

Robert EISENMAN

A RESPONSE TO SCHIFFMAN ON MMT

Offprint from:

"QUMRAN CAVE IV AND MMT. SPECIAL REPORT"

EDITED BY Z. J. KAPERA

[= THE QUMRAN CHRONICLE 1990/91, NO. 2/3]

Kraków 1991

The Enigma Press

ROBERT EISENMAN

A RESPONSE TO SCHIFFMAN ON MMT

MMT was a document found, it would seem, very early among the materials coming in during the mid 50's from Cave IV. There is evidence that it was already well known among the early editors, including Strugnell, Milik, De Vaux, and Allegro by the late fifties. It was assigned for various reasons to the young John Strugnell. One, therefore, should perhaps ask, what was the hold-up in publishing it? We have waited approximately 35 years for it to appear, and still it has not, except in an unofficial manner in "The Qumran Chronicle", although it looks to be in the process.

The document, as it has been reconstructed (for it seems to have been reconstructed) is very short, a little over a hundred lines. In the copy circulating among scholars, we have two pieces which have been grafted one onto to the other. This reflects the judgement of editors that the two parts, in fact, do comprise part of the same document, though in theme, style, and content they differ somewhat. Without independent access by all scholars to the unpublished texts, such a determination must remain a mute point.

Strugnell dropped this manuscript as a bombshell on the 1985 N.Y.U. conference which Lawrence Schiffman called to try to speed up publication of the unpublished materials. It was a little like — to coin a NT parable — throwing crumbs under the table to dogs (indeed, an analogy to this parable is present in the text; here as in the Gospels, the "dogs" in question are clearly foreigners; ii. 58). Everyone immediately forgot their complaints and ran to look at the new document. The rest of the conference was dominated by MMT, not the complaints.

It is to Strugnell, who recently publically self-distructed à la Allegro, that we owe the somewhat sensationalist title, a 'letter

from the Teacher of Righteousness to the Wicked Priest.' In turn, this implicitly raised the expectation that we were actually dealing with a 'letter' of some kind from the so-called "Essenes" (according to the old standard theories — of course, nothing was ever said about what 'the Essenes' might have been in the 2nd c. B. C.) to one of the Maccabean priest/kings.

But this is nowhere stated in the text. There is no actual addressee in the text, just a more general "you" addressed to an Establishment of some kind. Still, it is an idea much utilized by people like Schiffman in running interference in a pre-publication manner for the Strugnell/Qimron edition, despite Schiffman's present acrobatics to distance himself from this team. Schiffman is ever mindful of the politics of the Qumran scene, in particular, what the politic position would be at any given moment.

The title MMT, *Miqtsat Ma'aseh Ha-Torah*, which has now become a "given" is taken from some recommendations in the concluding paragraph as arranged by Strugnell and Qimron. They translate it as "Some precepts of the Torah", but, as should be clear from the underlying Hebrew, it deals with "acts" or "works of the Law", a not unknown theme in this period, and where my approach is concerned, a highly significant one. In fact, at this point in the text, as we shall see below, it is coupled with an allusion to the famous Pauline allusion to Abraham and "works of Torah" being reckoned as "righteousness" or "justification." The interpretation being placed upon *Miqtsat* will also have to await further clarification, as "a selection of unclean acts of the Torah" or "a few details about unclean works of the Torah" will do probably just as well.

Strugnell's quasi-sensationalist portrayal of this composite document — which has, or so it is claimed, been found in multiple copies — as a "letter" from "the Righteous Teacher" to "the Wicked Priest", has also now become a "given". However, the document neither has the form of a letter, nor explicitly claims to be one, though it speaks of having written its subject/subjects previously (iii. 10). If there are, in fact, multiple copies, then what it really seems to be is a *position paper* of some kind, which fits into the framework of disputes as recorded in Talmudic tradition, Josephus, the Book of Acts, and elsewhere, between the Pha-

risees and Sadducees, of the form "we complain against you O Pharisees" for having done such and such thing contrary to Law, or vice versa.

Indeed, the document should probably be seen within the context of such debates or disputes. There are also debates or disputes of this kind in the Temple recorded in the Pseudoclementines between the leadership of the early Christian community and the Pharisaic/Sadducean authorities, or even parallel Talmudic debates and disputes between *beit-Hillel* and *beit-Shammai*. Some commentators do understand these things, and since the legal positions espoused discernibly include positions attributed to the "Sadducees" in the Talmud, it has sent them scurrying to look for the "Sadducean" roots of the group responsible for the work.

