

An Analysis of Female Gentile Conversion to Judaism through Marriage in the Temple Scroll

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SBL Denver, November 19, 2018

Texts: (SEE BELOW FOR ACCOMPANYING PAPER)

1. Temple Scroll 11Q19 LXIII, 10-15

When you go out to war against your enemies and I place them in your hands, and you make prisoners, 11 and you see among the prisoners a woman of beautiful appearance (אשה יפת תואר), and you desire her and you take her as a wife for yourself, 12 you shall bring her into your house, and shave her head and cut her nail/s/, and you shall remove 13 the prisoner's clothes from her. And she will live in your house, and she will weep for her father and her mother a full month. 14 Afterwards you shall enter her, /and/ marry her, and she will become your wife. But she may not touch your purities (טהרה) for 15 seven years, nor may she eat the peace offering (זבח שלמים) until seven years pass; afterwards she may eat. García Martínez and Tigchelaar, *DSS Study Ed.* Vol. 2

2. Deut 21:10-14

When you go out to war against your enemies, and the LORD your God hands them over to you and you take them captive, 11 suppose you see among the captives a beautiful woman (אשה יפת תואר) whom you desire and want to marry, 12 and so you bring her home to your house: she shall shave her head, pare her nails, 13 discard her captive's garb, and shall remain in your house a full month, mourning for her father and mother; after that you may go in to her and be her husband, and she shall be your wife. 14 But if you are not satisfied with her, you shall let her go free and not sell her for money. You must not treat her as a slave, since you have dishonored her. NRSV

3. 1QS VI, 16-21

16 . . . When he approaches the Council of the Community *he must not touch the pure-food* of 17 *the Many* (טהרת הרבים), until he has been examined concerning his spirit and his work until one full year is completed, nor shall he have any share in the property of the Many. 18 When he has completed one year within the Community, the Many shall be asked about his affairs with regards to his insight and his works in Torah. If the lot should go out to him 19 that he should approach the assembly of the Community according to the priests and the multitude of the men of their covenant, then both his property and his possessions shall be given to the hand of the man (who is) 20 the Examiner over the possessions of the Many. And he shall register it into the account with his hand, and he must not bring it forth for the Many. *He must not touch the drink of the Many* (משקה הרבים) until 21 *he has completed a second year among the men of the Community*. When that second year has been completed he shall be examined according to the Many.

PTSDSSP 1 (emphasis added)

4. Temple Scroll 11Q19 LVII, 15-17

And he shall not take a wife from among all 16 the daughters of the nations (בנות הגויים), but instead take for himself a wife from his father's house (מבית אביו) 17 from his father's family (ממשפחת אביו).

García Martínez and Tigchelaar, *DSS Study Ed.* Vol. 2

5. Lev 21:14

A widow, or a divorced woman, or a woman who has been defiled, a prostitute, these he [the priest who is exalted above his fellows] shall not marry. He shall marry a virgin of his own kin (מעמיו). NRSV

6. Temple Scroll 11Q19 II, 12-15

Take care not to make [a covenant with the occupants of] 13 [the land, they whore] after [their go[ds and] make sacrifices to t[hem, lest they entice] 14 [you and you eat (part) of their sacrifices and acc]ept [their daughters for your sons,] 15 [and their daughters will whore after their gods] and wi[ll make your sons whore after]... García Martínez and Tigchelaar, *DSS Study Ed.* Vol. 2

7. Exod 34:15-16

You shall not make a covenant with the inhabitants of the land, for when they prostitute themselves to their gods and sacrifice to their gods, someone among them will invite you, and you will eat of the sacrifice (זבח). 16 And you will take wives from among their daughters for your sons, and their daughters who prostitute themselves to their gods will make your sons also prostitute themselves to their gods. NRSV

8. Ant. 16.11

Yet was the king at that time in a condition to prefer the natural affection of a father before all the suspicions and calumnies his sons lay under: so he respected them as he ought to do, and married them to wives . . . and to Alexander, Glaphyra, the daughter of Archelaus, king of Cappadocia.

Whiston, Works of Josephus

Ant. 17.11, 349-351

At that time also it was that Herod sent back king Archelaus's daughter, who had been Alexander's wife, to her father.

Whiston, Works of Josephus

Ant. 17.349-351 (excerpts)

The like accident befell Glaphyra . . . who was the daughter of king Archelaus . . . Archelaus [son of Herod] divorced his former wife, Mariamne, and married her.

Whiston, Works of Josephus

9. Ant. 18.109

Herod the tetrarch had married the daughter of Aretas [the king of Arabia Petrea], and had lived with her a great while.

