seems unlikely that it encompassed a directive to bring special sacrifices for the festival. To sum up: in its clarification of the verse from Nehemiah, 4Q365 excludes the above-noted possibility that the verse refers to the offering of wood to embellish the cult. Nehemiah's עתים מזמנים are interpreted as six consecutive days in late summer, and the obligation undertaken in Nehemiah becomes a divine, meta-temporal law. Moreover, as distinct from Nehemiah, the requirement to bring wood rests on the entire people; not representatives of families, but of tribes.<sup>15</sup>

The Festival of Wood is treated at greater length in the *Temple Scroll*. As in 4Q365, God is the speaker. The text, based partially on Qimron's reconstruction, reads as follows:<sup>16</sup>



- 23: (3) [ואחר מועד היצהר יקריבו] למזב[ח]
- 23: (4) [את העצי]ם שנים [עשר מטות בני ישראל והיו המקריבים]
- 23: (5) [ביום הראשון] מטות [לוי] ויהודה וב[יום השני בנימין ובני]
- 23: (6) [יוסף וביום השלישי ראובן ו]שמ[עון וביום הרביעי יששכר]
- 23: (7) [וזבולון וביום החמישי גד ו]אשר וביו[ם הששי דן] ונפתלי
- 23: (8) [ויקריבו על] העצים עולה ליה[וה ויביאו מטה]
- 23: (9) לוי ומטה יהודה ביום הראשון ש[עירי עזים שני]ים לחטאת לכפר
- 23: (10) בהמה על בני ישראל ומנחת[מה ונסכמה כמ]שפט ויעשו עולה[
- 23: (11) [כול מטה ומטה] פר אחד איל אחד כב[ש אחד בן שנתו]
- 23: (12) [תמימים לכול מ]טה ומטה שנים עשר בני יעקו[ב]
- 23: (13) [ויעשום ברוב]ע הים על המזבח אחר עולת הת[מיד ונסכה]

23: (3) [and after the Festival of Oil they shall bring]

23: (4) the twel[ve tribes of Israel are to bring woo]ld to the alt[ar. Those contributing]

23: (5) [On the first day] are to be the tribes of [Levi] and Judah; on [the second day Benjamin and the sons of ]

23: (6) [Joseph; on the third day Reuben and] Sim[eon; on the fourth day Issachar]

23: (7) [and Zebulun; on the fifth day Gad and] Asher; on the six[th day Dan] and Naphtali

23: (8) [On] the wood [they are to offer] a burnt-offering to the Lor[d and the tribe

23: (9) of Levi and the tribe of Judah will bring on the first day tw[o goats for a sin offering to atone

23: (10) through them for the people of Israel and the requisite grain-offer]ing and drink offering, following the us[ual regulations.

23: (11) Each tribe shall bring] as a burn[t offering] one bull, one ram and [one yearling la]mb;

23: (12) [without blemish, for each and every tr]ibe of the twelve sons of Jaco[b]

23: (13) [and they shall sacrifice them at the fourth of the da]y on the altar after the per[petual] burnt-offering [and its drink-offering.<sup>17</sup>

The first lines of the passage contain two directives. The first (lines 3 to 7) calls on the twelve tribes to bring wood to the altar (it is impossible to determine whether the author used the root .ב.ק.ר.ב. or .ב.ו.א.). The second, an injunction, beginning on line 8, outlines the purpose for which the wood was brought. Qimron's proposed reconstruction [העצים עולה ליה]וה is based on the directive relating to the Festival of Oil: ויקריבו על היין הזה ביום ההוא [עולה] לה'. If correct, this reconstruction suggests that the wood was used on the same day that it was brought and served as fuel for the sacrifices that the tribal representatives were commanded to bring (end of line 8 through line 12). Both the use of the definite article (העצים)—and the absence of any detail regarding a secondary division of the amount of wood to be brought—suggest that all the wood brought (lines 3 to 7) served the purpose stated (starting with line 8), namely, as fuel for burning the meat of the sacrificial offering or its fat.

The sacrifices offered on the wood are one bull, one ram, and one yearling lamb brought by each tribe (23:11–12). On the first day, the representatives of Levi and Judah also bring goats for sin-offerings (23:9). As Yadin notes, the author of the scroll here creates a ritual resembling that of the Day of Atonement—when two sin offerings are made, one for the priests and the other for the people.<sup>18</sup> A further

connection to the Day of Atonement arises from the fact that the מזרק (bowl), the utensil used by the priest to sprinkle sacrificial blood, appears only in the passage treating the Day of Atonement and in the continuation of our passage:

ויקרב הכהן הגדול את עולת [הלויים] (14): 23

לראישונה ואחריה יקטיר את עולת מטה יהודה וכא[שר הוא] (15): 23

מקטיר ושחטו לפניו את שעיר העזים לראישונה והעלה את (16): 23

דמו למזבח במזרק (17): 23

וכן:

[ושחטו את שעיר העיזים השני] (1): 24

[והעלה למזבח ב]מזרק את [דמו ועשה בדמו כאשר לדם השעיר (2): 24

[הראשון וכיפר על] בני ישראל אל (3): 24

23: (14) The high priest is to offer the [Levites'] burnt offering

23: (15) first, then the burnt offering of the tribe of Judah. W[hen he]

23: (16) is ready to begin making offerings, the male goat shall be slaughtered in his presence as the first thing. He is to raise

23: (17): its blood to the altar in a *bowl*

Furthermore:

24: (1) [and they shall slaughter the second male goat]

24: (2) [and bring] its [blood to the altar in] a *bowl* [and he shall do with its blood as he did to the blood of the first

24: (3) male goat and atone for [the children of Is]rael<sup>19</sup>

In col. 23 and the opening of col. 24 the author sets out guidelines for the sin-offering of two male goats. The following lines detail how the burnt-offerings—the bull, ram, and lamb—are sacrificed. The author also provides instructions regarding the order in which the portions of the burnt-offerings are to be placed on the altar. This additional detail is not found in the Bible and has a parallel only in the *Aramaic Levi Document*, where Isaac instructs Levi concerning the sacrificial rites (8:2-4).<sup>20</sup>

This affinity between the *Temple Scroll* and the *Aramaic Levi Document* sheds light on the role the *Temple Scroll* assigns to the Festival of Wood. The chapter in *ALD* where Levi is taught how to offer burnt-offerings also contains instructions regarding the type of wood suitable for use on the altar and specifies the amounts of wood, grain-offering, and incense required for each animal. *Jubilees* 21, a reworking of the cultic halakot of *ALD*,<sup>21</sup> adds another directive: old wood, that is, wood that has been cut down long ago, should not be used on the altar. "Do not place (there) old wood, for its aroma has left — because there is no longer an aroma upon it as at first" (21:13). Accordingly, *Jubilees* held that there was an expiration date on the stored wood, after which the cut wood was considered old and was prohibited for cultic use.

Thus both *Jubilees* and the *Temple Scroll* reworked the cultic instructions found in *ALD*, *Jubilees* adding an injunction against use of old wood; the *Temple Scroll* mandating celebration of a Festival of Wood. Based on a presumed link between the two, I suggest that the Festival of Wood in the *Temple Scroll* marks the expiration date for the stored wood and the point from which it cannot be used on the altar. This date falls sometime in the sixth month, in the late summer, at which time fresh supplies of wood probably reached the Temple storehouses. In other words,

whereas *Jubilees* issues a general prohibition against using old wood, the *Temple Scroll* provides a cut-off date, the Festival of Wood, after which time use of the wood brought to the Temple a year earlier was proscribed. Such an understanding transforms the Festival of Wood in the Temple Scroll into a worthy link in the chain of first-fruit festivals that precede it, the Festivals of First-Fruits of Wheat, Wine, and Oil. On each of these festivals use of the new crop was initiated and from that point onward, only new produce was permissible for use in the Temple.<sup>22</sup> No statement attributing this significance to the Festival of Wood is found in the lines preserved; however, it may have appeared in the unpreserved first lines of col. 25, which continue the treatment of the Festival of Wood.

