

What is “Halakhah”? The Fascinating History of an Essential Term

Part II: The Emergence of “Halakhah” in Ancient Judaism

Drisha Institute - 03.11.21

Shlomo Zuckier

Biblical Origin?

1. שמות פרק יח

(כ) והזרתה אתכם את-החקים ואת-התורות והודעת לכם את-הדרך ילכו כה ואת-המעשה אשר יעשו:

2. דברים פרק ה

(ל) בכל-הדרך אשר צוה יקנו אליהם אתכם תלכו למען תחיו טוב לכם והארבתם ימים בארץ אשר תירשון:

3. דברים פרק ח

(ו) ושמרת את-מצות יקנו אליהם ללכת בדרךיו וליראה אתו:

4. עזרא פרק ד

(יג) כעו ידע להנא למלא די הו קריתא דה תתבנא ושוריה ישתכללו מנדה בלו נהלה לא ינתנו ואפתם מלכים תהנוק:

(כ) ומלכיו תקיפיו הו על רוישלם ושליטיו בכל עבר נהרה ומנה בלו נהלה מתהב להו:

(כד) באוין בטלת עבדת בית-אלהא די בירוישלם והות בטלא עד שנת תרמיין למלכות דרגוש מלך-פרס: פ

5. רש"י עזרא פרק ד

מנדה בלו והלך - מיני מסים הם וכסף גולגולת:

6. אבן עזרא עזרא פרק ד

מנדה בלו והלך - שמות למס המלך ופירושהם כדרך סברתי מנדה מן הרכוש ובלו מס המדינות והלך מכס ההולכים דרך המלך:

7. מצודת ציון עזרא פרק ד

והלך - הוא תשורה המביאים למלך בעת יעבור אליהם:

Aramaic Origin?

8. שמות פרק כא

(ט) ואם-לבנו ייענה כמשפט הבנות יעשה-לה:

9. תרגום אונקלוס שמות פרק כא פסוק ט

(ט) ואם לבריה יקיימנה כהלכת בנת ישראל יעביד לה:

Akkadian Origin?

10. Saul Lieberman, *Hellenism in Jewish Palestine*, pp. 83-84 n. 3 (1950)

The origin of this word is not definitely established. Leopold Wenger (*Canon in den romischen Rechtsquellen und in den Papyri*) undertakes to prove that canon as *regula iuris* (see pp. 47-71) derived its meaning from canon, rent annually paid by the tenant to the land owner (κανων εμφοτευτικος) and canon, land tax paid to the government. "The characteristic features of the

economic and financial *canon* are that its amount is fixed beforehand as a regular, annual payment which, on principle, is unchangeable. These features are the bridge which connects the two meanings of the term. *Canon* as synonymous with *regula* shows the same traits as the various payments covered by the term: stability, regularity and fixedness, although moderation is not excluded." (A. Berger, *Seminar VII*, 1944, p. 96). Although Wenger's study covers a later period (*canon* as land tax is not attested by sources earlier than the fourth century C. E.) his research and reasoning may perhaps elucidate our term. In Ezra (4:13 *passim*) the tax הלך is mentioned. It has been identified (see Gesenius-Buhl, s. v. הלך) with the Babylonian *ilku* (tax) which is already extant in the laws of Hammurabi. From the Aramaic Indorsements on the Documents of the Murasu Sons (A. T. Clay in *Old Testament and Semitic Studies in Memory of W. R. Harper I*, p. 308, No. 26; p. 316, No. 48) we learn that a land tax was called הלכא. Hence it is possible that the term הלכה, *regula*, fixed rule (הלכה קצובה), has its origin in the name of the fixed land tax.

In practice הלכה has the same meaning as 'οπος (literally "boundary") which means *regula*, and especially a statement of the law, a juristic principle, in antithesis to case law (מעשה), see F. Schulz, *History of Roman Legal Science*, p. 137, n. 4. The Rabbis (*Sifre II* 188, ed. Finkelstein, p. 227) interpreted the verse (Deut. 19:14) "Thou shalt not remove thy neighbor's boundary" (גבול). The Septuagint and Symmachus render it 'οπος as a reference to the deliberate change of the traditional *halakha* (See Lieberman, *Tosefeth Rishonim IV*, p. 52). Comp. also Dionysius of Alexandria quoted by Eusebius, *Historia Eccles.* VII. 7. 5 and A. Rahlfs, *Septuaginta Studien I*, 1904, p. 76. The הלכות רופאים mentioned in *Sifre* (II. 247, ed. Finkelstein, p. 276 and parallel) have no relation with the 'οπος ὑατρικοι of Pseudo-Galen (ed. Kuhn XIX, p. 446 ff.). The latter are only definitions.