Even though I have already delineated what kind of Sadducee group this could be in *Maccabees*, *Zadokites*, *Christians and Qumran*, E. J. Brill, 1983, without the benefit of MMT, these commentators tend to ignore my position, preferring to make it look as if they have latterly discovered the 'Sadducean' roots of the group responsible for this genre of thinking by themselves. In a recent article in "The Biblical Archaeologist" [=B.A.] and other presentations since, Schiffman, the most widely circulated of these individuals, has completely ignored my thesis, which basically parallels his refurbished approach, offering the excuse that he was unable to find my book in Israel when he was working on the article. It is more probable he was being careful, as per his wont, which scholars to give credit to so as not give offence to the ones he expected some future benefit from.

Still, even Schiffman does not have a clear idea of what kind of Sadducees were responsible for this literature and how these Sadducees differ from, let us say, normative Sadducees of the kind mentioned as part of the Establishment in the Herodian period in Josephus and the New Testament. The same confusions pervade Talmudic literature, which is perhaps why Schiffman suffers from parallel lapses, where *Sadduqim* seems to double as a name for both opposition and establishment groups. Scholars like him have not yet completely grasped that we are, in

fact, dealing with two groups of "Sadducees", one establishment and one opposition, a situation I have delineated in *Maccabees...*, I have dubbed the establishment one of these groups, Herodian or Boethusian Sadducees, and the opposition one, Messianic or Purist Sadducees.

Just the word "Messianic" as applied to Sadducees has a certain shock value, however this is just what we find even in the extant Qumran corpus, 'Sadducean' and Messianic terminologies and allusions side-by-side — this all the more so in the unpublished corpus, which is perhaps one of the reasons behind the foot-dragging in regard in bringing these out, that is, in addition to normal scholarly 'sloth' and self-interest. The implied parallel with Talmudic materials is another indicator pointing towards a later rather than an earlier dating — this aside from the usual specious palaeographic parameters, i.e., probably the first century, when disputes of the kind we are referring to were prevalent. In fact, both Talmudic and Karaite sources refer to a split in the Sadducean movement between someone called "Zadok" and another individual called "Boethus", i.e., most likely Joezer ben Boethus, the Herodian high priest, and Sadduk one of the instigators of the so-called "Zealot" movements, who according to Josephus' portrait at the turn of the millenia differ on the tax issue.

Such disputes also find an echo in the Book of Acts, not to mention apocryphal materials. In the Book of Acts, for instance, we are presented with *Herodian* or Establishment Sadducees who argue with nascent "Christian" leaders in the Temple. Those now making allusion to the Dead Sea Scrolls as "Sadducean" do not explain how narratives of this kind might be relevant, because they cannot. They have not pursued the analysis pursued in MZCQ distinguishing the two groups of Sadducees mentioned above, one 'Establishment' and the other 'Opposition'. That the Talmudic allusions also identify these *sadduqim* with *minim*, a term generally thought to refer *inter alia* to early Christians, is ignored as well.

Karaites, too, seem to have considered themselves *sadduqim* of one kind or another, but what kind? Al-Kirkisani, a Karaite writer of the early Middle Ages, pictures them as direct inhe-

ritors of a series of teachers beginning with a mysterious individual called Zadok, i.e., possibly the "Zadok" of the Talmud's "Zadok and Boethus" tandem and/or the "Sadduk" of Josephus' *Antiquities*, who not only taught against niece marriage, but whose teachings were the same as "Jesus"! But references such as these are often ignored, as is the question of how the Karaites understood their relationship to such *sadduqim*.

In their historical reconstructions, these revisionists ignore another key factor, that the Maccabees were certainly Sadducees of some kind, overturned at some point by Herodians in alliance with accommodating Pharisees. Their thinking about the Maccabees is completely convoluted and unconvincing. What kind of Sadducees the Maccabees may have been and how then the Scrolls can be considered anti-Maccabean are also not delineated by them in any convincing way. I have covered these matters as well in *MZCO*. That the Maccabeans exhibit most of the tendencies exhibited as well in Scroll literature, e.g., a zealot approach to the Law, xenophobia, apocalyptic nationalism, and the like, is rarely discussed. Instead in the most convoluted identification of all, we hear that one or the other of the Maccabees is to be identified with the Wicked Priest.

Picking up quasi-Essene theorizing again, Schiffman for one, in his new "B.A." article, continues along these lines, claiming that, though the documents are Sadducean (he means by this, that they exhibit "Sadducean" positions as per Talmudic delineations), they are anti-Maccabean, i.e., written to complain to or about a Maccabean priest-king. This is all sophistry meant to resuscitate a neo-"Essene" hypothesis, as there is nowhere any proof of all this. Schiffman entitles this article in "B.A.", *The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect*" (notice the implied attack on Golb in the second part of the title — in the footnotes he states that "The latest statement of this view — i.e., that the documents did not originate at Qumran — is that of Golb").