Comparison of the passages treating the Festival of Wood in the *Temple Scroll* and in 4Q365 elicits differences. In 4Q365 the festival marks the date in the late summer when the annual supply of wood was brought to the Temple, evidently without any accompanying Temple ceremony. In contrast, the material preserved in the *Temple Scroll* delineates a Temple ceremony, with the wood brought by the representatives of the tribes used on the festival itself to burn the fat from the male goats offered as sin-offerings and the flesh of the burnt-offerings, and includes no instructions regarding a yearly supply of wood for the Temple.<sup>23</sup> Nonetheless, there are some similarities between the two texts. If my premise regarding the content of the first lines of col. 25 is correct, like 4Q365, the author of the *Temple Scroll* assumed that the priests and/or the leaders of the people brought freshly cut wood to the Temple during the summer. Thus both texts stress the requirement to renew the wood supply annually and evidently seek to avoid the burning of wood that has been stored for long periods.

A second shared feature is the fashioning of the festival. In both, representatives of the people, as opposed to Nehemiah's chance representation by families, come to the Temple. Both texts also present an organized, sequential festival, which begins after the Festival of Oil, as opposed to Nehemiah's עתים מזמנים, and portray the wood supply for the altar as an underpinning for the sacrifices, not as an independent sacrifice; namely, they accept Nehemiah's interpretation of קרבן העצים, rather than the other possible interpretation of the term. Moreover, both the *Temple Scroll* and 4Q365 share the view that the Festival of Wood is divinely ordained. From their perspective, Nehemiah and his generation were not instituting a new tradition, but were obligating themselves to fulfill a divine Sinaitic commandment. Both texts would have identified the expression לבער על מזבה ה' אלהינו ככתוב בתורה with which the verse in Nehemiah concludes as a Sinaitic directive: to bring the wood itself rather than to burn wood under the sacrifices.

This claim to Sinaitic authority is understandable against the background of the sect's polemic against its opponents. The Qumran community, whose worldview did not admit patriarchal custom, was unwilling to acknowledge that the yearly bringing of wood was a custom fixed in Nehemiah's day; therefore, at Qumran, the bringing of wood becomes a heavenly law. Folk customs were either to be opposed or attributed to divine Sinaitic law. In this respect Qumran literature provides a window to a phenomenon better known from the late First Temple period: the process whereby a folk custom is reshaped and transformed into biblical law. Evident in the Bible itself, such a process is exemplified in the acceptance and incorporation in the Holiness Code of folk traditions that the Priestly source ignored.<sup>24</sup> Qumran literature reluctantly adopts folk traditions, changing them to serve its halakic path, which

demands the use of particularly fresh wood, and makes this requirement part of the divine word.<sup>25</sup>

Lastly I turn to the matter of how the Qumran texts reveal the realia of the Second Temple period. I first address the question of the date of the festival. I understand the *Temple Scroll* as mirroring a reality in which wood was brought to the Temple on several festive occasions during the year. The fact that the scroll assigns six days to the festival appears to indicate that the writer was familiar with circumstances in which the festival fell on more than one date. That 4Q365 assigns six days to the festival may be attributed to its need to explain עתים מזמנים in the verse from Nehemiah. However, the *Temple Scroll*, which does not relate to this verse, also does not establish a one-day festival comparable to the other first-fruit festivals in the scroll. The number of sacrifices in the *Temple Scroll*—thirty-eight: two male goats for a sin-offering and thirty-six burnt offerings, three for each tribe—does not require that this festival be spread out over six days. Indeed, during the Festival of Wine, for example, forty-six sacrifices (twelve rams as burnt-offerings, the ten usual festival sacrifices, and twenty-four thanksgiving sacrifices) are offered on a single day.

At the same time, the *Temple Scroll* substantiates what arises from Rabban Simeon ben Gamliel's statement in *Megillat Ta'anit* (4:8) and Josephus' indirect testimony: namely, that the most important date for the bringing of wood was the fifteenth of Av. Cautiously, I suggest that the *Temple Scroll* is responding to the state of affairs described by Rabban Simeon ben Gamliel: לא היו ימים טובים לישראל כחמישה עשר באב וכיום הכיפורים שבהם בני ירושלים יוצאין בכלי לבן שאולים ובנות ירושלים יוצאות וחולות בכרמים. The *Temple Scroll* and Rabban Simeon ben Gamliel both stress the uniqueness of the wood festival and of the Day of Atonement as compared to other festivals. However, for Rabban Simeon ben Gamliel the common denominator is

great joy and the mass presence of people dressed in white at the Temple, whereas in the *Temple Scroll* the successive offering of sacrifices, the bringing of sin-offerings, and the sprinkling of blood from a bowl are the particular characteristics of these occasions. In brief, gravity and not levity.

Qumran also provides insight on the use to which the wood was put. As noted earlier, 4Q365 attempts to eliminate the interpretation that קרבן העצים denotes the burning of the wood as an independent sacrifice in order to magnify the fire on the altar. The reworking of the verses from Nehemiah in a fashion that unequivocally establishes the meaning of the root ק.ר.ב, and the purpose for which the wood was brought, implies a polemic with those claiming that the wood was brought not to provide an annual supply, but to embellish the fire on the altar. Such an inference suggests that the author of 4Q365 was perhaps familiar with a reality in which the donors placed a portion of the wood on the altar as an independent offering and his statements come to oppose this practice.

As I understand it, underlying the picture presented by Qumran literature is an environment in which families and individuals brought wood to the Temple at fixed dates over the year, the most important of which was the fifteenth of Av. It remains difficult to determine precisely to what use the wood was put; we cannot exclude the possibility that some of the wood was placed on the altar on that day to intensify and enhance the fire.

#### *The Wood Festival in Rabbinic Literature*

The expression זמן עצי כהניא found in *Megillat Ta'anit* also appears in *m. Ta'an.* 4:5: זמן עצי כהנים והעם בתשעה. This Mishnah lists nine dates over the course of the year, mainly during the summer months (one in Tammuz, five in Av, and one in Elul), in



which illustrious families, familiar from the genealogical lists in Ezra-Nehemiah and Chronicles, bring wood to the temple and are therefore released from eulogizing the dead and from fasting on those days. *M. Ta'anit* 4:5 reads as follows:<sup>26</sup>

זמן עצי כהנים והעם בתשעה. **באחד בניסן** – בני ארח בן יהודה; **בעשרים בתמוז** – בני דוד בן יהודה; **בחמישה באב** – בני פרעש בן יהודה; **בשבעה בו** – בני יונדב בן רכב; **בעשרה בו** – בני סנאה בן בנימין; **בחמשה עשר בו** – בני זתואל בן יהודה, ועמהם כהנים ולוים וכל מי שטעה שבטו ובני גונבי עלי ובני קוצעי קציעות; **בעשרים בו** – בני פחת מואב בן יהודה; **בעשרים באלול** – בני עדין בן יהודה; **באחד בטבת** שבו בני פרעש שנייה. באחד בטבת לא היה בו מעמד, שהיה בו הלל, וקרוב מוסף וקרוב עצים.

The time of the wood of the priests and people [comes on] nine [occasions in the year]: On the first of Nisan [is the time of] the family of Arah b. Judah [Ezra 2:5; Neh 7:10]; on the twentieth of Tammuz [is the time of] the family of David b. Judah; on the fifth of Ab [is the time of of] the family of Parosh b. Judah [Ezra 2:3; Neh 7:8]; on the seventh of that month [is the time of] the family of Yonadab b. Rekhav [Neh 3:14: Malchijah ben Rekhav]; on the tenth of that month [is the time of] the family of Senaah b. Benjamin [Ezra 2:35; Neh 7:38]; on the fifteenth of that month [is the time of] the family of Zattuel b. Judah [or Zattu; Ezra 2:8; Neh 7:13]; and with them [comes the offering of] priests, Levites, and whoever is in error as to his tribe, and Gonbe Eli, the pestle smugglers, and fig pressers. On the twentieth of that same month [is the time of] the family of Pahat Moab b. Judah [Ezra 2:6; Neh 8:11]; on the twentieth of Elul [is the offering of] the

family of Adin b. Judah. On the first of Tebet the family of Parosh returned a second time. On the first of Tebet there was no *ma'amad*, for there was *Hallel* on that day, as well as an additional offering and a wood offering.<sup>27</sup>

The status quo described by the Mishnah reflects the obligation attested in Nehemiah, to bring wood "into the house of our God, [according] to our fathers' houses, at times appointed, year by year." It also is in agreement with the Second Temple literary testimony that attributes prominence to the fifteenth of Av, as seen from the fact that on that date, as opposed to the other eight occasions, additional groups join the family whose assigned day it was.<sup>28</sup>

Yet, the Tosefta (*Ta'anit* 3:5) takes a different tack, one that denies the clear Mishnaic testimony:

מה ראו זמן עצי כהנים והעם לימנות, שכשעלו בני הגולה לא מצאו עצים בלשכה עמדו אילו והתנדבו עצים משל עצמן ומסרום לציבור, וכך התנו עמהן נביאים שאפי' לשכה מלאה עצים, ואפי' עצים משל ציבור יהוא אלו מתנדבין עצים בזמן הזה, וכל שעה שירצו, שנ' "והגרלות הפלנו על קרבן העצים הכהנים הלויים והעם להביא לבית אלהינו לבית אבותינו לעתים מזמנים" וגו' ואו' "כי עזרא הכין לבבו לקרוש את תורת ה' ולעשות וללמד בְּיִשְׂרָאֵל חֶק וּמִשְׁפָּט" (ז 10).