11. Tzvi Abusch, "Alaktu and Halakhah: Oracular Decision < Divine Revelation," *Harvard Theological Review* 80:1 (1987), pp. 15-42
pp. 16-17

The Akkadian noun *alaktu* derives from the verb *alāku*, "to go," a cognate of the Hebrew verb *hālak*. *Alaktu* has been translated "way," "path," "course," "behavior," and the like.² The word, indeed, does have these meanings. However, these renderings have also been applied to passages where such translations seem to be less than apt. To cite one example, we note that the request

izizzānimma ilī rabūti šemā dabābī
dīnī dīnā alaktī limdā

(*Maqlû I* 13 – 14)³

in an address to the gods of the night sky⁴ has been repeatedly translated

Step forth O great gods, give heed to my suit.
 Judge my case, *learn about my behavior*.⁵

ing the already recognized meanings of *alaktu* with a new meaning. This new meaning is “oracular decision,” “divine revelation.” In our opinion, *alaktu* in this meaning belongs to the divine sphere and refers to the divine ruling revealed by means of signs. These signs, we believe, are of an astral character. *Alaktu* in the sense of a message manifest in the heavens appears alongside and is to be compared with the related *têrtu*, the designation of the signs and messages revealed by extispicy. *Alaktu* may refer, then, not only to the divine oracle or decision but also to the astral course or celestial movement from which is inferred or which makes known the divine decision.⁶ Accordingly, *alakta*

p. 24

Before we proceed further we must digress and say a few words about the Akkadian verb *lamādu*; for the many occurrences cited in this paper are in the *Grundstamm* (G) or *Qal*. That the Akkadian G-stem of *lamādu* may mean not only “to learn,” “study,” “understand,” but also “to infer,” “deduce,” “conclude,” “decide,” “rule,” “propound,” may perhaps not surprise one familiar with the use of Hebrew *lāmad* in rabbinic literature. But especially considering that even *CAD*, volume L does not seem to recognize these meanings, some explanation is necessary. *Lamādu* in the G occurs in the meaning “to reveal,” “make known,” “rule,” or “pronounce” with *alaktu* and apparently also with other words for decision. An example of this usage is pro-

p. 35

1. In Hebrew, the earliest certain occurrences of *hālākā* (הלכה), “law,” known to me are in the Mishna. It seems to have meant: a normative religious law, a ruling the human derivation of which was not witnessed by those party to the discussion, a traditional or anonymous law, a ruling which occasionally even derived from a divine revelation to Moses on Sinai. *Hālākā* belongs to a pattern used for judicial/exegetical terms. The pattern differs from that used to form terms of a general nature derived from the same root; thus

הלכה - הליכה; דרשה - דרישה; ראה - ראייה

p. 36

4. Finally, the idiom *lāmad hālākā* (למד הלכה) [cf. *alakta lamādu*] is not uncommon. For example, *b. B. Batra* 130b: לא מפי למוד ולא מפי מעשה, “One decides a ruling neither from theoretical considerations nor from action,” or *b. Nid.* 7b: אלא הא קמ”ל שאין למדין הלכה מפי תלמוד.

B. Hypotheses

It is possible that *halakhah* is the result of an inner Hebrew development. A parallel and independent semantic development would then have taken place in both Akkadian and Hebrew, a fact of no little importance. If such is indeed the case, then we have reconstructed and partially documented the stages of development in Akkadian and have provided a model which can be carried over to explain the development of *halakhah* in Hebrew: courses of the stars → divine oracle → path of action. Certainly, this explanation seems preferable to the common explanation whereby one derives “law” from “walk.” For example: “Halakah, from *halak* ‘to go, follow’ means literally ‘going, walking,’ then figuratively: the teaching which one follows, the rule or statute by which one is

p. 37-38

There is much to be said for the position that Hebrew *halakhah* was borrowed from or influenced by Akkadian either directly or via Aramaic. Perhaps the very use in Hebrew of the word *halakhah* with the meaning “law” when there were already other suitable words such as *minhāg*, which also derives from a verb of motion (*nāhag*, “to lead”), can best be explained on the assumption that *halakhah* is a foreign import. Even the noted Talmudist Saul Lieberman thought that the word *halakhah* was derived from Akkadian. But he chose *ilku*, “tax,” as the point of origin and assumed that the borrowing took place via Biblical Aramaic *hālāk* (חלה).⁷⁵ His suggestion is not convincing despite the neat Roman-Jewish parallel that Lieberman thereby created. The derivation is immediately suspect because were *ilku* the word from which *hālākā* derived, *hālākā* should have had a totally different form; suffice to note that *ilku*, a masculine noun, should not have generated the feminine *hālākā* or *hilkētā*. Furthermore, if we accept the possibility that *hālākā* derives from Akkadian, then a far more promising candidate is *alaktu* in the meaning “divine decision,” “oracle,” “ruling,” advanced in this paper. In contrast to *ilku-hālākā*, *alaktu* and *hālākā* are semantically parallel, and they share the following: a common meaning, etymon, root metaphor, gender, and morphological structure, as well as a verbal complement *lāmad / lamādu*.

p. 41

It is difficult to specify a date for the “borrowing” of *halakhah*, beyond saying that it was probably no earlier than the Babylonian Exile (under Nebuchadnezzar II) and certainly no later than the redaction of the Mishna. I am impressed by what may be no more than a coincidence. *Alaktu* seems to have taken on new life and flourished in the seventh and sixth centuries, as witnessed by the reports of the astrologers of the late Assyrian court and by the inscriptions of Nebuchadnezzar II. And I should like to suggest a date as close as possible to the time of Nebuchadnezzar and the exile.

