

THE WOOD-OFFERING:  
THE CONVOLUTED EVOLUTION OF A HALAKHAH IN  
QUMRAN AND RABBINIC LAW\*

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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 halakhah, 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 performance of ritual activity during the Second Temple period fosters reliance on the very literature, which, I seek to argue here, opposed 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 of 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' אלהינו* ("for the wood-offering, to bring it into the house of our

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<sup>1</sup> This topic has been treated by distinguished scholars. See J. N. Epstein, "Zeman 'Azei ha-Kohanim," in his *Studies in Talmudic Literature and Semitic Languages* (ed. E. Z. Melamed; trans. Z. Epstein; Jerusalem: The Hebrew University Magnes Press, 1983), 1–5 (Hebrew); C. Albeck, *Shisha Sidrei Mishnah: Seder Mo'ed* (Jerusalem: Bialik Institute; Tel-Aviv: 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).

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, makes the nature of this obligation difficult to determine. It appears between two ordinances: following the statement of an obligation to contribute one-third 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 preceding 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 shekel, the wood was brought to the Temple 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 separately upon the altar. In that case, 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 expressed 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 halakhah found in the *Talmud Yerushalmi* and in the *scholium* to *Megillat Ta'anit* (MS Parma) is relevant to the attempt to elucidate the meaning of the obligation to bring wood to the Temple, as stated in Nehemiah. This halakhah reads as follows: להן כל אינש די יהוי עלוי אעין ובכורין, האומר הרי עלי עצים למזבח וגזירין למערכה ("But everyone who

<sup>2</sup> Unless otherwise noted, all English citations of the Bible are taken from the 1917 JPS translation: [www.machon-mamre.org](http://www.machon-mamre.org).

<sup>3</sup> As my translation suggests. The verse is explained this way in the LXX and the Vulgate. See Epstein, "Zeman," 1 n. 1. (There is an error in Epstein's citation.)

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.* 30c).<sup>4</sup> The halakhah 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 halakhah reflects the situation in early postexilic times, when people brought both wood and first-fruits offerings at will. Nehemiah’s legislation, as reflected in Neh 10:34–36, sought to direct this popular custom towards Temple needs. The bringing of first-fruits continued as before; 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 Neh 10:35. 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 shekel, it is not included on that list. By this means, Nehemiah preserved the status of the wood-offering as independent and semi-voluntary, 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 required that the wood be brought “at times appointed,” according to clans. Hints of Nehemiah’s success appear in attestations to a custom of bringing wood on fixed dates in sectarian

<sup>4</sup> For the text, see *Talmud Yerushalmi* (Jerusalem: The Academy of the Hebrew Language, 2001), 516; 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 Izhak Ben-Zvi, 2003), 378 (Hebrew). I consulted B. Bokser’s translation: *Yerushalmi Pesahim* (The Talmud of the Land of Israel 13; compl. and ed. L. H. Schiffman; Chicago: University of Chicago Press, 1994), 148.

<sup>5</sup> This equivalence is surprising because first-fruits are a pentateuchal obligation, whereas the bringing of wood by individuals is voluntary. Perhaps for this reason the Hebrew section of the halakhah, which is certainly later, relates only to wood (האומר) למערכה וגזירין למזבח).

literature of the second century BCE, as well as in Josephus, *Megillat Ta'anit*, and rabbinic writings. The question remains, however, in what manner and on what dates was this offering brought?

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 (among the other dates so mentioned in the *Megillah*), as well as to make a eulogy at a funeral, because this is the day of עצי כהנים (as Epstein notes, this expression is short for בחמשה עשר באב זמן אעי כהניא ודלא (עצי כהנים והעם):<sup>6</sup> למספד בהון ("on the fifteenth of Av falls the time for the wood of the priests, and it is forbidden to eulogize [on them]"). Because of the nature of the dates mentioned in *Megillat Ta'anit*, we cannot necessarily conclude that wood was actually brought to the Temple on that day during 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" (*J.W.* 2.425). From the context, it appears that the feast as described by Josephus took place either on the Fourteenth of Av or on the day following. 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>7</sup> The better manuscripts of the Mishnah testify that it was the Jerusalemites who wore white—in the more com-

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

<sup>7</sup> P. Mandel, "There Were No Happier Days for Israel than the Fifteenth of Av and the Day of Atonement": On the Final Mishnah of Tractate *Ta'anit* and Its Transmission," *Te'udah* 11 (1996): 168 (Hebrew).

mon version the girls wear white—and Second Temple sources indicate that this was the convention among those entering the Temple.<sup>8</sup> 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 the mass nature of this activity: “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. In the later Second Temple period, the people apparently brought 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 picture of reality.