Why did they set aside [special times for] the wood of priests and the people? For when the exiles came up, they found no wood in the wood-chamber. These in particular went and contributed wood of their own, handing it over to the public. On that account prophets stipulated with them, that even if the wood-chamber is loaded with wood, even if

wood should be contributed by the public, these should have the privilege of contributing wood at this time, and at any occasion on which they wanted, as it is said, *We have likewise cast lots, the priests, the Levites, and the people, for the wood-offering, to bring it into the house of our God, [according] to our fathers' houses, at times appointed, year by year...* (Neh. 10:34). And it says, *For Ezra had set his heart to study the law of the Lord and to do it, and to teach his statutes and ordinances in Israel* (Ez. 7:10).<sup>29</sup>

This Tosefta relates to our Mishnah<sup>30</sup> by questioning the decision to set fixed times for bringing wood and to release the donor families from eulogizing and fasting on those days (in Lieberman's words: "Every person who brings a wood-offering [as a personal sacrifice] it is a festive day for him").<sup>31</sup> In its answer, the Tosefta points to the prophets Ezra and Nehemiah as the source for the Mishnaic halakah. It indicates that the families appointed in the Mishnah acquired the privilege of bringing wood on fixed dates and were thereby released on those days from eulogizing and fasting because of a noble deed performed during the Shivat Zion period (in the Tosefta's words: שכשעלו בני הגולה). There being no wood in the Temple storehouse, the families in question "went and contributed wood of their own, handing it over to the community." On that account, prophets, i.e., Ezra and Nehemiah, stipulated that the members of these families "should have the privilege of contributing wood at this time, and at any occasion on which they wanted," even if there was no need for wood at that time, and even if the "wood should be contributed by the public."

A comparison with Nehemiah is instructive for arriving at an understanding of the Tosefta. As opposed to the Tosefta, Nehemiah recounts nothing of the generosity

of the clans prior to the acceptance of the obligation; nor is the obligation presented as a privilege granted to specific clans because of their beneficence. Moreover, in describing what took place in Ezra and Nehemiah's day according to the reality depicted in the Mishnah, the story in the Tosefta is somewhat anachronistic: if in Nehemiah the entire public, according to clans, obligates itself to bring wood, according to the Tosefta this applies only to the families specifically listed in the Mishnah.<sup>32</sup>

Closer examination of the Tosefta shows that the explanation it offers for the Mishnah is the result of a contradiction it attempts to resolve. Alluded to in the course of the Tosefta, this contradiction lies in the picture evoked by the Mishnah, wherein individual families donate wood, which opposes the rabbinic principle that the public cult must be funded only from public moneys, namely, from the half-shekel.<sup>33</sup> It is the Tosefta's awareness of this contradiction that motivates its rewriting of history. The description of the families' actions: "These in particular went and contributed wood of their own, *handing it over to the community*" implies awareness on the part of the donor families in Nehemiah's day that the public cult had to be funded from public money. Consequently, the donation was not made directly to the Temple, but rather to the public, and it was the public that brought the wood to the Temple. The disparity between the present actions of the clans and the halakah that the rabbis sought to inculcate notwithstanding, the Tosefta states that the clans are permitted to continue their practice "even if the wood chamber was filled with wood donated by the public," because so "the prophets had stipulated with them."<sup>34</sup> This makes the anachronism in the Tosefta understandable. In facing the present, discomfiting situation wherein illustrious families bring wood, the Tosefta claims that

its roots lie in the ancient past, when the prophets released these families from the obligation to obey the rabbinic principle.

The Tosefta can be understood as further reducing the contradiction by making the agreement the prophets Ezra and Nehemiah made with the families applicable only to their generation. The manuscript editions of the Tosefta read as follows: יהוא אלו מתנדבין עצים בזמן הזה, וכל שעה שירצו. The question is how to understand הזה בזמן הזה. Does this expression allude to the prophets' day, in which case וכל שעה שירצו refers to future generations? Or, does בזמן הזה refer to the dates enumerated in the Mishnah, in which case וכל שעה שירצו refers to additional days during the year? Lieberman, who opts for the first explanation,<sup>35</sup> emends the text according to MS Erfurt: בכל שעה שירצו, בזמן הזה, and suggests that בזמן הזה means that the permission granted to these families to bring wood is restricted to the period of the prophets. Thus, the practice is sanctioned only for the prophets' day.

From a linguistic perspective the suggested emendation is not essential. Evidently, Lieberman proposed it because the following halakah (no. 6) can be interpreted (as he does) as evidence that for most of the Second Temple period the families in question did not bring wood to the Temple, and that the dates cited in the Mishnah simply reflect commemoration of ancestral practice:

אותן ימים אסורין בהספד ובתענית, בין משחרב הבית ועד שלא חרב הבית. ר' יוסה אומ' משחרב הבית מותרין, מפני שאבל הוא להם. אמ' ר' לעזר בי ר' צדוק אני הייתי מבני סנואה בן בנימן וחל תשעה באב להיות בשבת ודחינוהו לאחר שבת והיינו מתענין ולא משלימין (6).

Those days it is prohibited to conduct the rite of mourning or to have a fast, whether this is after the destruction of the Temple or before the destruction of the Temple. R. Yosé says, "After the destruction of the

Temple it is permitted [to lament or to fast], because it is an expression of mourning for them." Said R. Eleazar b. R. Šadoq, "I was among the descendants of Sana'ah of the tribe of Benjamin. One time the ninth of Av coincided with the day after the Sabbath, and we observed the fast but did not complete it. (3:6)

According to this Tosefta the destruction of the Temple has no relevance for the custom of bringing of wood. No wood was brought either before or after the Temple was destroyed. The Tosefta inserts R. Eleazar ben R. Šadoq's testimony to the effect that his family continued to celebrate the day of the wood offering even when it fell on the ninth of Av, that is, after the destruction. Rabbi Yosé, in a minority opinion, holds that wood was brought before the destruction; consequently, the families can eulogize or fast on those days after the destruction, because that constitutes an expression of mourning.<sup>36</sup>

The explanation proposed above for the phrase *אותן ימים אסורין בהספד ובתענית*, *בין משחרב הבית ועד שלא הרב הבית* is not the only one possible. Perhaps the Tosefta maintained that the clans continued to celebrate the days of the Wood Festival after the destruction, even though the act itself no longer took place. In that case, Rabbi Yosé, who opposes the leading opinion in the Tosefta, is arguing that it is not possible that these joyous days did not become days of mourning. However in halakah 5 the redactor of the Tosefta grapples with the contradiction between the requirement that public sacrifices receive public funding and the custom described in Nehemiah, and rewrites history in order to blur the incongruity. Accordingly we might suggest that halakah 6 was shaped by the redactor's desire to deny the existence of a custom created in the early Second Temple period. Consequently, *tanna qamma's* opinion is

that the custom of bringing wood was cancelled during the Second Temple period; the celebrations were simply commemorative and did not reflect a current practice.