Whiston, Works of Josephus

10. Virtues 220-222 (excerpts)

This nobleness has been an object of desire not only to God-loving men, but likewise to women, who have discarded the ignorance in which they have been bred up, which taught them to honour, as deities, creatures made with hands. . . . For Tamar was a woman from Syria Palestina, who had been bred up in her own native city, which was devoted to the worship of many gods, being full of statues, and images, and, in short, of idols of every kind and description. . . . She then, at the risk of her life, exerted all her energies to arrive at piety . . . And yet she, having married two wicked brothers in turn, . . . in the case of the first husband not having left any family, but nevertheless, having preserved her own life free from all stain, was able to attain to that fair reputation which falls to the lot of the good.

Yonge, Works of Philo

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(Work in Progress-not for distribution or citation)

Temple Scroll 11Q19 LXIII, 10-15 retells the narrative of the beautiful captive woman. The sequencing of the content in the passage mirrors its predecessor from biblical law (Deut 21:10-14) fairly closely when recounting that the female captive undergoes a month of mourning, after which she becomes the captor's wife. At this point, however, the Temple Scroll passage diverges and articulates that after a period of seven years has passed, the woman may touch the purities and eat of the peace offerings. Scholarship has already noted this passage's similarity to the description of graduated entry into the Yahad, described in the Community Rule (1QS VI, 16-21).² The fact that this captive woman can also eat of pure food after a certain time has passed suggests that she, too, has become a full member of the group. The present paper investigates whether this passage in the Temple Scroll describes a Gentile woman's initial conversion to Judaism through marriage.

The question is open to investigation because it is uncertain whether this rewritten biblical law indicates that marriage may actually serve as a conversion mechanism for female converts, in this period prior to the introduction of immersion as a conversion mechanism.³ Another passage within the Laws of the King in the Temple Scroll (11Q19 LVII, 15-17) expressly forbids marriage

¹I would like to thank Hannah Harrington and Shalom Holtz for their work in organizing this session, and Bruce Wells for posting the paper presentations to the section's website.

²Concerning 1QS VI, 16-21 and its comparison to 11Q19 LXIII, see the following articles that note the parallel between the two passages with regard to pure food restrictions: Moshe J. Bernstein, "Women and Children in Legal and Liturgical Texts from Qumran," *DSD* 11 (2004): 199–200; Lawrence H. Schiffman, "Laws Pertaining to Women in the *Temple Scroll*," in *The Dead Sea Scrolls: Forty Years of Research*, ed. Devorah Dimant and Uriel Rappaport, STDJ 10 (Leiden; New York; Köln; Jerusalem: Brill; Magnes, 1992), 220.

³For example, the question of mechanisms for female conversion prior to immersion is raised in Shaye J. D. Cohen, "Respect for Judaism by Gentiles According to Josephus," *HTR* 80 (1987): 430; Shaye J. D. Cohen, "Crossing the Boundary and Becoming a Jew," *HTR* 82 (1989): 25; and Judith M. Lieu, "Circumcision, Women and Salvation," *NTS* 40 (1994): 364.

to “the daughters of the nations.” This internal contradiction leads one to question whether 11Q19 LXIII is indeed permitting it. In addition, because the Temple Scroll may be understood to represent an ideal reality, and 1QS possibly a descriptive enterprise as opposed to a prescriptive one,⁴ extracting social realities from the Temple Scroll is not a straightforward process. For example, Hannah Harrington has argued that 11Q19 LXIII is, in fact, a legal fiction of a farcical nature.⁵ Or, if the passage is not a legal fiction and does in some way hint at social realities even if not in a prescriptive fashion, does the marriage itself function as a conversion or part thereof?

The paper’s method will consist of comparing 11Q19 LXIII both innertextually and intertextually. First, the paper will compare 11Q19 LXIII against its scriptural and other legislative parallels, namely Deut 21:10-14 and 1QS VI, 16-21. Second, 11Q19 LXIII will be compared innertextually against 11Q19 LVII, 15-17 in addition to that passage’s predecessor from biblical law (Lev 21:14). And third, the paper will draw comparisons to other early Jewish writings of Philo and Josephus, in particular to passages that may describe the conversion of Gentile women to Judaism through the act of marriage. The purpose of the study is to address the question whether this unique piece of rewritten biblical law may indicate that the result of the marriage described is considered to be a “conversion” in this time period and for this text. During the study, the working definition of a conversion is a change made in features of both kinship and culture, including religious practices.⁶ Despite the non-prescriptive nature of the texts involved in

⁴A law that is “prescriptive” may be described as “regulatory,” in other words, law as it is practiced. These descriptions draw on the work of Michael LeFebvre, *Collections, Codes and Torah: The Re-Characterization of Israel’s Written Law*, LHBOTS 451 (New York; London: T & T Clark, 2006), esp. 1–2, and 2 n. 2.