To be sure, *hālākā* first appears as a significant term in the Mishna. This does not constitute an objection either to an Akkadian origin or to an early date for the “borrowing.” The appearance of *hālākā* in the Mishna agrees with the nature of the documentation of Hebrew and accords with the introduction of this word into spoken Hebrew as a result of the Babylonian exile. The dialect of mishnaic Hebrew extends back to the exile and represents the vernacular Hebrew speech form. But only with the destruction of the Second Temple did mishnaic Hebrew succeed biblical Hebrew as the standard literary language.

The Dead Sea Scrolls and Halakhah

Searching for “Halakhah” in the Dead Sea Scrolls

12. John P. Meier, “Is There Halaka (The Noun) at Qumran?,” *Source: Journal of Biblical Literature* 122:1 (2003), pp. 150-155

p. 150

This essay does not question the existence at the turn of the era of the phenomenon that we moderns label *halaka*. One need only read the Rule of the Community (1QS) or the so-called

Halakic Letter (4QMMT), to say nothing of the extensive treatment of legal issues in the corpus of Philo or in Josephus's Jewish Antiquities, to settle the question of the existence in the first century B.C.E. and C.E. of the reality that we call *halaka*. The question this essay raises is rather a linguistic one with two implicit parts: (1) Was the Hebrew noun *halaka* in current use in the first century B.C.E. and C.E.; and, if so, (2) did it carry the sense that is clear from the Mishnah onwards, namely, a legal opinion or ruling about proper Jewish conduct in a particular situation?

13. Rule of the Community, 1QS column I li. 21-26

Text & trans. of DSS materials taken from Garcia-Martinez/Tigchelaar DSS Study Edition

21 והכוהנים מספרים את צדקות אל במעשי גבורתום 22 ומשמיעים כול חסדי רחמים על ישראל והלויים מספרים 23 את עוונות בני ישראל וכול פשעי אשמתם והטאתם בממשלת 24 בליעל [וכן] העוברים בברית מודים אחריהם לאמור נעוינו 25 [פ]שענו [חט]אנו הרשענו אנו ו[א]בותינו מלפנינו ב[ה]לכתנו 26 [...] אמת וצדיק [...] משפטו בנו ובאבותינו]

Blank The priests shall recite the just deeds of God in his mighty works, 22 and they shall proclaim all his merciful favours towards Israel. And the levites shall recite 23 the iniquities of the children of Israel, all their blameworthy offences and their sins during the dominion of 24 Belial. [And all] those who enter the covenant shall confess after them and they shall say: «We have acted sinfully, 25 we have [trans]gressed, we have [si]nned, we have committed evil, we and our [fa]thers before us, inasmuch as we walk 26 [...] truth and just [...] his judgment upon us and upon o[ur] fathers;

14. John Meier, “Is There *Halaka* (the Noun) at Qumran?,” p. 151-152

In 1QS 1:25, the *Dictionary* entry first presents the form *hlktnw* as the noun *halaka* plus the first person plural suffix *-nu* (“our”). Hence, it translates the phrase *hrs' nw... hlktnw* as “We have made our conduct wicked...” However, the entry goes on to note that the Hebrew letter *he* at the beginning of *hlktnw* is not clear (this is apparently due to a scribe’s attempt to erase the *he*); hence the *Dictionary* lists the alternate reading *blktnw*, “in our going” (the preposition *be* with the *qal* infinitive construct of the verb *halak* [*leket*] plus the first person plural suffix). The sense of the whole statement would then have to be: “We have acted wickedly in our conduct...” Quite rightly, therefore, in their editions of the Qumran texts, both James Charlesworth and Elisha Qimron, on the one hand, and Florentino Garcia Martinez and Eibert J. C. Tigchelaar, on the other, print the Hebrew text with the letter *bet* without parentheses or brackets and then the letter *he* in parentheses or brackets.⁷ Charlesworth and Qimron translate the disputed word as “by our walking”; Garcia Martinez and Tigchelaar translate it as “inasmuch as we walk.” At least the latter translation seems take the disputed form to be the *qal* infinitive construct of the verb. Indeed, in his vocalized text, Eduard Lohse simply reads 1QS 1:25 as *bilektenu...*