I submit that the next two halakot in *t. Ta'anit* (3:7–8) also seek to obscure the lack of consistency between the ancient custom and the halakah barring individuals from making donations to the public sacrificial cult. Halakah 7 explains the names of some of the families mentioned in the Mishnah: גונבי.עלי וקוצעי קציעות:

מהו בני גונבי עלי ובני קוצעי קציעות? שבשעה שהושיבו מלכי יון פרדדיאות על הדרכי' שלא לעלות לירושלם כדרך שהושיב ירבעם בן נבט, כל מי שהוא כשר וירא חטא באותו הדור מה היה עושה, הוא מביא את הביכורים, ועושין כמין סלים ומחפן בקציעות, ונוטל את הסל ואת הבכורים ומחפן כמין קציעות<sup>37</sup> ומניחן בסלים ונוטל את הסל ואת העלי על כתיפו ועולה, כשהגיע לאותו משמר, אמרו לו לאן אתה הולך, אמ' להם לעשות שתי קציעות הללו, שני כפין של דבילה, במכתש הלז שבפניו, בעלי זה שעל כתפי, כיון שעבר מאותו משמר, מעטרן ומעלן לירושלם

What was the matter having to do with the Pestle-Smugglers and the Fig-Pressers? Now when the Greek kings set up border-guards on the roads, so that people could not go up to Jerusalem, just as Jeroboam the son of Nebat did,<sup>38</sup> then, whoever was a suitable person and sin-fearing of that generation — what did he do? He would take up his first fruits and make a kind of basket and cover them with a kind of dried figs, and he would put them in a basket and take the basket and a pestle on his shoulder and go up. Now when he would come to that guard, [the guard] would say to him, "Where are you going?" He said to him, "To make these two rings of dried figs into cakes of pressed figs in that press over there, with this pestle which is on my shoulder.

Once he got by that guard, he would prepare a wreath for them and bring them up to Jerusalem (3:7)

According to the Tosefta, the names of the groups mentioned in the Mishnah echo their brave deeds during a period of religious persecution. The Pestle-Smugglers and the Fig-Pressers risked their lives to bring first-fruits under the guise of preparing pressed figs with a pestle.

Halakah 8 of the Tosefta relates to another group not mentioned in the Mishnah: the sons of סלמי הנתוצתי, about whom it recounts a similar story. According to the Tosefta, the sons of Salmai the Netotzathites are the ones who concealed the wood-offering as a ladder, which they then dismantled and brought the wood to the Temple.

מהו אומר בני סלמאי הנתופתי (כתב יד ערפורט: הנתוצתי), שעה שהושיבו מלכי יון פרסדיאות על הדרכים שלא לעלות לירושלם, כדרך שהושיב ירבעם בן נבט, כל מי שהוא ירא חטא וכשר באותו הדור היה נוטל שני גזירי עצים ועושה אותן כמין סולם, ומניחן על כתיפו ועולה, כשהגיע לאותו משמר, אמרו לו לאן אתה הולך, ליטול שני גוזלות משובך הלז שבפני, בסולם זה שעל כתפי, כיון שעבר מאותו משמר, מפרקן ומעלן לירושלם.

What is the matter having to do with the sons of Salmai the Netotzathites?

Now when the Greek kings set up guards on the roads so that the people should not go up to Jerusalem, just as Jeroboam the son of Nebat did, then whoever was a suitable and sin-fearing person of that generation would take two pieces of wood and make them into a kind of ladder and put it on his shoulder and go up. And when he came to that guard, [the guard] said to him,



"Where are you going?" "To fetch two pigeons from that dovecot over there, with this ladder on my shoulder." Once he got by that guard, he would dismantle [the pieces of wood of the ladder] and bring them up to Jerusalem. (3:8)

There is a discrepancy between the stories in the Tosefta and in the Mishnah. The Tosefta relates to martyrdom in the context not only of the wood-offering (halakah 8) but also of first-fruits (halakah 7). Moreover, the names that appear in the Mishnah—גונבי עלי and קוצעי קציעות—are in the Tosefta, but there they are associated with the first-fruits, not the wood-offering, and a different group, בני סלמי הנתוצתי, is linked to the wood-offering. Perhaps the Tosefta chose to portray the Pestle-Smugglers and Fig-Pressers as bringing first-fruits because it thought it impossible for them to be bringers of wood. If Pestle-Smugglers and Fig-Pressers were a general cognomen for bringers of wood, then, according to the Tosefta, it would be unnecessary for the Mishnah to mention the subgroups of the family of Zattuel, the "priests, Levites, and whoever is in error as to his tribe." Accordingly, the Tosefta explains their names in the context of first-fruits, a context readily understandable given the ancient affinity between first-fruits and the wood-offering as illustrated by the ancient halakah cited earlier: להן כל אינש די יהוי עלוי אעין ובכורין.

The groups mentioned in the Mishnah become in the Tosefta bringers of first-fruits who endangered themselves under Greek rule. According to the Tosefta, these groups have no past or present connection to the bringing of wood; these are circles that celebrate the bringing of first-fruits in dangerous times. The ascription of this interpretation to the Pestle-Smugglers and Fig-Pressers has implications for the "priests, Levites, and whoever is in error as to his tribe," mentioned earlier in the

Mishnah. They too are transformed from joyous bringers of wood into groups commemorating unusual deeds in the past. More importantly, the Tosefta chooses to add another name which appears to denote a family, but actually refers to individuals who risked their lives to serve the public by bringing wood to the Temple and therefore, for them, the fifteenth of Av was a day of rejoicing.

The story found in halakot 7–8 of the Tosefta creates a new common denominator between the groups mentioned in the Mishnah, but in so doing departs from the Mishnah's original meaning. According to the plain sense of the Mishnah, all the groups enumerated bring wood to the Temple. According to the Tosefta, all the groups in the Mishnah engaged in commendable, reward-worthy acts, as summarized by the ending of halakah 8 in the Tosefta: "Now because they were prepared to give up their lives for the Torah and for the commandments, therefore they found for themselves a good name and a good memorial forever. And concerning them Scripture says, *The memory of a righteous person is for a blessing* [Prov. 10:17]. But concerning Jeroboam son of Nebat and his allies, Scripture says, *But the name of the wicked will rot* [Prov. 10:17]." However, according to the Tosefta there are two subgroups. Most of the names mentioned in the Mishnah belong to families from the period of Shivat Zion who donated wood. The remaining groups are public servants from the period of Greek persecution who risked their lives to fulfill the task of bringing first-fruits and wood to the Temple.

The discourse of halakot 7 and 8 of the Tosefta shifts the event from the bringing of wood by illustrious families in the present to the bringing of first-fruits and of wood by representatives of the public in the past. This blurs the distinction between custom and halakah, thereby establishing that there was no divergence from halakah in either the past or the present. By juxtaposing halakot 7 and 8 to halakot 5

and 6 the Tosefta heightens the uncertainty as to whether the families mentioned in the Mishnah brought wood during the Temple period or whether, they—like the Pestle-Smugglers and the Fig-Pressers and the sons of Salmai the Netotzathites—simply celebrated their past deeds. The reality reflected by the Mishnah dissipates in light of its interpretation by the Tosefta.

Yet, in one place, the Tosefta assumes that wood was brought to the Temple:

זמן עצי הכוהנים והעם בתשעה<sup>39</sup> וטעונין לינה. והיו מתעסקין בהן<sup>40</sup> כדרך שמתעסקין בביכורין .

"[The appointed times [for bringing the] wood-offering of the priests and the people are on nine, and [those who bring the wood-offering are] required to spend the night [in Jerusalem]. They [the inhabitants of Jerusalem] would treat them [those that brought the wood-offering] in the same manner as they treat [those who brought] the first fruits. (*t. Bikk. 2:9*)

This Tosefta is meaningless if the families came empty-handed. If no wood was brought and placed on the altar, there would be no need for the donors to stay overnight in Jerusalem after bringing the offering.<sup>41</sup> There are other allusions in rabbinic literature to the bringing of the wood to the Temple: the halakah that on the days of the wood-offering there were no *ma'amadot* (*m. Ta'an. 4:4*; *t. Ta'an. 3:4*) indicates the existence of some sort of Temple ritual associated with the wood-offering. Thus, *t. Ta'an. 3:5–8* denies a reality to which 3:4 attests in close proximity. Since the Tosefta's interpretation of the Mishnah was shown to be biased and the product of a halakic difficulty created by individuals bringing public offerings, it can be dismissed as unreliable.

Accordingly, the evidence from *m. Ta'anit* cited in the opening of the current section appears to reliably document the state of affairs during the Second Temple period in which prominent families, each family on its appointed date, brought wood-offerings to the Temple until the destruction of the temple. The central occasion was the fifteenth of Av, at which time the family to whom this day belonged—the sons of Zattu ben Judah—was accompanied by additional groups. Although intended for the Temple storehouse, perhaps a portion of the wood was festively burned on the altar on that day. The obligation set in place by Nehemiah was accepted and maintained by the people, even though the huge sums collected through the donation of the half-shekel made that obligation superfluous in the late Second Temple period.