⁵See Harrington’s argument in Hannah Harrington, “Intermarriage in Qumran Texts: The Legacy of Ezra–Nehemiah,” in *Mixed Marriages: Intermarriage and Group Identity in the Second Temple Period*, ed. Christian Frevel, LHBOTS 547 (London; New York: T&T Clark, 2011), 251–79. These views will be discussed again below.

⁶Elsewhere I describe a conversion within the Dead Sea Scrolls to include a transformation in features of both kinship and culture, including a connection to a land and also religious practices, such as circumcision. See Carmen Palmer, *Converts in the Dead Sea Scrolls: The Gēr and Mutable Ethnicity*, STDJ 126 (Leiden; Boston: Brill, 2018). Also, Robert Kugler has described the people of the Dead Sea Scrolls in terms of ethnicity as well, with features evident such as a connection to “the land of Israel” as well as “Israelite discursive traditions.” Robert Kugler, “The War Rule Texts and a New Theory of the People of the Dead Sea Scrolls: A Brief Thought Experiment,” in *The War Scroll, Violence, War and Peace in the Dead Sea Scrolls and Related Literature: Essays in Honour of Martin G. Abegg on the Occasion of His 65th Birthday*, lead ed Kipp Davis, ed. Dorothy M. Peters, et al., STDJ 115 (Leiden; Boston: Brill, 2016), 166. See also Kugler’s chapter on this topic in Robert Kugler, “Ethnicity: A Fresh Religious Context of the Scrolls,” in *T&T Clark Companion to the Dead Sea Scrolls*, ed. George J. Brooke and Charlotte Hempel, Bloomsbury Companions (Edinburgh; London; New York: T&T Clark, 2018), 75–83.

this study, the comparisons made among them will hint at certain social realities regarding marriage in the Temple Scroll generally, and the marriage of the female captive woman specifically.

Comparing Temple Scroll 11Q19 LXIII against Deut 21:10-14 and 1QS VI, 16-21.

Lawrence Schiffman and others have suggested that the Temple Scroll, likely composed toward the end of the second century BCE, describes an idealized Temple and “how the Temple and its ritual ought to be conducted until the messianic era.”⁷ Schiffman suggests that some of the rules are intended to correct actual current practices.⁸ On the other hand, Moshe Bernstein has aptly observed that the law concerning the beautiful captive woman is not one “which had practical implications too often.”⁹ Such a comment would imply a contemporary practice to some degree. In this present study’s method identified above, it is in differentiating this passage in the Temple Scroll through innertextual and intertextual comparisons that we are seeking sociohistorical relevancy with regard to women and conversion through marriage.

When comparing 11Q19 LXIII to its scriptural predecessor Deut 21:10-14, the two passages are fairly similar up until the point of marriage [HANDOUT ##1-2]. The female captive undergoes a period of a “full month” for the sake of purification,¹⁰ as evidenced in the cutting of

⁷Lawrence H. Schiffman, “Exclusion from the Sanctuary and the City of the Sanctuary in the Temple Scroll,” *HAR* 9 (1985): 315. On the topic of an idealized Temple setting, see also Lawrence Schiffman, “The *Temple Scroll* and the Nature of Its Law: The Status of the Question,” in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, ed. Eugene Ulrich and James VanderKam (Notre Dame: University of Notre Dame Press, 1994), 51; and Terence Donaldson, *Judaism and the Gentiles: Jewish Patterns of Universalism (to 135 CE)* (Waco, TX: Baylor University Press, 2007), 207–9. On a dating of the composition of the Temple Scroll “no earlier than the second half of the reign of John Hyrcanus” see Lawrence Schiffman, “The *Temple Scroll*,” 49. Yigael Yadin dates the work more generally to the “latter half” of the second century BCE. Yigael Yadin, *Introduction* (vol. 1 of *The Temple Scroll*; (Jerusalem: The Israel Exploration Society, 1983), 39.