15. Rule of the Community, 1QS Column III line 9

כיא ברוח עצת אמת אל דרכי איש יכופרו כול 7 עוונותו להביט באור החיים וברוח קדושה ליחד באמתו יטהר מכול 8 עוונותו וברוח יושר וענו[ת]ה תכופר חטתו ובענות נפשו לכול חוקי אל יטהר 9 בשרו להזות במי נדה ולהתקדש במי דוכי ויהכין פעמיו להלכת תמים 10 בכול דרכי אל כאשר צוה למועדי תעודתיו ולוא לסור ימין ושמאול ואין 11 לצעוד על אחד מכול דבריו אז ירצה בכפורי ניהוח לפני אל והיתה לו לברית 12 יחד עולמים

For it is by the spirit of the true counsel of God that are atoned the paths of man, all 7 his iniquities, so that he can look at the light of life. And it is by the holy spirit of the community, in its truth, that he is cleansed of all 8 his iniquities. And by the spirit of uprightness and of humility his sin is atoned. And by the compliance of his soul with all the laws of God 9 his flesh is

cleansed by being sprinkled with cleansing waters and being made holy with the waters of repentance. May he, then, steady his steps in order to walk with perfection 10 on all the paths of God, as he has decreed concerning the appointed times of his assemblies and not turn aside, either right or left, nor 11 infringe even one of all his words. In this way he will be admitted by means of atonement pleasing to God, and for him it will be the covenant 12 of an everlasting Community.

16. John Meier, “Is There *Halaka* (the Noun) at Qumran?,” p. 152-153

The second occurrence, in 1QS 3:9, would seem, at first glance, to provide solid attestation of the noun. Both the Charlesworth and Qimron edition and the Martinez and Tigchelaar edition read the key words as *lhkt tmym*; this would be the preposition *le* ("to," "for") plus the noun *halaka* in the construct state (*hilkat*, "walking," i.e., "conduct," "behavior") plus *tamim* ("perfect," "perfectly," "in perfection"). Charlesworth and Qimron render this "for walking perfectly," while Martinez and Tigchelaar render it "in order to walk with perfection."¹² A problem arises, however, when one compares 1QS 3:9 with fragments of 1QS from Cave 4, specifically 4QS(a) 2:5...

17a. Rule of the Community, 1QS Column III line 9	17b. 4QRule of the Community^a, 4Q255, frag. 2 1-9
<p>וברוח קדושה ליחד באמתו יטהר מכול 8 עוונותו וברוח ישר וענו {ת}ה תכופר חטתו ובענות נפשו לכול חוקי אל יטהר 9 בשרו להזות במי נדה ולהתקדש במי דוכי ויהכין פעמיו להלכת תמים 10 בכול דרכי אל כאשר צוה למועדי תעודתיו ולוא לסור ימין ושמאול ואין 11 לצעוד על אחד מכול דבריו אז ירצה בכפורי ניהוח לפני אל והיתה לו לברית 12 יחד עולמים</p>	<p>וברוח קודשו ליחד באמת[ו] יטה[ר] מכול 2 עונתו וברוח ישר וענו[ה] תכופ[ר] חט[אתו] ובענות 3 נפשו לכול חוקי אל יטהר בשרו להזות עליו[ן] 4 מי נדה ולהתקדש במי דוכי ופ[עמיו] יהכין 5 להלך תמים בכול דרכי[ן] אל כאשר צוה 6 למועדי תעדתו ו[לא] לסור ימין 7 וש[מאול] ואין לצעוד 8 על אחד [מכול דבריו] 8 אז ירצה ב[כפור] ויהיתה לו לברית 9 יחד עולמים</p>

18. John Meier, “Is There *Halaka* (the Noun) at Qumran?,” p. 154

All that can be said at the moment is that (1) we have no textual evidence the existence of the rabbinic sense of *halaka* in the first century B.C.E. or C.(2) even the manuscript evidence for the existence of the noun *halaka* at Qumran best debatable, at worst nonexistent. Needless to say, unless we engage in a strange of nominalism, the absence of the noun in no way affects the presence of the Still, it is wise to be aware of when we use labels anachronistically.

Dorshei Halakot=Dorshei Halakhot?

19. Lawrence Schiffman, “New Light on the Pharisees: Insights from the Dead Sea Scrolls”

Because the Qumran sectarians objected to Pharisaic *halakhah* not based directly on Scripture, the Pharisees are referred to in the scrolls as *dorshe h\alaqot*, literally “seekers after smooth things.” The phrase draws on the biblical usage of *h\alaqot* as lies or falsehoods (Isaiah 30:10; Psalms 12:3–4, 73:18; Daniel 11:32). But *h\alaqot* is also a pun on *halakhot*, the plural of *halakhah* and the term for religious laws known to us from later rabbinic usage. This pun indicates that *halakhah* as a term for religious law was already in common Pharisaic usage as early as the Hasmonean period. Indeed, a study of the rabbinic sources regarding this term shows that the word’s original reference was to a law that did not have a direct basis in Scripture—for

example, a law based on the “tradition of the fathers” or “the elders.” The Damascus Document clearly refers to the Pharisees when it speaks of those who “interpret false laws” (*darshu beh\alagot*) and choose falsehoods, seek out opportunities to violate the law, choose luxury, declare innocent the guilty and declare guilty the innocent. They violate the covenant and annul the law, and band together to do away with the righteous (CD 1:18–20). The entire corpus of the Pharisaic laws thus constitutes, in the view of the sectarians, “annulment” of the Torah, because it replaces biblical laws with the Pharisees’ own rulings.