In conclusion, I submit that we must recognize that the people of the Second Temple period obeyed neither the Qumran priests nor the Pharisees and rabbinic halakah. A critical reading of rabbinic literature and careful consideration of Qumran literature indicates the complexity of the reality of the age and the convoluted nature of the halakic response to that complexity. Because of its content and origin, the custom of bringing wood to the Temple, an ancient folk custom practiced during the Second Temple period, was looked on with disfavor by the halakic decisors, both contemporary and later. Denying its folk origins and making it a Sinaitic injunction, the Qumranites accepted its existence but reshaped it to fit their cultic requirements. Rabbinic literature denied the implementation of the custom and simultaneously portrayed it as a prophetic stipulation.

## Appendix

## A. The Tosefta and the Yerushalmi

ירושלמי תענית סח ע"ב (עמ' 730)	תוספתא תעניות (ליברמן, עמ' 338-340):
<p>1. מה ראה זמן עצי כהנים והעם להימנות. אלא שבשעה שעלו יש' מן הגולה לא מצאו עצים בלישכה. ועמדו אילו ונתנדבו עצים משל עצמן ומסרום לציבור, וכך התנו עמהן נביאים שאפי' לשכה מלאה עצים, ואפי' עצים משל ציבור, יהוא אלו מתנדבין עצים בזמן הזה וכל שעה שירצו, שנ' "והגורלות הפלנו על קרבן העצים הכהנים והלויים והעם להביא אל בית ה' אלהינו לבית אבותינו לעתים מזומנים וגו' ואו' "כי עזרא הכין לבבו" וגו' (ג 5)</p>	<p>1. מה ראו זמן עצי כהנים והעם לימנות, שכשעלו בני הגולה לא מצאו עצים בלישכה עמדו אילו והתנדבו עצים משל עצמן ומסרום לציבור, וכך התנו עמהן נביאים שאפי' לשכה מלאה עצים, ואפי' עצים משל ציבור, יהוא אלו מתנדבין עצים בזמן הזה וכל שעה שירצו, שנ' "והגורלות הפלנו על קרבן העצים הכהנים והלויים והעם להביא אל בית ה' אלהינו לבית אבותינו לעתים מזומנים וגו' ואו' "כי עזרא הכין לבבו" וגו' (ג 5)</p>
<p>3. אמ' ר' אחא דר' יוסה היא. דר' יוסי אמ' אף הרוצה מתנדב שומר חנם. ר' יוסי בשם ר' אילא דברי הכל היא מה פליגין בגופו של קרבן. אבל במכשירי קרבן כל עמא מודיי שהוא משתנה [מן] קרבן יחיד (מ)[ל]קרבן ציבור.</p>	
<p>3. מתנית' פליג' על ר' יוסי. אותן הימים נוהגין בהן בשעת קרבן ושלא בשעת קרבן. ר' יוסה או'. אינן נוהגין אלא בשעת קרבן. ועוד מן הדא דתני. אמ' ר' לעזר ביר' יוסי אנו היינו מבני סנאה בן בנימן. וחל תשעה באב להיות בשבת. ודחינו אותו למוצאי שבת. והיו מתעניין ולא משלימין.</p>	<p>3. אותן ימים אסורין בהספד ובתענית, בין משחרב הבית ובין עד שלא חרב הבית, ר' יוסה אומ' משחרב הבית מותרין, מפני שאבל הוא להם. אמ' ר' לעזר בי ר' צדוק אני הייתי מבני סנאה בן בנימן וחל תשעה באב להיות בשבת ודחינוהו לאחר שבת והיינו מתעניין ולא משלימין (ג 6)</p>
<p>4. מהו בני גונבי עלי ובני קוצעי קציעות. אלא</p>	<p>4. מהו בני גונבי עלי ובני קוצעי קציעות, שבשעה</p>

<p>בשעה שהושיב ירבעם בן נבט פרסדאות על הדרכים לא היו מניחין את ישראל לעלות לירושלם. כל מי שהיה כשר וירא חט באותו הדור היה מביא את בכוריו ונותנן לתוך הסל ומחפה אותן קציעות ונוטל את העלי ונותנן את הסל על כתיפו ונוטל את העלי בידו. וכיון שהיה מגיע באותו המשמר היו אומ' לו. לאיכן אתה הולך. והוא או' לו. איני הולך אלא לעשות מעט קציעות הללו כפות אחד שלדבילה בעלי הזה שבידי. וכיון שהיה עובר את אותו המשמר היה מעטרן ומעלה אותן לירושלם.</p>	<p>שהושיבו מלכי יון פרדדיאות על הדרכי' שלא לעלות לירושלם כדרך שהושיב ירבעם בן נבט, כל מי שהוא כשר וירא חטא באותו הדור מה היה עושה, הוא מביא את הביכורים, ועושין כמין סלים ומחפן בקציעות, ונוטל את הסל ואת הבכורים ומחפן כמין קציעות<sup>42</sup> ומניחן בסלים ונוטל את הסל ואת העלי על כתיפו ועולה, כשהגיע לאותו משמר, אמרו לו לאן אתה הולך, אמ' להם לעשות שתי קציעות הללו, שני כפין של דבילה, במכתש הלז שבפניו, בעלי זה שעל כתפי, כיון שעבר מאותו משמר, מעטרן ומעלן לירושלם (ג 7)</p>
<p>5. מהו או' בני סלמאי הנתוצתי. אלא כל מי שהיה מתנדב עצים וגזירים למערכה היה מביא עצים ועושה אותן כמין שלבין ועושה אותן כמין סולם ונותנן על כתיפיו. וכיון שהיה מגיע לאותו המשמר היה או' לו. לאיכן אתה הולך. והוא או' לו. איני הולך אלא להביא שני גוזלות הללו מן השובך זה שלפניי בסולם הזה שעל כתיפיי. וכיון שהיה עובר את אותו המשמר היה מפרקן ומעלה אותן לירושלם. על ידי שנתנו את נפשם למצות זכו לקנות שם טוב בעולם. ועליהם הוא או' "זיכר צדיק לברכה".</p>	<p>5. מהו אומר בני סלמאי הנתוצתי, שעה הושיבו מלכי יון פרסדדיאות על הדרכים שלא לעלות לירושלם, כדרך שהושיב ירבעם בן נבט, כל מי שהוא ירא חטא וכשר באותו הדור היה נוטל שני גזירי עצים ועושה אותן כמין סולם, ומניחן על כתיפו ועולה, כשהגיע לאותו משמר, אמרו לו לאן אתה הולך, ליטול שני גוזלות משובך הלז שבפני, בסולם זה שעל כתפי, כיון שעבר מאותו משמר, מפרקן ומעלן לירושלם. לפי שמסרו עצמן על התורה ועל המצות, לפיכך נמצא להם שם טוב וזכר טוב בעולם ועליהם הוא אומר "זכר צדיק לברכה" ועל ירבעם בן נבט וחביריו הוא אומר "ושם רשעים ירקב" (משלי י 17) (ג 8)</p>

Above, I considered the message that emerges from the Tosefta. The passage in the Yerushalmi, which has close affinities to the Tosefta, takes a much more decisive tone. The redactor's thrust was evidently to establish the majority opinion as holding that the custom of bringing wood during the Temple period was restricted to Nehemiah's day.

The opening of the Talmudic *sugya* is straightforward: the prophetic agreement with the families stipulates that even if the storehouse is well stocked with wood, the wood that they bring is offered first. The stipulation has no temporal reference; the expression *בזמן הזה וכל שעה שירצו* is missing from the Yerushalmi. It appears then that this is a permanent stipulation. Yet, in the continuation, the redactor states that the Mishnah, as interpreted by the Yerushalmi, represents a minority opinion, that of Rabbi Yosé, who, according to *m. Šeqal. 4:1* does not insist on a clear distinction between private and public funding for the public sacrificial cult (in the language of the Yerushalmi: *אף הרוצה מתנדב שומר חנם*). In *m. Šeqalim R.* Yosé teaches that it is permissible for someone to volunteer to guard a field during the sabbatical year from which produce will be taken for the public sacrifices, even though this act makes him the owner of the crop. Just as in *m. Šeqalim* Rabbi Yosé does not insist on the boundary between public and private, so, according to the redactor, here too. In the redactor's view, as opposed to R. Yosé, most of the rabbis thought that the families were not allowed to bring wood.