⁸For example, arguing against wars with Egypt for the sake of gaining wealth, in 11Q19 LVI 16-17, as done by John Hyrcanus. Lawrence Schiffman, “The *Temple Scroll*,” 49. Another more recent view concerning interpreting the laws of the Temple Scroll is the argument of Jonathan Vroom, in which he suggests that the Temple Scroll displays a stage in the development of legal authority in which Torah, with Temple Scroll’s own interpretive lens, is moving toward binding obligation. See Jonathan Vroom, *The Authority of Law in the Hebrew Bible and Early Judaism: Tracing the Origins of Legal Obligation from Ezra to Qumran*, JSJSup 187 (Leiden; Boston: Brill, 2018). Even if moving toward “binding,” the question once again is with regard to the scope and interpretation of the rule.

⁹Bernstein, “Woman and Children,” 199.

¹⁰Literally, a “month of days” (חודש ימים) (line 13).

her hair, the clipping of her nails, and the provision of new clothes.¹¹ Effectively, the captor then marries his new wife. It is at this point that the two narratives diverge. Deuteronomy 21:14 articulates that if the husband is not satisfied with the wife, she shall go free and not be sold for money. In so saying, the passage also implies that the woman has made a change in kinship, since Leviticus 25:39-46 articulates that Israelites shall not be sold as slaves, only foreigners. The woman has relinquished her Gentile identity, in that she, too, may not be sold as a slave.

Instead of the Deuteronomic warning not to sell the woman as a slave, Temple Scroll legislates the following: “But she may not touch your purities (טהרה) for 15 seven years, nor may she eat the peace offering (זבה שלמים) until seven years pass; afterwards she may eat” (11Q19 LXIII, 14).¹² This “purity” refers to pure food consumed by community members in other sectarian writings of the scrolls, such as 1QS VI, 16–21 to be considered shortly.¹³ Peace offerings, named in Leviticus 3 and 7, may be consumed in various portions by the LORD, priests, and children of Israel. The Temple Scroll, too, refers to peace offerings pertaining to the children of Israel.¹⁴ For the Temple Scroll, then, as with the Deuteronomy antecedent, it seems the woman eventually becomes a full member and “child of Israel.” However, it is not entirely clear whether the marriage itself may be considered a conversion. Certainly, even after marriage,

¹¹Slight variations include the “month of days” in the Temple Scroll versus a “full month” in Deut 21:13 (כֶּרֶת יָמִים), possibly to serve as a synonymous variation or to clarify that a full month of thirty days is intended. Another variation in the Temple Scroll version is the fact that the husband cuts the nails instead of the wife. Schiffman comments upon both of these variations in Lawrence H. Schiffman, “Women in the *Temple Scroll*,” 218–19.

¹²English translations for the Temple Scroll are as found in Florentino García Martínez and Eibert J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition*, 2 vols. (Leiden; Boston; Köln: Brill, 1997–98). There is some question as to whether her period of waiting described is seven years, or actually a process of fourteen years (seven for pure food and then seven for peace sacrifices). Manfred Lehman and Yigael Yadin are supporters of the fourteen year interpretation. See Manfred R. Lehmann, “The Beautiful War Bride (יפת האר) and Other *Halakhoth* in the Temple Scroll,” in *Temple Scroll Studies: Papers Presented at the International Symposium on the Temple Scroll, Manchester December 1987*, ed. George J. Brooke, JSPSup 7 (Sheffield: Sheffield Academic Press, 1989), 268–69; Yadin, *Temple Scroll*, 1, 367. However, more common is the understanding that the repetition of seven is with regard to the items consumed, and not to suggest two sequential periods of time. See Lawrence H. Schiffman, “Exclusion,” 219–20, and n. 49.

¹³Cecilia Wassen, *Women in the Damascus Document*, SBLAB 21 (Leiden: Brill, 2005), 69.

¹⁴Mention of the peace offering occurs in 11Q19 XXI, 1; XXXVII, 5; XXXVII, 11; XXXVII, 12; LII, 15; LXIII, 15 (the present passage of interest); and 11Q20 X, 3 (this passage overlaps with 11Q19 XXXVII, 12). In particular, references identifying the peace sacrifice as belonging to the children of Israel involve 11Q19 XXXVII, 5; XXXVII, 12; and 11Q20 X, 3.

a period of seven years must pass before she is fully integrated. Perhaps the marriage serves as a first step of conversion in a gradual process. From this comparison, we can establish that the intermarriage is permitted, and that the marriage has something to do with the conversion itself. However, what if the whole passage itself is actually a legal fiction? It is at this point that we turn to the comparison to 1QS VI and its description of graduated community entry.