#### *The Wood Festival in the Qumran Documents*

Two documents found at Qumran, 4Q365 and the *Temple Scroll*, contain an injunction to bring wood to the Temple. Separate consideration of each text and its halakhah 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, frg. 23:<sup>10</sup>

וידבר יהוה אל משה לאמור צו את בני ישראל לאמור בבואכמה אל  
הארץ אשר  
(4) אנוכי נותן לכם לנחלה וישבתם עליה לבטח תקריבו עצים לעולה  
(5) ולכול מלאכ[ת]

<sup>8</sup> Ibid., 170 n. 94.

<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” (Mandel, “There Were No Happier Days,” 168).

<sup>10</sup> Text and translation from E. Tov and S. White, “Reworked Pentateuch,” in *Qumran Cave 4.VIII: Parabiblical Texts, Part 1* (ed. H. Attridge et al.; DJD 13; Oxford: Clarendon, 1994), 187–352, p. 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 the biblical sequence, interlaced with short

- (6) [הב]ית אשר תבנו לי בארץ לערוך אותם על מזבח העולה [תח]ת  
 הע[ו]ל[ות]<sup>11</sup> לבער] (7)  
 (7) [איש]ם לפסחים ולשלמים ולתודות ולנדבות ולעולות דבר יום [ביומו] (8)  
 (8) [מים ולד]תות ולכול מלאכת הבית יקרי[בו אותם] (9)  
 (9) [אחר מ]ועד היצהר יקריבו את העצים שנים [שנים משבטיכם ליום] (10)  
 (10) [האחד] ויהיו המקריבים [ביום הריש[ו]ן לוי [ ] (11)  
 (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[rk] 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]  
 (7) [their fire] for Passover sacrifices 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, following 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

interpolations intended either to harmonize the passages 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 Leviticus 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 [עגל]י. Examination of the photographs of the text shows that the reading suggested here is preferable. As to the first word: The last letter is clear; the remnant of the preceding letter does not fit *aleph*, however, but rather appears to be the top stroke of the left side of a *het*. I therefore propose reading חת[ת] and not אה[ת]. 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]ם, which refers to wood.

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

<sup>13</sup> This feature alone suffices to demonstrate that these lines could not belong to 4Q365a. 4Q365a is a copy of the *Temple Scroll* or a work belonging to the same genre.

of the sixth month; therefore the Festival of Wood falls at the end of the sixth month. On each day of the festival two tribes bring wood to the Temple; accordingly, the festival lasted six days.

Lines 4 to 8 explain the use to which the wood was put. The brief statement that the wood would be for the “sacrifices” and “for all the wo[r]k of [the H]ouse” in line 5 is amplified in the continuation. Lines 6 to 7 explain that the wood designated for “the sacrifices” was to be placed beneath *any* of the Temple sacrifices, thereby enabling a number of offerings to be burnt—paschal offerings, peace-offerings, thanksgiving-offerings and the daily *tamid*. “For all the wo[r]k of [the H]ouse” is repeated and expanded in line 8. The mention of “doors” in line 8 indicates that the missing beginning of the line listed Temple items that could be repaired with the wood. In brief, 4Q365 instructs the twelve tribes of Israel to see to a regular supply of wood for the Temple, wood to be used both for the sacrificial cult and for upkeep of the Temple. Representatives of the tribes bring the wood to the Temple after the Festival of Oil, over a six-day period at the end of the sixth month.

The author’s choice of the root .ק.ר.ב. (line 5: תקריבו; line 8: יקריבו) is noteworthy. The closest biblical analogy to the charge found in 4Q365 is the description of the donations made by the tribal chieftains at the dedication of the Tabernacle. Here too, the leading root is .ק.ר.ב. ויקריבו נשיאי ישראל ראשי בית אבתם הם נשיאי המטת הם: ק.ר.ב. העמדים על הפקדים. ויביאו את קרבנם לפני ה' שש עגלות צב ושני עשר בקר עגלה על שני הנשאים ושור לאחד ויקריבו אותם לפני המשכן (“Then *brought-near* the exalted-leaders of Israel, the heads of their Fathers’ House—they are the leaders of the tribes, they are those who stand over the counting—they brought their *near-offering* before the presence of YHWH: six litter wagons and twelve cattle, a wagon for (every) two leaders and an ox for (each) one. When they had *brought-them-near* to the Dwelling...” (Num 7:2–3).<sup>14</sup> The use of the root .ק.ר.ב. perhaps reflects the desire of the author of 4Q365 to link the Festival of Wood and the dedication of the Tabernacle. 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

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In this genre the entire composition is given to Moses at one time; there is no need for a separate opening noting that this commandment was explicitly addressed to Moses.  
<sup>14</sup> Translation: E. Fox, *The Five Book of Moses* (New York: Schocken, 1997); my emphases.

the altar, but rather to the bringing of, i.e., 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. By utilizing this 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 funded by the one-third shekel; that is, the wood is also for the ongoing maintenance of the Temple cult.