The suggestion put forth by Rabbi Yosé b. Rabbi Ila, that the Mishnah reflects the majority opinion that holds it permissible for individuals to donate sacrifice-related things, is rejected on the basis of a quotation from a tannaitic source close to the Tosefta, in which R. Yosé disagrees with *tanna qamma*: *אותן הימים נוהגין בהן בשעת*. This tannaitic source, whose

meaning I have questioned, receives an unequivocal meaning in the Yerushalmi as rejecting Rabbi Yosé's suggestion. The disagreement revolves about whether or not wood was brought during the temple period. *Tanna qamma* holds that the dates of the wood offering are still celebrated after the destruction of the temple (אותן הימים נוהגין (בהן בשעת קרבן ושלא בשעת קרבן), namely, that even before the destruction wood was not brought to the Temple. Rabbi Yosé holds that these dates are not celebrated after the destruction, namely, he maintains that wood was offered before the destruction and that the destruction of the Temple ended the custom and its celebration. The redactor prefaces Rabbi Eleazar b. Rabbi Yosé's attestation to the continued keeping of the festival even after the destruction with the words ויעוד מן הדא דתני, namely, that this comes to support *tanna qamma*'s view.

Another difference between the Tosefta and the Yerushalmi lies in placement of the historical events. In the Yerushalmi, the story of the persecution is set in the time of Jeroboam ben Nebat. The features that identify the prophets as belonging to the Second Temple period disappear and the Yerushalmi cites no prooftexts. Nor does it identify the group that came from exile as בני הגולה, a designation applicable only to the public during Second Temple period. Thus, the tradition of the wood-offering in all its variants belongs to the very distant past.

According to the Yerushalmi, the majority opinion is that the wood-offering was not brought during the Second Temple period. Perhaps that is why an alternative tradition, assigning the importance of the fifteenth of Av not to the bringing of wood by individuals but to another reason, developed during the amoraic generation. The Yerushalmi goes far a field and submits that the wood cut on that date was of special quality: ר' יעקב בר אחא בשם ר' יסא: שבו (היינו, טו באב) זמן קיצה יפה לעצים, שכל עצים שהם



נקצצין בו אינן עושין מאכולות כהיא דתנינן תמן כל עץ שנמצא בו תולעת פסול מעל גבי המזבח [מידות ב  
 5] (ירושלמי תענית, סט ע"ג, עמ' 738).

According to the Babli, the fifteenth of Av is the cut-off date for the cutting of trees: רבה ורב יוסף דאמרי תרוויהו, יום שפסקו מלכרות עצים למערכת דתניא ר' אליעזר הגדול אומר מטו באב ואילך תשש כוחה של חמה ולא היו כורתין עצים למערכה לפי שאינן יבשין. אמר רב מנשיא וקרו ליה תבר מגל" (בבלי תענית ל:).

### B. The Scholium to *Megillat Ta'anit*

Comparison of the two versions of the scholium to the Tosefta and to the Yerushalmi indicates the secondary nature of the scholium. Initially I compare MS Oxford of the scholium to the Tosefta and the Yerushalmi.<sup>43</sup>

תוספתא	ירושלמי	סכוליון (מהדורת אוקספורד)
מה ראו זמן עצי כהנים והעם לימנות,	מה ראה זמן עצי כהנים והעם להימנות.	וזהו ששינו: זמן עצי הכהנים. וזהו שאו': בחמישה עשר בו בני זתוא בן יהודה ועמהם שני הכהנים ולוים וגרים ונתינים ועבדים משוחררים וכל מי שטעה בשבטו ובני גונבי עלי ובני קוצעי קציעות.
(א) שכשעלו בני הגולה לא מצאו עצים בלשכה עמדו אילו והתנדבו עצים משל עצמן ומסרום לציבור, וכך התנו עמהן נביאים שאפי' לשכה מלאה עצים, ואפי' עצים משל ציבור יהוא אלו מתנדבין עצים בזמן הזה, וכל שעה שירצו,	(א) אלא שבשעה שעלו יש' מן הגולה ולא מצאו עצים בלישכה ועמדו אילו ונתנדבו עצים משלעצמן ומסרום לציבור וקרבו מהן קרבנות ציבור. והתנו עמהן הנביאים שביניהן שאפילו לשכה מליאה	(ב-ג) מה הם גונבי עלי? גונבים העלי (ב) והביכורים (ב). בימי ירבעם בן נבט, שהושיב משמרות שלא יעלו ישראל לרגל, והם היו מעטרין סליהם בתאנים (ב) ועלי עץ (ג) על כתפיהם. מצאו משמרות ואמרו להם: לאן אתם

<p>הולכין? אמרו להם למקום פלוני לעשות צמוקין במכתשת שלפנינו ובעלי שעל כתפינו. הגיעו לירושלים, הורידום והניחום לפני המזבח, הסלים לביכורים והגוזלות (ג) לקיץ המזבח...</p>	<p>עצים [שיהיו מביאין מעצמן] ועמדו אילו ונתנדבו עצים משלעצמן שלא יהא קרבן מתקרב אלא משלהן תחילה</p>	<p>שנ' "והגרלות הפלנו על... קרבן העצים הכהנים הלויים והעם להביא לבית אלהינו לבית אבתינו לעתים מזמנים" וגו' ואו' "כי עזרא הכין לבבו" וגו' אותן ימים אסורין בהספד ובתענית, בין משחרב הבית ועד שלא חרב הבית. (ג 5-a)</p>
<p>(א) בני זתוא בן יהודה למה נכתבו? כשעלו בני הגולה לא היה להם עצים בלשכה. התנדבו בני זתוא עצים ומסרום לציבור. התקינו שאע"פ שהלשכה מלאה עצים, יתנדבו עצים למערכה כל זמן שירצו</p>	<p>(ב) מהו בני גונבי עלי ובני קוצעי קציעות אלא בשעה שהושיב ירבעם בן נבט פרסדאות על הדרכים לא היו מניחין את ישראל לעלות לירושלם. כל מי שהיה כשר וירא חט באותו הדור היה מביא את בכוריו ונותנן לתוך הסל ומחפה אותן קציעות ונוטל את העלי ונותנן את הסל על כתיפו ונוטל את העלי בידו. וכיון שהיה מגיע באותו המשמר היו אומ' לו לאיכן אתה הולך. והוא או' לו איני הולך אלא לעשות מעט קציעות הללו כפות אחד שלדבילה בעלי הזה שבידי. וכיון שהיה עובר את אותו</p>	<p>(6) (ב) מהו בני גונבי עלי ובני קוצעי קציעות שבשעה שהושיבו מלכי יון פרדדיאות על הדרכים שלא לעלות לירושלם כדרך שהושיב ירבעם בן נבט, כל מי שהוא כשר וירא חטא באותו הדור מה היה עושה, הוא מביא את הביכורים, ועושין כמין סלים ומחפן בקציעות ונוטל את הסל ואת הבכורים ומחפן כמין קציעות ומניחן בסלים ונוטל את הסל ואת העלי על כתיפו ועולה, הגיע לאותו משמר, אמרו לו לאן אתה הולך, אמ' להם לעשות שתי קציעות הללו, שתי כפין של דבילה, במכתש הלז שבפניו בעלי זה שעל כתפי, כיון שעבר מאותו משמר, מעטרן ומעלן</p>