As with the Temple Scroll, we are not looking at the Rule of the Community as a prescriptive document necessarily. For example, Sarianna Metso argues that the rules of 1QS may be designed to function in an educational capacity: an accumulation of records may serve as a record of traditions over time, and are intended in a “post-scriptive” as opposed to “prescriptive” fashion.¹⁵ From a somewhat different perspective, Alison Schofield writes that the updating of the codes indicates a “dynamic, and authoritative, creation.”¹⁶ In other words, we are seeking sociohistorical relevancy from the rule text, but that which remains open is the manner in which one interprets such authority.

This passage from 1QS VI, 16-21 deals with the timed integration of new members into the Council of the Community, or Yahad. In the process outlined in 1QS VI, 16-21, new admittands are allowed the pure food (טהרה) after one year, followed by drink (משקה) after two years. [HANDOUT #3] Prohibiting drink for new members for a longer time period than food aligns with regulations that liquids are susceptible to transmitting impurity.¹⁷ One observes

¹⁵Sarianna Metso, “Problems in Reconstructing the Organizational Chart of the Essenes,” *DSD* 16 (2009): 388–415, and especially the introductory argument on 390–391 and summary on 413–414. An example of the layering of tradition may be seen with regard to this passage on admission procedures itself. 1QS V, 7–9 merely describes new members making an oath to return to the law of Moses with all one’s heart and soul, instead of a multi-year admissions process involving the gradual entitlement of community food and drink. Charlotte Hempel has suggested that the more detailed procedure in 1QS VI is a later development in the organization behind 1QS. Hempel also links the oath swearing in 1QS V, 7–9 to the oath described in CD XV, 5–XVI, 1. Charlotte Hempel, “Community Structures in the Dead Sea Scrolls: Admission, Organization, Disciplinary Procedures,” in *The Dead Sea Scrolls After Fifty Years: A Comprehensive Assessment*, vol. 2, ed. Peter W. Flint and James C. Vanderkam (Leiden; Boston: Brill, 1999), 70–73.

¹⁶Alison Schofield, *From Qumran to the Yahad: A New Paradigm of Textual Development for the Community Rule*, STDJ 77 (Leiden; Boston: Brill, 2009), 188.

¹⁷Harrington observes a number of regulations within the Dead Sea Scrolls to this effect, such as regulations within the Damascus Document (e.g. CD XII, 16-17, regarding oil stains transmitting impurity), and 4QMMT (e.g. 4Q394 Frag. 8, IV, 5-8, regarding liquid streams rendering impurity both ways). Hannah K. Harrington, *The Purity Texts*, Companion to the Qumran Scrolls 5 (London; New York: T&T Clark, 2004), 25–27; see also Hempel, “Community Structures,” 85.

differences when comparing this passage concerning timed integration for new members from the Rule of the Community, against the passage concerning the beautiful captive woman in the Temple Scroll. Striking is the difference in time, from one to two years for the new initiate in 1QS, to seven years for the beautiful captive woman.¹⁸

What is one to make of these graduated entry prohibitions from 1QS when contrasted against those for the captive woman in the Temple Scroll? Knowing how to interpret the prohibitions may help us to understand the passage's view toward the woman's marriage in the first place and whether it is something we can analyze as a possibly post-scriptive tradition. Is the passage a kind of farcical legal fiction, as suggested by Harrington, because no marriage in antiquity would survive the prohibition of a woman's eating with her spouse or cooking for him for a period of seven years?¹⁹ If the "purities" of the Temple Scroll are indeed a kind of food consumed at regular community meal times, then indeed, the situation described seems impossible.²⁰ On the other hand, if the purities are something consumed only during special cultic community gatherings, it is quite possible that another individual would prepare the food and the prohibition toward the captive wife's only means that she cannot partake in the preparation and consumption of these special meals with liturgical purposes. I argue in favour of this latter argument in light of the fact that the passage in the Temple Scroll also refers to the woman's consumption of peace offerings. The combined references to consumption of purities and peace offerings seem to indicate something other than everyday meal consumption.²¹ Furthermore, Leviticus 7:11-35 describes the manner in which the children of Israel shall bring the offering before the LORD, suggestive that this woman is also a "child of Israel" and has made a full

¹⁸In addition to the difference in time is the observation that the passage in the Temple Scroll fails to mention any consumption of communal drink by the woman. It may be that for some reason she never attains the same level of purity, whether she is a member by conversion or not.

¹⁹Hannah Harrington, "Intermarriage," 267.