20. Papyrus Peshar Isaiah, 4Qpap pIsa^c, Frag. 23 col. ii

[...] והמה [...]ה כול. [...] 2 vacat [...] [...] 3 [כי]א כ[ו]ה אמר יהוה קדוש ישראל בשובה ונ[חת תושעון] 4 [בה]שקט ובטח תהיה גבורתכמה ולוא אביתמה ות[ואמרו] 5 לוא כיא על סוס נגוס על כן תנוסון ועל קל נרכב על כן 6 יקלו רודפיכמה אלף אחד [מ]פני גערת אחד מפני גערת 7 חמשה תנוסון עד אם נותרתמה כתון על רואש הר 8 וכנס על גבעה לכן יחכה אדוני לחנ[נכ]מה ולכן ירום 9 לרחמכמה כיא אלוהי משפט יהוה אשרי כול חוכי לו 10 פשר הדבר לאחרית הימים על ד[ורשי] החלקות 11 אשר בירושלים [...] 12 בתורה ולוא יה[ה] [...] [...] 13 לב כיא לדוש[] 14 כיחכה איש גדו[דים] חבר כוהנים [ה]תורה מאסו [...] 15 [כ]יא עם בציון [ישב בירושלים] בכו לוא תבכה חנון יחנכה [לקול] 16 זועקכה כשמ[עתו] ענכה ונתן לכמה אדוני לחם צר ומים לחץ[] 17 ולוא יכניף ע[וד] מוריקה והיו עיניכה רואות את מוריכה 18 [ואוזניכה] תשמענה דבר מאחריכה לאמור זה הדרך לכו בו[] 19 כיא תימ[ינו] וכיא תשמאלו פשר הדבר לאחרית הימים [] 20 על עון ע[] [...]

Frag. 23 col. ii 1 [...] and they [...] all [...] ... [...] 2 [...] ... [...] *Blank* [...] 3 *Isa 30:15-18*

[For] th[u]s says yhwh, the Holy One of Israel: By turning back and being pla[cid will you be saved;] 4 your courage will comprise [com]posure and trust. But you did not wish and [said:] 5 No, let us flee on horseback — Well, then, you need to flee — and: We will run at a gallop — Well, then 6 those chasing you will run faster. A thousand (shall flee) [be]fore the menace of one, before the menace 7 of five shall you flee, until you end up like a flagpole on the peak of a mountain, 8 like a standard upon a hill. This is why the Lord waits to take pit[y on y]ou, this is why he rises 9 to be lenient with you. For yhwh is a God of justice. Happy are all those waiting for him. 10 The interpretation of the word, for the last days, concerns the **congregation of those [looking] for easy interpretations** 11 who are in Jerusalem [...] 12 in the law and not [...] 13 heart, for in order to crush [...] 14 /*Hos 6:9* As bandits lie in wait, [the priests scheme]./ They have rejected the law [...] 15 *Isa 30:19-21* [F]or (you) a people [living] in Zion, [in Jerusalem, will no longer need to weep; he will have pity on you at the sound of] 16 your cry; when he hea[rs it, he will answer you. Even though the Lord has given you measured bread and rationed water,] 17 no lo[n]ger will he hide [your Teacher, and your eyes will see your Teacher.] 18 Your ears will h[ear a word behind you which says: This is the path, walk on it,] 19 when you need to go to the rig[ht or to the left. The interpretation of the word, for the last days,] 20 concerns the sin of [...]

21. Peshar Nahum, 4Q169, fragments 3-4 I, lines 1-3

...מדור לרשעי גוים אשר הלך ארי לבוא שם גור ארי 2 [ואין מחריד] vacat פשרו על דמי[טרוס] מלך יון אשר בקש לבוא ירושלים בעצת דורשי החלקות 3 [ולוא בוא כי לוא נתן אל את ירושלים ביד מלכי יון מאנתיכוס עד עמוד מושלי כתיים ואחר תרמס

I [...] residence for the wicked of the nations. *Nah 2:12* Where a lion went to go into it, a lion cub 2 [without anyone confining him. *Blank* Its interpretation concerns Deme]trius, king of Yavan, who wanted to enter Jerusalem on the advice of the **those looking for easy interpretations**, 3 [but he did not enter, for God had not given Jerusalem] into the hand of the

kings of Yavan from Antiochus up to the appearance of the chiefs of the Kittim. But later, it will be trampled...