	<p>המשמר היה מעטרן ומעלה אותן לירושלם. (ג) מהו בני סלמי הנתיצתי</p> <p>אלא כל מי שהיה מנדב עצים וגזירים למערכה היה מביא עצים ועושה אותן כמין שלבין ועושה אותן כמין סולם ונותנן על כתיפיו. וכיון שהיה מגיע לאותו המשמר היה או' לו. לאיכן אתה הולך. והוא או' לו איני הולך אלא להביא שני גוזלות הללו מן השוכך זה שלפניי בסולם הזה שעל כתיפיי. וכיון שהיה עובר את אותו המשמר היה מפרקן ומעלה אותן לירושלם. על ידי שנתנו את נפשם למצות זכו לקנות שם טוב בעולם. ועליהם הוא או' "זיכר צדיק לברכה".</p>	<p>לירושלם (ג 7)</p> <p>(ג) מהו אומר בני סלמאי הנתיצתי, שעה הושיבו מלכי יון פרסדיאות על הדרכים שלא לעלות לירושלם, כדרך שהושיב ירבעם בן נבט, כל מי שהוא ירא חטא וכשר באותו הדור היה נוטל שני גזירי עצים ועושה אותן כמין סולם, ומניחן על כתיפו ועולה, כשהגיע לאותו משמר, אמרו לו לאן אתה הולך, ליטול שני גוזלות משוכך הלז שבפני, בסולם זה שעל כתיפי, כיון שעבר מאותו משמר, מפרקן ומעלן לירושלם. לפי שמסרו עצמן על התורה ועל המצות, לפיכך נמצא להם שם טוב וזכר טוב בעולם ועליהם הוא אומר "זכר צדיק לברכה" ועל ירבעם בן נבט וחביריו הוא אומר "ושם רשעים ירקב" (משלי י 17) (ג 8)</p>
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As the table shows, MS Oxford of the scholium opens by citing the Mishnah and then focuses on the fifteenth of Av. It first explains בני סלמאי and גונבי עלי וקוצעי קציעות, using a mixture of motifs taken from the two stories of risk taking in the Yerushalmi and in the Tosefta: the first-fruits, the figs, and the pestle (the story of the prohibition against bringing first-fruits) are integrated with the branches and the dovecot (the prohibition against bringing wood). Combining the Mishnaic notation that the sons of Zattu ben Judah brought wood on the fifteenth of Av with the Toseftan story regarding the generosity of בני הגולה when they returned to Palestine, it subsequently reworks the explanation for bringing wood. Again, the text does not speak of the priests and the people; the sons of Zattu are the ones who donated the wood to the public. MS Oxford is then an attempt to mediate between the testimony of *Megillat Ta'anit* and the testimony of the Mishnah with the help of the Tosefta.

MS Parma differs greatly from MS Oxford. Parma knows a version of *m. Ta'an. 4:5*, which lists the nine dates, in which the date Tisha b'Av appears: זמן עצי כהנים והעם בתשעה באב.<sup>44</sup> The thrust of this version of the scholium is to explain how the testimony of the Mishnah fits with the testimony of *Megillat Ta'anit* that points to the fifteenth of Av as the day of the wood-offering: מפני כשעלתה גולה בראשונה התקינו להם את יום תשעה באב שיהו מביאין בו קרבן עצים. אמרו חכמים כשיעלו למחר הגליות יהו אף הם צריכין התקינו להם את יום חמשה עשר באב שיהו מביאין בו קרבן עצים. This version augments the above-cited halakah, which releases those bringing first-fruits or wood from the obligation to eulogize the dead: וכל המתנדב קרבן למקדש אפי' עצים פטור מן ההספד באותו יום. לכך הוא אומ': ואנש דילהוין עלוהי אעין או ביכורין.

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<sup>1</sup> This topic has been treated by distinguished scholars. See J. N. Epstein, "Zeman 'Azei ha-Kohanim," in *Studies in Talmudic Literature and Semitic Languages* (trans. Z. Epstein; ed. E. Z. Melamed; Jerusalem: Magnes, 1983), 1–5 (Hebrew); Ch. Albeck, *Shisha Sidrei Mishnah: Seder Mo'ed* (Jerusalem and Tel-Aviv: Bialik Institute and Dvir, 1952), 497; S. Lieberman, *Tosefta ki-fshutah* (New York: Jewish Theological Seminary, 1993), 2:848–50, 5:1111–15; S. Safrai, *Pilgrimage at the Time of the Second Temple* (Jerusalem: Akademon, 1985), 220–24 (Hebrew).

<sup>2</sup> Slightly revised. Unless otherwise noted, all English citations of the Bible are taken from the 1917 JPS edition.

<sup>3</sup> This is how it is explained in the LXX and the Vulgate. See Epstein, "Zeman," 1 n. 1. (There is a mistake in Epstein's citation.)

<sup>4</sup> *Y. Pesah*. 30c (p. 516 in *Talmud Yerushalmi* [Jerusalem: The Academy of the Hebrew Language, 2001]; all parenthetical page numbers in future references to the *Yerushalmi* are to this edition; *y. Meg*. 70c (p. 743); *y. Hag*. 78a (p. 789) according to a Genizah fragment cited in V. Noam, *Megillat Ta'anit: Versions, Interpretation, History, With a Critical Edition* (Between Bible and Mishnah: the David and Jemima Jeselsohn Library; Jerusalem: Yad Ben Zvi, 2003), 378 (Hebrew). I consulted Neusner's translation: J. Neusner, *The Talmud of the Land of Israel: A Preliminary Translation and Explanation*, vol. 13, *Yerushalmi Pesahim* (trans. by Baruch M.

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Bokser, completed and ed. by Lawrence H. Schiffman; Chicago: University of Chicago Press, 1994), 148.

<sup>5</sup> This correspondence is surprising as first-fruits are a pentateuchal obligation, whereas the bringing of wood by individuals is voluntary. Perhaps for this reason the Hebrew version of the halakah, which is certainly later, relates only to wood (האומר (הרי עלי עצים למזבח וגזירין למערכה).

<sup>6</sup> Epstein, "Zeman," 4.

<sup>7</sup> My thanks to Vered Noam for allowing me to cite her forthcoming translation of *Megillat Ta'anit* (CRINT).

<sup>8</sup> P. Mandel, "'There Were No Happier Days for Israel than the Fifteenth of Av and the Day of Atonement:’ On the Final Mishna of Tractate Ta'anit and Its Transmission," *Te'uda* 11 (1996): 168 (Hebrew).

<sup>9</sup> Rabban Simeon ben Gamliel's main message was: "These two festivals were thus intimately connected with the Temple in Jerusalem and expressed the love and admiration of the masses for the Temple service" (ibid., and xviii).

<sup>10</sup> E. Tov and S. White, "4QReworked Pentateuch," in *Qumran Cave 4.VIII. Parabiblical Texts, Part 1* (ed. H. Attridge et al.; DJD 13; Oxford: Clarendon, 1994), 291. 4Q365 is one of the witnesses to the text of a work entitled Reworked Pentateuch by the editors. This work contains various biblical pericopes, generally organized according to biblical order, interlaced with short interpolations either to harmonize the passage with other pentateuchal verses or to fill lacunae in the biblical text. The passage cited here, which follows the command to celebrate Sukkot, based mostly on Lev. 23, is unusual. As opposed to the other additions, it is independent and also longer. For that reason the editors debated whether it should be ascribed to a

different manuscript, 4Q365a, which is close in nature to the *Temple Scroll*. See the discussion, *ibid.*, 293–95, and n. 13 below.

<sup>11</sup> The editors propose the following reconstruction: לערוך אותם על מזבח העולה [ו]את ׀  
 ׀העגל[י]. Examination of the photographs of the text shows that the reading suggested here is preferable. The first letter is clear, but the remnant of the preceding letter does not fit *aleph*, but rather appears to be the top stroke of the left side of a *het*. I therefore propose reading ת[ת]ה and not את[ו]. In the following word the initial letter *he* has been well preserved. The following two letters are barely visible; the surviving three dots indicate that these letters touched the top of the line. This is followed by the top stroke of the letter *lamed*. These three dots perhaps represent the two ends of the letter *'ayin* and the top stroke of a *vav*, suggesting a possible reading of והעולות, which also fits the context: the wood is arranged on the altar under the sacrifices. The editors did not suggest a reconstruction for the lacuna that follows; I suggest ]לבער ׀  
 ׀[איש, which refers to wood.

<sup>12</sup> Translated by author.

<sup>13</sup> This suffices to determine that these lines could not belong to 4Q365a. 4Q365a is a copy of the *Temple Scroll* or a work belonging to the same genre. In this genre the entire composition is simultaneously given to Moses - and there is no need for a separate opening noting that the commandment was given to Moses.

<sup>14</sup> Fox translation (E. Fox, *The Five Books of Moses* [New York: Schocken Books 1997]); my emphases.

<sup>15</sup> Ostensibly, it could be argued that 4Q365's author sought to transform the wood from a present donated by families (בית אבותינו) into a present given by the people, i.e., the twelve tribes. Such an understanding would solve the halakic contradiction—in

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rabbinic but not in sectarian law—between donations by individuals and the requirement that all public cultic activity be funded from public money (the half-shekel), which is the underlying premise of *m. Šeqalim*. The determination that the wood can be used for Temple upkeep weakens the hypothesis that the author was wrestling with a problem known to us from rabbinic material. Even the rabbis, who demanded that public sacrifice be funded by public moneys, agreed that Temple renovations could be funded by individual donations.