²⁰See also Hannah K. Harrington, *Purity Texts*, esp. 24–25 for a discussion on the purities of the many (e.g. 1QS VI, 16–17) contrasted against the purities of the holy persons (e.g. 1QS V, 13; VIII, 17). 11Q19 LXIII does not distinguish between varieties of pure food in this fashion.

²¹In other words, I am not arguing for a conflation of everyday meals with peace offerings in the case of the Temple Scroll. For a discussion regarding whether the Qumran movement regarded communal meals as sacrifices, see Hannah K. Harrington, *Purity Texts*, esp. 24–25.

conversion after marriage and her seven year probationary period. Up to this point, the Temple Scroll passage appears to demonstrate social relevancy, although, we still have not sorted out how much of the conversion, if anything, is due to the marriage. In addition, we should now test this conclusion against 11Q19 LVII that recounts a particular intermarriage prohibition.

Innertextual Comparison to Temple Scroll 11Q19 LVII

In 11Q19 LVII, 15-17, we find a passage that seemingly contradicts our passage from 11Q19 LXIII and the possibility of taking a female foreign captive through marriage. In the Laws of the King (11Q19 LVI 12-LIX 21), the king “shall not take a wife from among all 16 the daughters of the nations (בנות הגויים), but instead take for himself a wife from his father’s house 17 from his father’s family.” [HANDOUT #4] For this passage, the king has become subject to the level of sanctity reminiscent of that required of the high priest.²² According to Lev 21:14, the high priest must marry a virgin Israelite woman, one who is from his own people. [HANDOUT #5]

What does the prohibition for the king to marry from among the daughters of the nations indicate with regard to 11Q19 LXIII and the possibility of a Gentile captive woman’s conversion via marriage? A brief summary and comment upon a few key (and sometimes contradictory) theories concerning this passage will assist our investigation. First, Manfred Lehmann has suggested that the Temple Scroll is addressed entirely to priests. Lehmann concludes thus due to the very regulations noted above in 11Q19 LXIII regarding the woman’s consumption of peace offerings, because of their nature in the “priestly realm.”²³ If the entire document is addressed to priests, then it would make sense for the king to assume the role of the high priest, in that case. Just because the Temple Scroll discusses certain matters relating to priestly responsibilities, however, does not mean that the entire document must be allocated to them. Furthermore, it is only the high priest specifically who is restricted in Lev 21:14 to marry within the kinship group.

²²Lawrence H. Schiffman, “Women in the *Temple Scroll*,” 213.

²³Lehmann, “Beautiful War Bride,” 267.

Unless Lehmann views all the addressees of the Temple Scroll as high priests, it is still only the king for whom intermarriage is strictly prohibited.

As a second perspective, Schiffman puts forward a different hypothesis, concerning the restrictive nature of the rule. He suggests that these “daughters of the nations” are not foreign women but actually already female Gentile converts to Judaism, if they duplicate the notion of a *gēr* (in a possible reconstruction of Temple Scroll XXXIX, 4-7), who, in the fourth generation, can enter the middle courtyard.²⁴ If this is the case, of interest to our study is the fact that another mechanism for conversion would have had to exist aside from marriage. However, within the same passage, 11Q19 XXXIX, 7 articulates that a woman shall not go into the middle courtyard, leaving the impression that just as women are excluded from the middle court, they may likewise be excluded from any reference to fourth generation integration.

From a third point of view, Harrington argues that the regulations of 11Q19 LVII are but “one application” of the Temple Scroll’s “general stance against intermarriage.”²⁵ For Harrington, the Temple Scroll’s view is one against intermarriage, made evident in a citation from Exod 34:15-16 (in 11Q19 II, 12-15), a passage that articulates the danger of foreign worship arising out of intermarriage to a foreign spouse. [HANDOUT ##6 and 7]²⁶ This caution against idol worship is indeed sobering and must be explained in some way if we are to consider the legitimacy of marriage to the foreign captive woman. It is at this point that I would look back to the lengthy seven year period of integration stipulated to occur prior to her consumption of purities and peace