Schiffman's most glaring error is that he basically accepts Strugnell's position that the 'letter' is written by the Teacher of Righteousness to the Wicked Priest. There is no proof of either of these propositions, and nothing in the text to this effect. These

are just assumptions left over from previous 'Essene' theorising. However Schiffman's argument would then proceed in the following manner, that since the "letter" is obviously written against a reigning hierarchy or Establishment, from which the authors of the document have broken away, then since he has already assumed that that establishment is Maccabean — though what the basis of this assumption is is impossible to follow — the Wicked Priest must in some manner also be a Maccabean.

But Schiffman goes even further in attempting to show that, though the "Essene" hypothesis is a non-starter, we are still in the Maccabean age. He insists, perhaps because of allusions to David, that the 'letter' is written to a king of some kind, thereby combining Wicked Priest and King theorizing in a wholly unfounded manner. But there is nowhere any proof of this in the document, even as reconstructed. The aim of his argument is clear, since the Maccabeans were the only priest/kings, then once again we have evidence to anchor the new 'Sadducean' theorizing in anti-Maccabean analysis, even though the Maccabeans have to be considered on the whole pro-Sadducean. The non-sequiturs in the theory leaves one reeling, and one wonders whether one is accompanying the proverbial Alice on a 'journey through wonderland.'

There is no material of this kind in the text, though there are references to David as a good king, as there were in the Damascus Document, which parallel it. In fact, there is no hint of anti-Maccabean feeling in the whole document. The reference to David is simply that, an historical reference about the historical David, just as it is in the parallel material in the Damascus Document. Such an allusion may have been directed against a contemporary king, just as it may have been in the Damascus Document, but that king might as well have been Agrippa I or II in the first century, as it might, a Maccabean priest-king earlier. In fact, it is more likely that it is to Agrippa I or II, since there is no indication that the document is being addressed to a priest/king and the emphasis throughout the invective is on impurity, fornication, intercourse with foreigners, etc., which has nothing whatever to do with Maccabeans.

In fact, as I have attempted to pinpoint throughout my work,

it has everything to do with Herodians and the priesthood owing its appointment to that family, which is thoroughly compromised by its relationship with the Herodian ruling class. In my view, this is the thrust of warnings against the impurity of the priest class throughout this document. We are in the same universe as the accusations in the Damascus Document, but once again, so poor is the historical grasp of scholars like Schiffman and many of his colleagues, who are not historians, that they are unable to grasp the import of hints like this. The historical grasp of a scholar like Strugnell has been amply displayed across the headlines of the world's press in his Toynbee-like remarks about Jews and Judaism.

What can be agreed upon is that the document is certainly written against a Jerusalem Establishment, whether priest, king, or one supported by Pharisees or Maccabeans. Since the document is clearly anti-Pharisee, even by Talmudic standards, my analysis still stands. It is the Herodians who were supported by the Pharisees, and the document like all others is written against the Herodian Establishment, including the reigning Herodian King, most likely Agrippa I or Agrippa II, and their fornicating sisters and consorts, who certainly compared most unfavorably to the mythological David. Nor can I imagine that the Maccabeans could have been seen in anything approaching this light.

I have analysed these themes in my analysis of the "Three nets of Belial..." at the First Mogilany Conference, including Riches, fornication, but more particularly, non-acceptance of Gentile gifts in the Temple. The last, as I have shown, is the third net of Belial, i.e., resulting in "pollution of the Sanctuary or Temple". Indeed, this theme is a recurrent one from the mid-fifties of the Common Era (when James was flourishing in the Temple), leading up to the revolt against Rome, i.e., the revolt was proclaimed on the rejection of gifts and sacrifices by or on behalf of Gentiles in the Temple.

I have delineated this position more fully and the critique of the Establishment inherent in it in *James the Just in the Habbakuk Peshet*, E. J. Brill, 1986), as relating to antagonism to foreign kings, foreign appointment of high priests, acceptance of gifts and sacrifices on behalf of foreigners in the Temple, for-

nication, including divorce, niece marriage, and incest, and Riches. On the thrust of these issues, MMT is consistent with other Qumran documents, including the War Scroll, the Community Rule, the Temple Scroll, the Damascus Document, and the like.

I would also like to signal another key argument relating to a correct historical appreciation of the *sitz im leben* of MMT. The document has what I would define as a 'Jamesian' current running through it. I mean by this an emphasis on "works" righteousness, extreme zealotness in personal purity regulations, antagonism to fornication, and a 'not one jot or tittle' approach to the Law. It even ends with an enunciation of the 'Jamesian' position on all-important 'Christian' notions like "justification" as noted at the start of this presentation.