The original length of this fragment 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 portrays 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 Wood Festival itself. To sum up: in its clarification of the verse from Nehemiah, 4Q365 excludes the above-noted possibility that the verse refers to an offering of wood merely 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 on representatives of families, but of tribes.<sup>15</sup>

The Festival of Wood is treated at greater length in the *Temple Scroll*, col. 23. As in 4Q365, God is the speaker. The text, based partially on Qimron's reconstruction, reads as follows:<sup>16</sup>

- [ואחר מועד היצהר יקריבו] למזב[ח] (3)
- [את העצי]ם שנים [עשר מטות בני ישראל והיו המקריבים] (4)

<sup>15</sup> In other words, the author reworked a postexilic directive (from a time when the basic unit was families) into a text describing presettlement times (when the basic unit was tribes). I would like to thank Ruth Clements for her help in formulating this conclusion.

<sup>16</sup> The reading of the text is according to E. Qimron, *The Damascus Document Reconsidered* (ed. M. Broshi; Jerusalem: Israel Exploration Society, Shrine of the Book, Israel Museum, 1992). 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*," in *Meghillot: Studies in the Dead Sea Scrolls 4* (ed. M. Bar-Asher and D. Dimant; Haifa: Haifa University Press; Jerusalem: Bialik Institute, 2006), 107–115 (Hebrew).

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

- (3) [and after the Festival of Oil they shall bring]  
 (4) the twel[ve tribes of Israel are to bring woo]d to the alt[ar. Those contributing]  
 (5) [On the first day] are to be the tribes of [Levi] and Judah; on [the second day Benjamin and the sons of ]  
 (6) [Joseph; on the third day Reuben and] Sim[eon; on the fourth day Issachar]  
 (7) [and Zebulun; on the fifth day Gad and] Asher; on the six[th day Dan] and Naphtali  
 (8) [On] the wood [they are to offer] a burnt-offering to the Lor[d and the tribe]  
 (9) [of Levi and the tribe of Judah will bring on the first day tw]o goats [for a sin offering to atone]  
 (10) [through them for the people of Israel and the requisite grain-offer]ing and drink offering, following the us[ual regulations.]  
 (11) [Each tribe shall bring] as a burn[t offering] one bull, one ram and [one yearling la]mb;  
 (12) [without blemish, for each and every tr]ibe of the twelve sons of Jaco[b]  
 (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 .א.ו.א.). The second injunction, beginning on line 8, outlines the purpose for which the wood was to be brought. Qimron's proposed reconstruction [ויקריבו על] העצים עולה ליה[וה] is based on the directive relating to the Festival of Wine: 'וּיְקַרְבֻּ עַל הַיַּיִן הַזֶּה בַּיּוֹם הַהוּא [עוֹלָה] לַה'. 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

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

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 (23:14–24:3):

(14):23 ויקרב הכוהן הגדול את עולת [הלויים]  
 (15) לראישונה ואחריה יקטיר את עולת מטה יהודה וכא[שר הוא]  
 (16) מקטיר ושחטו לפניו את שעיר העיזים לראישונה והעלה את  
 (17) דמו למזבח במזרק;  
 (1):24 [ושחטו את שעיר העיזים השני]  
 (2) [והעלה למזבח ב]מזרק את [דמו ועשה בדמו כאשר לדם השעיר  
 (3) [הראשון וכיפר על] בני ישראל

23:(14) The high priest is to o[ff]er the [Levites'] burnt offering  
 (15) first, then the burnt offering of the tribe of Judah. W[hen he]  
 (16) is ready to begin making offerings, the male goat shall be slaugh-  
 tered in his presence as the first thing. He is to raise  
 (17) its blood to the altar in a *bowl*;  
 24:(1) [and they shall slaughter the second  
 male goat]  
 (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  
 (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

<sup>18</sup> Y. Yadin, ed., *The Temple Scroll* (3 vols.; Jerusalem: Israel Exploration Society, 1977–1983), 1:126–28.