<sup>16</sup> The reading of the text is according to Qimron. A discussion of my proposed reconstruction (23:3–6; 24:1–6) has been published elsewhere. See C. Werman, "Appointed Times of Atonement in the *Temple Scroll*," *Meghillot* 4 (2006) [in press] (Hebrew).

<sup>17</sup> Translation based on M. Wise, M. Abegg, and E. Cook, *The Dead Sea Scrolls: A New Translation* (San Francisco: HarperSanFrancisco 1999), 466–67.

<sup>18</sup> Y. Yadin, ed., *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983), 1:126–28.

<sup>19</sup> Wise and Abegg translation, 467; my emphases.

<sup>20</sup> J. C. Greenfield et al., *The Aramaic Levi Document* (SVTP 19; Leiden: Brill, 2004), 82 (hereafter *ALD*).

<sup>21</sup> See C. Werman, "The Story of the Flood in the Book of Jubilees," *Tarbiz* 64 (1995): 183–202 (Hebrew); idem, "Qumran and the Book of Noah," in *Pseudepigraphic Perspectives: The Apocrypha and Pseudepigrapha in Light of the Dead Sea Scrolls* (ed. E. G. Chazon and M. E. Stone; STDJ 31; Leiden: Brill, 1999), 171–81.



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<sup>22</sup> See C. Werman, "First-Fruit Festivals in the *Temple Scroll*," in *Qimron Festschrift* (Beersheva: Ben-Gurion University Press, forthcoming) (Hebrew). The attention paid to the type of wood and its freshness naturally results from the priestly desire to endow the sacrificial offerings with a pleasant odor. Another possible consideration stems from the wine poured straight into the fire according to priestly halakah. After having that amount of liquid poured on it, only high quality wood would continue to burn.

<sup>23</sup> This was noted by Y. Nahmias, "New Festivals in the Festival Calendar of the Temple Scroll" (M.A. thesis, Tel Aviv University, 2003), 88 (Hebrew).

<sup>24</sup> See I. Knohl, *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (trans. J. Feldman and P. Rodman; Minneapolis: Fortress, 1995).

<sup>25</sup> Jacob Milgrom views 4Q365 as a version of the Bible and indicative of the continued functioning of the Holiness School that sought to incorporate a folk tradition into the Torah as late as the fourth century BCE, i.e., after Nehemiah's day. See J. Milgrom, "Qumran Biblical Hermeneutics: The Case of the Wood Offering," *RevQ* 16 (1994): 449–56. If Milgrom is correct, then the Festival of Oil mentioned in 4Q365 should have been included in his presumed biblical version. I find it less complicated to view 4Q365 as a sectarian text with an authority base similar to that of *Jubilees*, the *Temple Scroll*, and other writings. On this authority base, see A. Shemesh and C. Werman, "Halakha at Qumran: Genre and Authority," *DSD* 10 (2003): 104–29.

<sup>26</sup> According to MS Parma; MS Kaufman has a similar reading.

<sup>27</sup> Neusner translation; slightly revised (J. Neusner, *The Mishnah: A New Translation* [New Haven and London: Yale University Press, 1988]).

<sup>28</sup> Ostensibly, there is a word missing after בתשעה in the phrase זמן עצי כהנים והעם בתשעה. This difficult reading has led some scholars to propose that the Mishnah at some point read זמן עצי כהנים בתשעה באב. For discussion of this Mishnah and the dates it mentions, see Epstein, "Zeman," 3; Safrai, *Pilgrimage*, 222; and J. Heinemann, "The Meaning of Some Mishnayot in the Order Mo'ed," *Tarbiz* 29 (1960): 29–31 (Hebrew).

<sup>29</sup> Neusner translation; slightly revised. Unless otherwise noted, all translations of the Tosefta are cited from the Neusner edition: J. Neusner, *The Tosefta translated from the Hebrew: Second Division, Moed* (New York: Ktav Publishing House, 1981).

<sup>30</sup> That the Tosefta is interpreting the Mishnah is evident from the continuation in halakah 6 which speaks of אותן ימים, namely, the occasions mentioned in the Mishnah, and by the fact that halakah 7 explains two terms that appear in the Mishnah: גונבי עלי and קוצעי קציעות.

<sup>31</sup> Lieberman, *Tosefta ki-fshutah*, 5:1111.

<sup>32</sup> Note that the Tosefta solves another difficulty found in Nehemiah, why the wood is not funded from the one-third shekel. According to the Tosefta, the wood brought by the families is simply in addition to that funded by the one-third shekel; the bringing of the wood is a privilege granted only to particular individuals.

<sup>33</sup> This halakah is a fundamental principle of *m. Šeqalim*, esp. 4:1–4. It is also found in *Sifre Num.* 142 (Horovitz ed., p. 188). For a brief survey of the different scholarly opinions, see Noam, *Megillat Ta'anit*, 172–73.

<sup>34</sup> This wording התנו עמהן נביאים appears only one more time in tannaitic literature, also in *t. Ta'anit* (2:1). This halakah, which treats the division of the priestly families into watches, addresses the question of the status of the watch of Jehoiarib. Based on Ezra

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2:36, the halakah states that the priests were divided into four families: Jedaiah, Harim, Pashhur, and Immer. Surprised at the absence of a fifth family, that of Jehoiarib, the Tosefta concludes that even though Jehoiarib had the status of a family, it is counted not as an independent family but as one of the twenty-four watches, for "so the prophets stipulated with them, that even if Jehoiarib should come up from exile, not one of them would be removed on his account, but he would be made subordinate to him." The prophetic stipulation ostensibly solves the contradiction between the early Second Temple period reality that emerges from the time of Ezra when the family of Jehoiarib was a branch of the house of Jedaiah (from which the high priests were chosen until Antiochus Epiphanes' accession), and the situation in the late Second Temple period, when Jehoiarib was the most prominent family because its members, the Hasmoneans, were in power. In this instance the contradiction resolved by the prophetic stipulation is a political, not halakic, one.

<sup>35</sup> This appears to be correct because whenever the phrase *בזמן הזה* appears elsewhere in the Tosefta it refers to a period of time, not to a specific calendar date.

<sup>36</sup> On the amoraic development of Rabbi Yosé's opinion, see A. Schremer, "The Concluding Passage of *Megilat Ta'anit* and the Nullification of Its Halakhic Significance during the Talmudic Period," *Zion* 65 (2000): 436–37 (Hebrew).

<sup>37</sup> On the corruption of the text here, see Lieberman, *Tosefta ki-fshutah* 5:1114. MS Vienna reads: *היה מביא את ביכוריו ונותנן לתוך הסל ומחפה אותן קציעות ונוטל את הסל ואת העלי וכו'.*

<sup>38</sup> The tradition that Jeroboam ben Nebat placed guards on the roads appears in *Seder Olam Rabbah* 22. The author of this unit in the Tosefta was familiar with the tradition and compares it to another instance of religious persecution under Greek rule.

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<sup>39</sup> As noted, the text of the printed editions of the Tosefta, בתשעה באב, may be an addition meant to solve the obscurity of this difficult reading and is understandable given the centrality of Av in the list of dates on which there were festive occasions, five out of the nine.

<sup>40</sup> According to Lieberman, *Tosefta ki-fshutah*, 2:849–50.

<sup>41</sup> *Sifre Deuteronomy* contains a midrash demanding an overnight stay in Jerusalem for those bringing the wood offering: “*And thou shalt turn in the morning, and go unto thy tents* (16:7): Hence we learn that this requires an overnight stay (in Jerusalem). Now this applies only to animal sacrifices; whence do we learn that it applies also to fowls, meal-offerings, wine, incense, and wood? From the expression, *And thou shalt turn*—any time you turn (from the Temple), it must be from the morning onward” (Piska 134; Hammer trans.: R. Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* [Yale Judaica Series 24; New Haven and London: Yale University Press], 176–77). The verse in Deuteronomy refers to the paschal sacrifice; the midrash broadens its scope by having additional offerings require an overnight stay in Jerusalem.

<sup>42</sup> On the corruption here, see Lieberman, *Tosefta ki-fshutah*, 5:1114. For the reading found in MS Vienna, see n. 37.

<sup>43</sup> For a comparison of all the sources, see Noam, *Megillat Ta'anit*, 221.

<sup>44</sup> See n. 28 above.