I know it is difficult for the critically unschooled to grasp these points, because first we must extract these individuals from their 'Christian' milieu and place them in a more typically Jewish Palestinian one, i.e., the world of the Qumran documents. Once we do this, we must detach them from the normative presentation of the Christianity we are used to, and place them in the concerns of the Jerusalem of the time as reflected in documents like those at Qumran and in Josephus. This takes a critical view of the history of early Christianity in Palestine, which very few Qumran scholars have, not to mention their counterparts in New Testament studies.

Like the other documents, I have mentioned above, to which it so much relates, MMT is eschatological, i.e., speaks of "the last times" or "last days", again an allusion typical of these first-century sectarian documents, but not demonstrably current any time prior to that. Additionally, the Temple is still standing. As a result, and as I have mentioned above as well, it has an obsessive concern for purity in the Temple, particularly the problem of gifts from Gentiles and any intercourse with Gentiles which it considers polluting. Again, too, I have fully analysed these matters in *JJHP* in relationship to 'the Historical James', and the present document falls neatly within parallel parameters.

Where Golb's theory is concerned, as Schiffman properly appreciates, MMT doesn't help it at all, because the material

in the document is completely homogeneous with the other documents I have been signalling here like the Temple Scroll, Damascus Document, War Scroll, and Habakkuk *Pesher*. In addition, the document specifically alludes to being "separated", i.e. separated from the Establishment — presumably that of Jerusalem — and the way in which this word, which is also a familiar one in other documents, is used puts us very clearly in a sectarian universe. Since Schiffman ignores my hypothesis, he is not obliged to refute it, as he does Golb's, which would be a much more difficult task for him.

The stress on "works Righteousness" and antagonism to impurity cannot be emphasized too much. I have discussed the related theme of Gentiles and Gentile gifts in the Temple in my appendix on Bela'/Belial in the Zadokite Document and the Temple Scroll in *JJHP*. Like these two documents, MMT is obsessively concerned with the theme of priests polluting the whole people (ii. 12f). It also picks up the related theme of intercourse with foreigners, which I have analysed at length in both the Zadokite Document and the Habakkuk *Pesher* and identified as an anti-Herodian one, not to mention classes of forbidden persons in the Temple, another theme I have connected to the barring of incestuous and niece-marrying Herodians from the Temple in the run-up to the war against Rome.

Again the telltale vocabulary one finds in the Damascus Document and Habakkuk *Pesher* emerges, with its emphasis on the "violence" in the land and "fornication" (III, 5), the purity of the priesthood (II, 79ff.), "teachery", "lying", and "separation" (III, 7ff.). After the same kind of reference to pardoning David one finds in the Zadokite Document, the same "Belial" imagery is evoked, which I have spent much time elaborating as an integral part of the anti-Herodian symbolism in the Scrolls. It certainly does not relate to Maccabeans at all.

Finally, in the most telling allusion of all, after eschatological evocation of the Last Judgement and the works Righteousness that form the basis of the document's present title, Paul's presentation of how Abraham's faith "was counted as Righteousness" is directly evoked. This allusion, based on the famous words describing how Abraham was justified in Genesis, is also evoked

in the Letter of James, when discussing the problem of Abraham in relation to its Pauline interlocutor. There can be little doubt that the allusion we have here is Jamesian, not Pauline, completely recapitulating the Jamesian position on "works" — the point being that in this long harangue on legal minutia, we have the "works" necessary to count towards 'justification', or if one prefers, Righteousness.

*To sum up:* Schiffman and his associates would have us believe in their refurbishment of shopworn 'Essene' theories that MMT is addressed to a Maccabean ruler, even though there is no hint of this in the text. They claim it is written to the Wicked Priest also a king, even though again, there is no hint of this in the text. So fixed is this in their minds, they assume it is there, but it is not, yet articles like Schiffman's *B.A.* piece promote this misconception. Though, on the plus side, they have now begun talking about "Sadducees" seriously and have likewise thrown away the "Essenes" terminology, on the negative side they still miss that Maccabees and Opposition Sadducees were virtually indistinguishable.

His analysis is about as tortured as Garcia Martinez' "Groningen Hypothesis". Both are meant to lead the public astray in favor of an Establishment hypothesis and by new arguments, back to the traditional position under the guise of a new name. Again, what Schiffman, not to mention Garcia Martinez, is actually doing is laying the groundwork for the Strugnell edition to follow. By way of reward, Schiffman and others have obviously expected to receive a share of the Qumran documents to edit. Of course, this was before Strugnell's recent self-destruction. Again the monopoly in Qumran Studies, that many of us have been trying to break, however, has been well served.