<sup>19</sup> Wise, Abegg, and Cook, *The Dead Sea Scrolls: A New Translation*, 467; my emphases.

of the burnt-offerings are to be placed on the altar. As I have shown elsewhere,<sup>20</sup> 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>21</sup>

This affinity between the *Temple Scroll* and the *Aramaic Levi Document* sheds further light on the role assigned by the *Temple Scroll* 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 halakhot of *ALD*,<sup>22</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 the use of old wood; the *Temple Scroll* mandating celebration of a Festival of Wood. Given the fact that *Jubilees* and the *Temple Scroll* are reworking the same older tradition, I suggest that we understand the *Temple Scroll*'s Wood Festival as marking 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

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<sup>20</sup> Werman, “Appointed Times,” 111–15.

<sup>21</sup> J. C. Greenfield, M. E. Stone, and E. Eshel, *The Aramaic Levi Document* (SVTP 19; Leiden: Brill, 2004), 82 (hereafter *ALD*).

<sup>22</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. Proceedings of the [Second] International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12–14 January, 1997* (ed. E. G. Chazon and M. E. Stone; STDJ 31; Leiden: Brill, 1999), 171–81.

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>23</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, where the wood brought by the representatives of the tribes is used on the festival itself to burn the fat from the male goats offered as sin-offerings and the flesh of the burnt-offerings; this account includes no instructions regarding a year's supply of wood for the Temple.<sup>24</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, then, like the author of 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 ritual. In both texts, specified representatives of the people, as opposed to Nehemiah's chance representation by families, come to the Temple. Both texts also portray an organized, sequential festival, which begins after the Festival of Oil, in contrast to Nehemiah's unspecified עתים מזמנים. They portray the wood supply for the altar as a support for the bibli-

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<sup>23</sup> See C. Werman, "The First-Fruit Festivals according to the *Temple Scroll*," *ZAPHENATH-PANEAH: Linguistic Studies Presented to Elisha Qimron On the Occasion of His Sixty-Fifth Birthday* (ed. D. Sivan, D. Talshir, and C. Cohen; Beer-Sheva: Ben-Gurion University of the Negev Press, 2009), 177–95 (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 halakhah. After having that amount of liquid poured on it, only high quality wood would continue to burn.

<sup>24</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).

cally appointed sacrifices, not as an independent sacrifice. 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 ככתוב בתורה, which concludes Neh 10:35, as indicating a Sinaitic directive mandating the wood-offering: that is, the obligation to bring the wood is itself written in the Torah, not only the general commandment to burn wood under the sacrifices (“to bring it into the house of our God . . . to burn upon the altar of the Lord our God, as it is written in the Law”).

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 (in keeping with priestly halakhah in general),<sup>25</sup> 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 became a heavenly law. Folk traditions, even when sanctioned by community leaders, were either to be opposed or attributed to the divine law. In this respect Qumran literature provides a window onto a phenomenon better known from the late First Temple period: i.e., the process whereby a folk custom is reshaped and transformed into biblical law. Evident in the Bible itself, such a process is exemplified by the acceptance and incorporation into the Holiness Code of folk traditions that the Priestly source ignored.<sup>26</sup> Qumran literature reluctantly changed a current, extrabiblical tradition to serve its halakhic outlook, which demanded the use of particularly fresh wood, and made this requirement part of the divine word.<sup>27</sup>

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<sup>25</sup> C. Werman, “Oral Torah vs. Written Torah(s): Competing Claims to Authority,” 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. S. D. Fraade, A. Shemesh and R. A. Clements; STDJ 62; Leiden: Brill 2006), 175–97.

<sup>26</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>27</sup> Jacob Milgrom views 4Q365 as a version of the Bible and as indicative of the continued functioning of the Holiness School, which 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

Lastly, I turn to the matter of how the Qumran texts point to the historical circumstances of the Second Temple period. I first address the question of the dating of the Wood 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 a Wood Festival that 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 invoke this verse, nevertheless refrains from establishing a one-day festival comparable to the other first-fruit festivals in the *Scroll*. The number of sacrifices listed 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 *m. 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 was to be the order of the day.

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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.

The texts from Qumran also provide insight into the uses 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 against those who claimed 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, the underlying picture presented by Qumran literature is of an environment in which families and individuals brought wood to the Temple on fixed dates over the course of 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 the days when it was brought, 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:<sup>28</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 בן—בני יונדב בן רכב; בעשרה בן—בני סנאה בן בנימין; בחמשה עשר בן—בני זתואל בן יהודה, ועמהם כהנים ולוים וכל מי שטעה שבטו ובני גונבי עלי ובני קוצעי קציעות; בעשרים בן—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, וקרובן מוסף וקרובן 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

<sup>28</sup> According to MS Parma; MS Kaufman has a similar reading.