²⁴Lawrence H. Schiffman, “Women in the *Temple Scroll*,” 214–15. The reconstruction is especially promulgated by Elisha Qimron, who draws from Gen 15:16. See Elisha Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Beer Sheva; Jerusalem: Ben-Gurion University of the Negev Press; Israel Exploration Society, 1996), 56. Without reconstructions, the passage from 11Q19 XXXIX, 4-7 reads as follows: “this courtyard [...] 5 assembly of the community of [Israel...] the four[th] generation, from 6 twenty [...] in order to prostrate before all [the assembly of the so]ns of 7 Israel...[...] No woman shall enter it nor any boy until the day (etc.).” Using Qimron’s reconstruction, line 5 could be read as the following: “assembly of the community of Israel, and every *gēr* who is born in their midst (ישראל וכול הגר אשר יולד בתוך למה) of the fourth generation (etc.).” For the reconstruction specifically, see Elisha Qimron, *The Dead Sea Scrolls: The Hebrew Writings* (Heb. מגילות מדבר יהודה: הקיבורים העבריים), vol. 1, *Between Bible and Mishnah* (Jerusalem: Yad Ben-Zvi Press, 2010), 178. A brief summary of the discussion can be found in William Loader, *The Dead Sea Scrolls on Sexuality: Attitudes Towards Sexuality in Sectarian and Related Literature at Qumran* (Grand Rapids; Cambridge: Eerdmans, 2009), 41.

²⁵Hannah Harrington, “Intermarriage,” 266.

²⁶Hannah Harrington, “Intermarriage,” esp. 266.

offerings. This additional purification might be the counterpoint to the Temple Scroll's reference to Exod 34:15-16, and the threat of idol worship that arises from marriage to foreign spouses. Perhaps the lengthy seven year period has something to do with ensuring the foreign spouse does not relapse to such practices.

Finally, William Loader argues in favour of the notion that the regular laity can marry a foreign woman, as in 11Q19 LXIII, and only the king must marry within his own family, for the present moment of the Temple Scroll, at least. Loader writes that "rejection of marriage to foreigners" does not seem to have been "forbidden for people in general."²⁷ He does suggest, however, that such marriage is only permitted within the context of "war booty." And, furthermore, Loader suggests that in time, when laity could imagine themselves contemplating an upward spiritual mobility, then such restrictions could be placed upon the laity as well. But, such spiritual mobility seems to be only advocated in what Loader describes as a later text, such as CD 4:20b-21. The text in question prohibits the taking of two wives, which is prohibited in 11Q19 LVII, 17-18, immediately following the restriction to marry from among the daughters of the nations.²⁸

Overall, I favour Loader's proposal that 11Q19 LVII is only applicable to the king, leaving intermarriage possible for the laity, albeit in the restrictive situation of the captive woman. This conclusion would mean that marriage itself may remain a possible hypothetical mechanism of conversion for joining the community. The final section looks more closely at marriage in other texts to see whether the actual act of marriage constitutes a conversion in other contexts, to serve as a comparison to 11Q19 LXIII.

On Josephus, Philo, and Marriage as a Marker of a Gentile Woman's Conversion (or Not)

This final section will analyze what appear to be passages in Philo and Josephus that refer to the conversion of foreign women to Judaism through marriage. While the works of Philo and

²⁷Loader, *Dead Sea Scrolls on Sexuality*, 48.

²⁸11Q19 LVII, 17-18 "And he shall take no other wife in addition to her for 18 she alone will be with him all the days of her life." See Loader, *Dead Sea Scrolls on Sexuality*, 42, 48.

Josephus themselves are not biblical law, they certainly exegete biblical law. Steve Mason argues that Josephus's aim in *Jewish Antiquities* is to "provide a handbook of Judean law, history and culture for a Gentile audience in Rome that is keenly interested in Jewish matters."²⁹

Scholarly opinion is divided concerning whether marriages such as what are described in these texts may function as a conversion or not. On one side of the argument, Shaye Cohen suggests the act of marriage itself acted as a sort of defacto conversion for Gentile women who married Jewish men in the later Second Temple period.³⁰ The marriage functioned as a conversion because, as wife, she would abandon her foreign idols.³¹ From the other side of the argument would be the perspective of Daniel Schwartz, who argues that according to Josephus, Gentile women cannot convert to Judaism at all, simply because they cannot undergo physical circumcision.³² Taking a middle ground is Eyal Regev, who assesses marriages to non-Jews within the Herodian family. Regev notes that Josephus writes of ten occasions when "Herod and his descendants married non-Jewish wives."³³ Examples include the marriages of Herod's sons Alexander to Glaphyra of Cappadocia (*Ant.* 16.11; subsequently she married Herod's son Archelaus, *Ant.* 17.11, 349-351), and Antipas to the daughter of the Nabatean king Aretas (*Ant.* 18.109). [HANDOUT ##8-9]

Regev takes the middle road because on the one hand he acknowledges that the Herodian family still followed the patrilineal principal, whereby the child born of a Jewish man and a

²⁹Steve Mason, "'Should any Wish To Enquire Further' (*Ant.* 1.25): The Aim and Audience of Josephus's *Judean Antiquities/Life*," in *Understanding Josephus: Seven Perspectives*, ed. Steve Mason, JSPSup 32 (Sheffield: Sheffield Academic, 1998), 101. Mason comments upon how Josephus argues in *Antiquities of the Jews* that the laws given by Moses are the constitution of the Judean people. Mason, "Should any Wish to Enquire Further," 80–81. See for example, *Ant.* 3.84, 213, and 322.