22. Damascus Document, CD-A column I line 11-column II line 1

וידוע 12 לדורות אחרונים את אשר עשה בדור אחרון בעדת בוגדים 13 הם סרי דרך היא העת אשר היה כתוב עליה כפרה סורירה 14 כן סרר ישראל בעמוד איש הלצון אשר הטיף לישראל 15 מימי כזב ויתעם בתוהו לא דרך להשה גבהות עולם ולסור 16 מנתיבות צדק ולסיע גבול אשר גבלו ראשנים בנחלתם למען 17 הדבק בהם את אלות בריתו להסגירם לחרב נקמת נקם 18 ברית בעבור אשר דרשו בחלקות ויבחרו במהתלות ויצפו 19 לפרצות ויבחרו בטוב הצואר ויצדיקו רשע וירשיעו צדיק 20 ויעבירו ברית ויפירו חוק ויגודו על נפש צדיק ובכל הולכי 21 תמים תעבה נפשם וירדפום לחרב ויססו לריב עם ויחר אף 1 אל בעדתם להשם את כל המונם ומעשיהם לנדה לפניו

And he made known 12 to the last generations what he had done for the last generation, the congregation of traitors. 13 These are the ones who stray from the path. This is the time about which it has been written: *Hos 4:16* «Like a stray heifer 14 so has Israel strayed», when «the scoffer» arose, who poured out over Israel 15 waters of lies and made them stray into a wilderness without path, causing the everlasting heights to sink down, diverging 16 from tracks of justice and removing the boundary with which the forefathers had marked their inheritance, so that 17 the curses of his covenant would adhere to them, to deliver them up to the sword carrying out the vengeance 18 of the covenant. For they **sought easy interpretations**, chose illusions, scrutinised 19 loopholes, chose the handsome neck, acquitted the guilty and sentenced the just, 20 violated the covenant, broke the precept, banded together against the life of the just man, their soul abominated all those who walk 21 in perfection, they hunted them down with the sword and provoked the dispute of the people. And kindled was the wrath of *Col. ii* (= 4Q266 2 ii) 1 God against their congregation, laying waste all its great number, for their deeds were unclean in front of him.

Names of Scrolls

23. Various Scroll Names

4Q394 (4QMMT^a) *4QHalakhic Letter^a*

E. Qimron, J. Strugnell, *DfD X*, 3-13, pls. I-III

PAM 43.477, 43.492, 43.521

ROC 335, 336

4Q395, 4Q396, 4Q397, 4Q398, 4Q399

Bibliography: E. Qimron, J. Strugnell, 'An Unpublished Halakhic Letter from

(see also Scrolls 4Q395-399, other texts of Miktzat Ma'aseh ha-Torah)

4Q251 (4QHalakhah A) *4QHalakhah A*

E. Larson, M. Lehmann, *DfD XXXV* (forthcoming)

PAM 43.307, 43.308

ROC 702, 711

4Q264a (4QHalakhah B) 4QHalakhah B

J.M. Baumgarten, *DJD XXXV* (forthcoming)

PAM 42.412, 43.310

ROC 110

Frag. 1 1 [... כי אם אל]ף באמה אל יקח איש 2 [...] גם הכוהנים
בני 3 [אהרון ... כול] העולות והזבחים אשר 4 [...] מגל]ת ספר ל[קרו]א
בכתבו ביום [השבת ...] 5 [...] יקרא]ו וילמדו במ אל יחשב איש [בפיהו]
6 [...] בכול דברי עבודה או בהון או [בבצע ...] 7 [...] ביום הש[ב]ת ואל
יד[בר ד]בר כי אם ל[דבר דברי] 8 [קודש כחוק יד]בר לברך אל אך ידבר
[דבר] לאכול ולש[תות ...]

Frag. 3 1 [...]... 2 אחריהם ל. [...] 3 ועץ וכול איש [...] 4 בבית
א[ו] בעיר [...] 5 להלחם עמו [...].

472a

4Q472a 4QHalakha C

T. Elgvin, *DJD XXV* (forthcoming)

PAM 43.430, 43.551

1 [...]...[...][...]מיום [...] 2 לישנים דכי ליחד נזי. [...] 3 נדיבימו לכבוד
וד. [...] 4 לפנות [...]מ[...] 5-8 [...].

4Q472a 4QHalakha C

ROC 129

1 [...] ... [...] from the day [...] 2 for the old ones which are pure for the commu-
nity ... [...] 3 their nobles for glory and ... [...] 4 to the corners [...] ... [...]
5-8 ... [...]

24. Hindy Najman and Eibert Tigchelaar, “A Preparatory Study of Nomenclature and Text Designation in the Dead Sea Scrolls,” *Revue de Qumran* 26:3 (2014), pp. 305-325, at p. 311

II.3 Hebrew Names Assigned to Scrolls

Other Hebrew names were offered by editors of manuscripts as generic or content designations for the compositions, sometimes based on words used in the text. (17) Milik’s comment in DJD 1 may suggest that he assigned Hebrew names to those texts which he considered Essene or sectarian, while he used French or English titles for those texts which he regarded as nonsectarian.