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 Av [is the time 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. Rekhab [Neh 3:14; Malchijah ben Rekhab]; 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 the pestle smugglers, and the fig pressers. On the twentieth of that same month [is the time of] the family of Paḥat 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>29</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>30</sup>

Yet, the Tosefta (*Ta’anit* 3:5) takes a different tack, one that obscures 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, שני' "והגרלות הפלנו על קרבן העצים הכהנים הלזים והעם להביא לבית אלהינו לבית אבותינו לעתים מזמנים" וגו' ואו' "כי עזרא הכין לבבו לדרוש את תורת ה' ולעשת וללמד בישראל חק ומשפט."

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,

<sup>29</sup> J. Neusner's translation, slightly revised: J. Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988), 314–15).

<sup>30</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).

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 10:35). 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* (Ezra 7:10).<sup>31</sup>

This Tosefta relates to our Mishnah<sup>32</sup> by asking why specific families were given fixed times for bringing wood (in Lieberman's words: "Every person who brings a wood-offering [as a personal sacrifice], it is a festive day for him").<sup>33</sup> In its answer, the Tosefta points to the prophets Ezra and Nehemiah as the source for the Mishnaic halakhah. It indicates that the families appointed in the Mishnah acquired the privilege of bringing wood on fixed dates because of a noble deed they had performed during the *Shivat Zion* period (in the Tosefta's words: שִׁבְתָּא דְּבֵנֵי הַגּוּלָה). Because there was no wood in the Temple storehouse at that time, the families in question "went and contributed wood of their own, handing it over to the public." 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. In contrast to the Tosefta, Nehemiah recounts nothing of the generosity of the clans prior to their 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 portrait depicted in the Mishnah, the story in the Tosefta is

<sup>31</sup> J. Neusner translation, slightly revised. Unless otherwise noted, all translations of the Tosefta are cited from: J. Neusner (ed.), *The Tosefta: Second Division, Moed* (New York: Ktav, 1981).

<sup>32</sup> That the Tosefta is interpreting the Mishnah is evident from the continuation in halakhah 6 which speaks of אֲוֹרֵזֵי יָמִים, namely, the occasions mentioned in the Mishnah, and by the fact that halakhah 7 explains two terms that appear in the Mishnah: קוֹצְעֵי קְצִיעוֹת and גּוֹנְבֵי עֵלִי.

<sup>33</sup> Lieberman, *Tosefta ki-fshutah*, 5:1111.

somewhat anachronistic: in Nehemiah the entire population, according to clans, obligates itself to bring wood, whereas according to the Tosefta, this obligation was only undertaken by the families specifically listed in the Mishnah.<sup>34</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 funds, namely, from the half-shekel.<sup>35</sup> It is the Tosefta's awareness of this contradiction that motivates its rewriting of the biblical account. The description of the families' actions—"These in particular went and contributed wood of their own, *handing it over to the public*"—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 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>36</sup> The statement, "the prophets had stipulated with them," makes the anachronism in the Tosefta understandable. In

<sup>34</sup> Note that the Tosefta solves another difficulty found in Nehemiah, that is, 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>35</sup> This halakhah is a fundamental principle of *m. Seqalim*, esp. 4:1–4. It is also found in *Sifre Num.* 142 (see *Siphre ad Numeros adjecto Siphre zutta* [ed. H. S. Horowitz; Leipzig: Gustav Frock, 1917; repr. Jerusalem: Wahrmann, 1966], 188). For a brief survey of the different scholarly opinions, see Noam, *Megillat Ta'anit*, 172–73.

<sup>36</sup> This wording *התנו עמהן נביאים* appears only once more in Tannaitic literature, also in *t. Ta'anit* (2:1). This halakhah, which treats the division of the priestly families into watches, addresses the question of the status of the watch of Jehoiarib. Based on Ezra 2:36, the halakhah states that the priests were divided into four families: Jedaiah, Harim, Pashur, 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

facing the discomfiting situation described in the Mishnah, wherein illustrious families are said to have brought wood privately, in seeming contradiction to rabbinic halakhah, the Tosefta claims that the roots of this practice 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 between the biblical account and the rabbinic principle by restricting the agreement between the prophets Ezra and Nehemiah and the donor families to their own 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 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 understanding of בזמן הזה as referring to the period of the prophets,<sup>37</sup> emends the following text according to MS Erfurt: בזמן הזה, בכל שעה שירצו. Thus, according to this reading, כל שעה שירצו is also restricted to the period of the prophets, and the practice of bringing wood is sanctioned only for the prophets' day.

From a linguistic perspective the suggested emendation is not essential. Evidently, Lieberman proposed it because the following halakhah (3:6) 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 an 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.

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. Yosa 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. Şadoq, "I was among the

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members, the Hasmoneans, were in power. In this instance the contradiction resolved by the prophetic stipulation is a political, not halakhic, one.

<sup>37</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.

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.

This Tosefta deals with the commemoration of “those days” of the wood-offering through their auxiliary prohibitions of fasting and eulogies. The suggestion that these prohibitions be continued *after* the destruction implies that, even *before* the destruction, no wood was actually brought on these days; they were observed as days of rejoicing, commemorated through these auxiliary practices. 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 after the destruction, when the ninth of Av had become a day of mourning. Rabbi Yosa, 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 this constitutes an expression of mourning.<sup>38</sup>

The explanation proposed above for the phrase *אותן ימים אסורין* *בהספד ובתענית*, *בין משחרב הבית ועד שלא חרב 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 actual bringing of wood no longer took place. In that case, Rabbi Yosa, 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 halakhah 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 the biblical account in order to blur the incongruity. Accordingly we might suggest that halakhah 6 was shaped by the redactor’s desire to deny the existence of a custom created in the early Second Temple period. Consequently, the *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 of wood-bringing.

I submit that the next two halakhot in *t. Ta’anit* (3:7–8) also seek to obscure the lack of consistency between the ancient custom and the halakhah barring individuals from making donations to the public

<sup>38</sup> On the Amoraic development of Rabbi Yosa’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).

sacrificial cult. Halakhah 7 explains the names of two of the groups mentioned in the Mishnah, וגונבי 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>39</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>40</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.

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.

Halakhah 8 of the Tosefta concerns another group not mentioned in the Mishnah: the sons of הנתוצתי סלמי, about whom it recounts a similar story. According to the Tosefta, the sons of Salmai the Netotzathite concealed their wood-offering as a ladder, which they then dismantled in order to bring the wood to the Temple:

מהו אומר בני סלמאי הנתופתי (הנתוצתי: Ms. Erfuhrt)? שעה שהושיבו מלכי יון פרסדיאות על הדרכים שלא לעלות לירושלם, כדרך שהושיב

<sup>39</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>40</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 a similar instance of religious persecution under Greek rule.

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 גזולות משובך הלו 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 Netotzathite? 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.

There is a discrepancy between the stories in the Tosefta and the account in the Mishnah. The Tosefta frames both the story of the wood-offering (halakhah 8) and that of the first-fruits (halakhah 7) in the context of martyrdom. Moreover, the names that appear in the Mishnah—*קוצעי קציעות* and *גונבי עלי*—are associated in the Tosefta with the first-fruits, not the wood-offering; a different group, *בני סלמי הנתוצתי*, is linked to the wood-offering. Perhaps it was not the Tosefta that first portrayed the pestle-smugglers and fig-pressers as bringing first-fruits. The Tosefta might reflect here a source in which the ancient halakhah cited earlier, *להן כל אינש די יהוי עלוי ואעין ובכורין*, was developed and justified in light of brave deeds during times of persecution. The ancient affinity between first-fruits and the wood-offering, as illustrated by this halakhah, may explain the seemingly unexplainable situation where two groups are related in the Mishnah to the wood-offering and in the Tosefta to the first-fruits.

The important point for our discussion is the fact that 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; they belong to circles that celebrate the bringing of first-fruits in dangerous times. This description of the pestle-smugglers and fig-pressers has implications for the grouping of "priests, Levites, and whoever is in error as to his tribe," mentioned earlier in the Mishnah. These, too, are transformed from joyous bringers of wood in the present 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 ("whoever was a suitable and sin-fearing person of that generation") who risked their

lives to serve the public by bringing wood to the Temple; and therefore, for them as well, the fifteenth of Av was a day of rejoicing.

The stories found in halakhot 7–8 of the Tosefta create a new common denominator between the groups mentioned in the Mishnah, but in so doing depart 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, praiseworthy acts, as summarized by the ending of halakhah 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 tasks of bringing first-fruits and wood to the Temple. This transformation in the Tosefta blurs the distinction between custom and halakhah, in order to establish that there was no divergence from halakhah in either the past or the present. By juxtaposing halakhot 7 and 8 to halakhot 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 Netotzathite—simply celebrated their past deeds.<sup>41</sup>

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

זמן עצי הכוהנים והעם בתשעה<sup>42</sup> וטעונין לינה. והיו מתעסקין בהן<sup>43</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]

<sup>41</sup> See Appendix A below on the Yerushalmi's reworking of the Tosefta.