אות or *Otot*, signs (4Q319). The word אות, “sign,” is found repeatedly in the text, and can be used as a content designation, since large parts of the text consist of ’*otot* lists. (18)

ברכות or *Berakhot* (Ber; 4Q286–290) is a generic designation which signals liturgy. The text consists of blessings and curses, and uses the verb ברך a few times, as well as the plural noun ברכות. (19)

דברי משה or *Dires de Moïse* (1Q22 = 1QDM). The name characterizes the content, but does not appear at the beginning of the text. See discussion below.

הודיות or *Hodayot* was proposed by Sukenik as a designation because many of the hymns begin with אודך אדוני, “I praise you Lord.” (20)

הלכה or *Halakha* (4Q251; 4Q264a; 4Q472a) is a content designation, based on the later rabbinic use of the term, even though the word does not appear at all in the Dead Sea Scrolls. (21)

(17) Other Hebrew titles were used provisionally, but not in the official editions, such as *Dibre maskil libne sahar* (siglum: DS) for 4Q298; *Serekh ha-Niddot* (Sndt; 4Q284) or *Tehillot ha-'Avot* (4Q382). See also the Aramaic titles as reflected in the sigla of the Card Concordance: *ḥazut 'Amram* (4Q543–547), *k'tab Mika'el* (4Q529), *molad No'h* (4Q533).

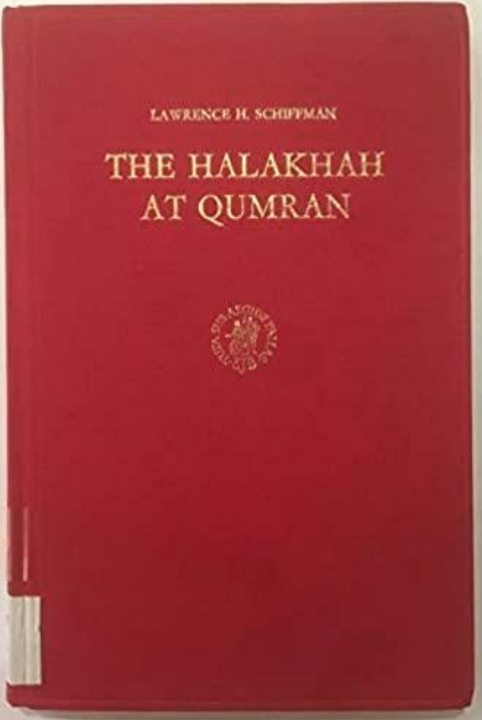
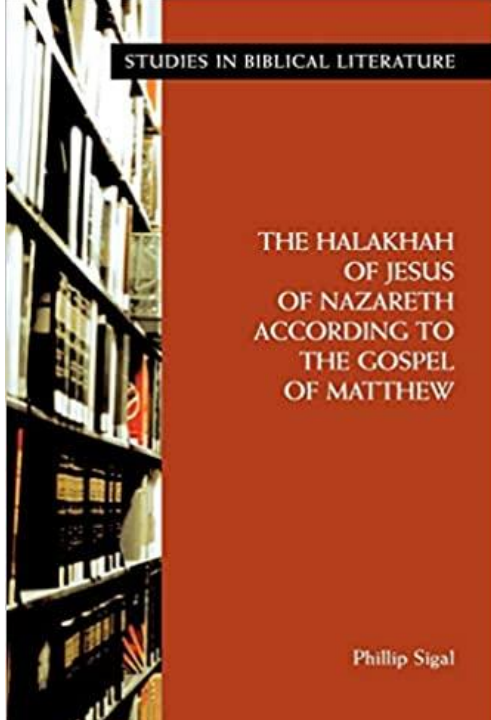
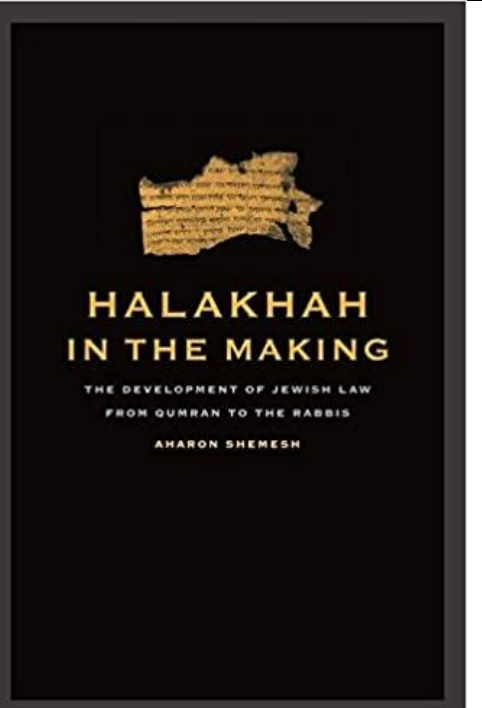

(18) Published by J. Ben-Dov in *Qumran Cave 4 XVI: Calendrical Texts* (DJD 21; Oxford: Clarendon, 2001), 195–244. In his discussion in *The Books of Enoch: Aramaic Fragments of Qumrân Cave 4* (Oxford: Clarendon, 1976), 61–69, J. T. Milik furnishes no name, referring to the text as “fragments of a calendar in a copy of the *Rule of the Community*” (61), but in Strugnell’s 1985 list, the text is called “*Otot*.”