<sup>42</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>43</sup> According to Lieberman, *Tosefta ki-fshutah*, 2:849–50.

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>44</sup> There are other allusions in rabbinic literature to the bringing of the wood to the Temple: the halakhah 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 halakhic 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 on its appointed date, brought wood-offerings to the Temple. The primary date for these offerings was the fifteenth of Av, when the family to whom this day belonged—that of Zattu ben Judah—was accompanied by additional groups. Although the donations were intended for the Temple storehouse, perhaps a portion of the wood was festively burned on the altar on those days. The obligation put in place by Nehemiah was accepted and maintained by the people, even though the huge sums collected through the donation of the half-shekel might have made that obligation superfluous in the late Second Temple period.

### Conclusion

In conclusion, I submit that we must recognize that the people of the Second Temple period obeyed neither the Qumran priests nor

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<sup>44</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; trans. R. Hammer, *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* [Yale Judaica Series 24; New Haven: Yale University Press], 176–77). The verse in Deuteronomy refers to the paschal sacrifice; the midrash broadens its scope by specifying additional offerings that require an overnight stay in Jerusalem.

the Pharisees and rabbinic halakhah. 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 halakhic 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 halakhic decision-makers, 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*

<i>Yerushalmi Ta'anit</i> 68b (p. 730)	<i>Tosefta Ta'anit</i> 3:5–8 (ed. Lieberman, pp. 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 משלעצמן ומסרום לציבור וקרבו מהן קרבנות ציבור. והתנו עמהן הנביאים שביניהן שאפילו לשכה מליאה עצים [שיהיו מביאין מעצמן]. ועמדו אילו ונתנדבו עצים משלעצמן. שלא יהא קרבן מתקרב אלא משלהן תחילה.</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, שני' "הגורלות 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>2. 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 מתענין 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 מתענין ולא משלימין. (ג 6)</p>

(cont.)

Yerushalmi Ta'anit 68b (p. 730)

Tosefta Ta'anit 3:5-8  
(ed. Lieberman, pp. 338-340)

4. מהו בני גונבי עלי ובני קוצעי קציעות, שבשעה שהושיבו מלכי יון 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 ונותן 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.

4. מהו בני גונבי עלי ובני קוצעי קציעות, שבשעה שהושיבו מלכי יון פרסדאות 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>45</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 שלפני, בעלי זה שעל כתפי, כיון שעבר מאותו משמר, מעטרן ומעלן לירושלם. (ג 7)

5. מהו אומר בני סלמאי הנתוצתי, בשעה שהושיבו מלכי יון פרסדאות 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." (ג 8)

5. מהו אומר בני סלמאי הנתוצתי, בשעה שהושיבו מלכי יון פרסדאות 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." (ג 8)

<sup>45</sup> For the reading found in MS Vienna, see n. 39.

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

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 will be 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 indicates that the Mishnah, as interpreted by the Yerushalmi, represents a minority opinion, that of Rabbi Yosa, 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. Yosa 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. According to the redactor of our *sugya*, just as Rabbi Yosa does not insist on maintaining the boundary between public and private in *m. Šeqalim*, so too here, he does not so insist. By contrast, in the redactor's view, 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, holding that it *is* permissible for individuals to donate sacrifice-related things, is rejected on the basis of a quotation from a Tannaitic source similar to the Tosefta, in which R. Yosa is shown to disagree with the *tanna qamma*: **אותן הימים נוהגין בהן בשעת קרבן ושלא בשעת קרבן. ר' יוסה או'. אינן נוהגין אלא בשעת קרבן**. This Tannaitic source, whose interpretation I have questioned above,<sup>46</sup> is given an unequivocal explanation in the Yerushalmi as rejecting Rabbi Yosé b. Rabbi Ila's suggestion. The disagreement revolves around whether or not wood was brought during the time of the Temple. The *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**), implying, that even

<sup>46</sup> See pp. 169–70.

before the destruction wood was not brought to the Temple. Rabbi Yosa 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 Yose's attestation to the continued keeping of the festival even after the destruction with the words *ועוד מן הדא דתני*, namely, that this comes to support the *tanna qamma's* view.

Another difference between the Tosefta and the Yerushalmi lies in the historical placement of the 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 during the 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 to a reason other than the bringing of wood, developed during the Amoraic generation.<sup>47</sup> The Yerushalmi goes far afield 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].

R. Yaakov b. Aha in the name of R. Yassa: That day [i.e., the fifteenth of Av] is a good time for cutting trees, for all the trees being cut on that day are not eaten [by worm]. As the one that was taught there [*m. Middot* 2:5]: Any tree with a worm found in it is not allowed on the altar. (*Yerushalmi Ta'anit* 68c [p. 738])

According to the Bavli, the fifteenth of Av is the last 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.

Rabbah and R. Joseph both said: It is the day on which [every year] they discontinued felling trees for the altar. It has been taught: R. Eliezer

<sup>47</sup> Mandel, "There Were No Happier Days," 170 n. 92.

the elder says: From the fifteenth of Av onwards the strength of the sun grows less and they no longer fell trees for the altar because they are not sufficiently dry. R. Menashya said: And they called it the day of the breaking of the Axe. (*b. Ta'anit* 30b)<sup>48</sup>

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

A comparison of the two versions of the *scholium* to *Megillat Ta'anit* with the Tosefta and the Yerushalmi indicates the secondary nature of the *scholium*. The following synopsis allows us to compare MS Oxford of the *scholium* with the Tosefta and the Yerushalmi.<sup>49</sup>

<i>Scholium</i> (MS Oxford)	<i>Yerushalmi</i> <i>Ta'anit</i> 68b	<i>Tosefta</i> <i>Ta'anit</i> 3:5–8
<p>וזהו ששנינו: זמן עצי הכהנים. וזהו שאו': בחמישה עשר בו בני זתוא בן יהודה ועמהם בני הכהנים ולויים וגרים ונתינים ועבדים משוחררים וכל מי שטעה בשבטו ובני גונבי עלי ובני קוצעי קציעות.</p> <p>(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 הולכין? אמרו להם למקום פלוני לעשות צמוקין במכתשת שלפנינו ובעלי שעל כתפינו. הגיעו לירושלים, הורידום והניחום לפני המזבח, הסלים לביכורים והגולות (ג) לקיץ המזבח ...</p>	<p>מה ראה זמן עצי כהנים והעם להימנות.</p> <p>(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 עצים [שיהיו מביאין מעצמן] ועמדו אילו ונתנדבו עצים משלעצמן שלא יהא קרבן מתקרב אלא משלהן תחילה.</p>	<p>מה ראו זמן עצי כהנים והעם לימנות.</p> <p>(א) שכשעלו בני הגולה לא מצאו עצים בלישכה עמדו אילו והתנדבו עצים משל עצמן ומסרום לציבור, וכך התנו עמהן נביאים שאפ' לשכה מלאה עצים, ואפ' עצים משל ציבור יהוא אלו מתנדבין עצים בזמן הזה, וכל שעה שירצו, שני' "זהגרות 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 5-6)</p>

<sup>48</sup> The translation of the Bavli is according to I. Epstein, *The Babylonian Talmud, Seder Moed* (London: Soncino, 1938), 163–64.

<sup>49</sup> For a comparison of all the sources, see Noam, *Megillat Ta'anit*, 221.

(cont.)

Scholium (MS Oxford)	Yerushalmi Ta'anit 68b	Tosefta Ta'anit 3:5-8
<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 המשמר היה מעטרן ומעלה אותן לירושלם.</p>	<p>(ב) מהו בני גונבי עלי ובני קוצעי קציעות שבשעה שהושיבו מלכי יון פרסדיאות 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 כפיין של דבילה, במכתש הלז שבפניו בעלי זה שעל כתפי, כיון שעבר מאותו משמר, מעטרן ומעלן לירושלם. (7 ג)</p>
<p>(ג) מהו בני סלמאי 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 גזולות 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."</p>	<p>(ג) מהו בני סלמאי 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 גזולות 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."</p>	<p>(ג) מהו בני סלמאי 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 גזולות 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."</p>
		(8 ג)

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 גונבי קציעות and בני סלמאי הנתוצתי עלי וקוצעי קציעות 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 note 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 listing the nine dates for the wood-offerings, in which the ninth of Av appears: זמן עצי כהנים והעם בתשעה באב.<sup>50</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 the fifteenth of Av was 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 הגלויות יהו אף הם צריכין התקינו להם את יום חמשה עשר באב שיהו מביאין בו קרבן עצים.

When the first exiles returned, they established the ninth of Av for bringing the wood-offering. The Sages said: "When other exiles will return, they too will need to bring an offering." For them they established the day of the fifteenth of Av for bringing the wood-offering.

This version augments the above-cited halakhah, 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.

Anyone who donates an offering to the Temple, even wood, is exempt from eulogies on that day. Therefore it is said: everyone who made a vow [to bring] wood and first fruits [to the Temple].

<sup>50</sup> See n. 30 above.