(19) Published by B. Nitzan in *Qumran Cave 4 VI: Poetical and Liturgical Texts: Part I* (DJD 11; Oxford: Clarendon, 1998), 1–74. The name “*Berakhot*” was already given at an early stage, as is clear from the tag on PAM 41.589 (taken in 1955).

(20) E. L. Sukenik, *Oṣar hamegillot hagenuzot šebyade ha'universiṭa ha'ibrit* (Jerusalem: Bialik, 1954), 34.

(21) 4Q251 (4QHalakha A), 4Q264a (4QHalakha B), and 4Q472a (4QHalakha C) were all published in *Qumran Cave 4 XXV: Halakhic Texts* (DJD 35; Oxford: Clarendon, 1999), but none of the editors elaborates on the names assigned to the manuscripts. The name of 4Q251 goes back to J. T. Milik, who already referred to it as “4QHalakah^a” in *Les petites grottes de Qumrân* (DJD 3; Oxford: Clarendon, 1962), 300. See also the tag “Halakhic” on PAM 42.409–42.411 (taken in 1957).

Scholarly Use of “Halakhah” in Study of Ancient Judaism

27. Recent Works on pre-Talmudic “Halakhah”	
<p data-bbox="203 310 544 340"><i>Lawrence Schiffman, 1975</i></p> 	<p data-bbox="738 310 982 340"><i>Phillip Sigal, 2008</i></p> 
<p data-bbox="203 1081 495 1110"><i>Aharon Shemesh, 2009</i></p> 	<p data-bbox="738 1081 1063 1110"><i>Michael Corinaldi, 1996</i></p>  <p data-bbox="1323 1323 1388 1344">Go to page:</p> <p data-bbox="803 1375 1071 1438">Samaritan Halakhah Michael Corinaldi DOI:10.1093/acprof:oso/9780198262626.003.0003</p> <p data-bbox="803 1449 966 1470">[-] Abstract and Keywords</p> <p data-bbox="803 1480 1388 1627">The name <i>Shomronim</i> or 'Samaritans' was initially used to refer to the inhabitants of the province called Samaria. <i>Shomronim</i>, the origin of the sect's name, supposedly refers to a group of Samaritan inhabitants who view themselves as authentic guardians of the Scripture and of the truth explained in the <i>Torah</i>. The Samaritan <i>halakhah</i> could be characterized as a practice that initiated during the First Temple period and has persisted until the present day. This chapter attempts to look into the historical aspects of this approach through providing a comparative viewpoint for the rabbinic tradition that opts to view this practice as a sectarian one. Here, we explore a form of Jewish law that has denied the Oral Law of the Rabbis, although such is said to have taken its basis from the Bible.</p> <p data-bbox="803 1627 1307 1648"><i>Keywords:</i> Shomronim, Samaritans, Samaria, halakhah, sectarian tradition, Bible, Jewish Law, Oral Law, Rabbis</p>

26. Lawrence Schiffman, “State of Research: Confessionalism and the Study of the Dead Sea Scrolls,” 1991

It is a commonplace in all areas of scholarship that the particular biases and backgrounds of the scholars who work in a field may in some ways affect the history of research in that field.

Certainly, in the field of Judaic Studies this phenomenon is well known regarding the Wissenschaft des Judentums. Little has been done, however, to reflect on more recent research, especially as it relates to confessionalism... The history of research on the Dead Sea Scrolls provides an excellent example of this phenomenon...

The exclusion of Israelis, and even of Diaspora Jews, from this process has been explained as resulting from the political situation. For many years, even Jews outside of Israel experienced trouble gaining access to these materials...

What has been the effect of this confessional limitation? First, it has allowed the rise of an entire genre of Christian scroll research...

Simply stated, the issue is as follows: Conservative Christians tend to want to accent the uniqueness of Jesus and his contribution to the rise of the Christian Church. Hence, they accent the Jewish character of Qumran, even its halakhic nature. More liberal Christians tend to see Christianity as closer in origins to Judaism, and as almost having begun before Jesus. To them, Jesus was merely a product of the circumstances that led to the rise of the messianic movement he represented, although they would not state it so strongly. To these scholars, Qumran is to be seen as closer in spirit and practice to Christianity. They therefore neglect the Jewish elements, like law, purity, and other practices. So, in fact, the internal Christian debate that has raged over the extent of the closeness of Qumran and the early Church has not been based simply on objective criteria. It has had to do with the internal issues of modern Christianity.