³⁰Cohen, "Crossing," 25.

³¹Cohen, "Crossing," 25; and also Eyal Regev, "Herod's Jewish Ideology Facing Romanization: On Inter-marriage, Ritual Baths, and Speeches," *JQR* 100 (2010): 204.

³²For this argument, see Daniel R. Schwartz, "Doing Like Jews or Becoming a Jew? Josephus on Women Converts to Judaism," in *Jewish Identity in the Greco-Roman World*, ed. Jörg Frey, Daniel R. Schwartz, and Stephanie Gripentrog (Leiden; Boston: Brill, 2007), 93–109.

³³Regev, "Herod's Jewish Ideology," 202–3.

Gentile woman would be considered a Jew.³⁴ In this case, it does not matter whether the woman has converted or not, because Regev suggests that these intermarriages may not have been perceived to be transgressions of Jewish law, as long as the child was deemed Jewish. Regev concludes that a firm ban on intermarriage did not occur until later, such as what is seen in Jubilees 30.³⁵ The conclusion one may draw from Regev's argument is that intermarriages took place, but they may or may not have simultaneously served the purpose of conversion for the female Gentile spouse, primarily because they might not have needed to serve such a function. Adding to this argument is Nikos Kokkinos's comments on the unlikelihood that "all of the Gentiles who entered the family would have been made to accept Jewish faith."³⁶ Instead, Kokkinos argues that the exogamous marriages may have simply served political purposes for the Herodians seeking to demonstrate their Hellenic views to associate with other eastern Greco-Roman rulers.³⁷

Even Kokkinos, however, suggests that in the example of Glaphyra listed above, she likely was "fully converted," seeing that she married into the Herodian family twice. And while Kokkinos suggests that females might have been converted via purification by immersion, we know that immersion as a conversion mechanism is not attested until rabbinic literature.³⁸ All of these findings lead us to note that one should not exclude marriage as a conversion mechanism, although results are indeed ambiguous. The ambiguity remains just as strong in the work of Philo:

³⁴As opposed to the matrilineal principal which emerged in the second century CE and forward, in which the child born of a Jewish mother and Gentile father would be Jewish, but the child born of a Jewish father and Gentile mother would be Gentile. See especially Shaye J. D. Cohen, "The Origins of the Matrilineal Principle in Rabbinic Law," *AJSR* 10 (1985): 19–53, and also Regev, "Herod's Jewish Ideology," 203.

³⁵On Jubilees 30, in particular see Jub. 30:7, with regard to Genesis 34 on Dinah and Shechem: "If there is a man in Israel who wishes to give his daughter or his sister to any foreigner, he is to die. He is to be stoned because he has done something sinful and shameful within Israel. The woman is to be burned because she has defiled the reputation of her father's house; she is to be uprooted from Israel." Regev, "Herod's Jewish Ideology," 204. English translation of Jubilees is according to James C. VanderKam, *The Book of Jubilees*, trans. James C. VanderKam, Corpus Scriptorum Christianorum Orientalium 511 (Leuven: Peeters, 1989).

³⁶Nikos Kokkinos, *The Herodian Dynasty: Origins, Role in Society and Eclipse*, ed. James H. Charlesworth and Lester L. Grabbe, *JSPSup* 30 (Sheffield: Sheffield Academic, 1998), 355.

³⁷Kokkinos observes that the benefit was mutual, and also helpful to the other aristocrats. Kokkinos, *Herodian Dynasty*, 356.

³⁸Shaye Cohen notes that "Josephus knows nothing about immersion as a ritual of conversion for either men or women." Cohen, "Respect," 430.

when, according to his account in *On the Virtues* 220-222, Tamar “converts” to Judaism and arrives at piety, it is not fully clear whether it is simply the abandonment of idols “of every kind and description” that enables the transformation, or, the act of her first marriage which “preserved her own life free from all stain.” [HANDOUT #10]³⁹ Nevertheless, the combined reference to marriage and idol abandonment calls to mind our hypothesis made above that the female captive woman’s seven year integration period subsequent to her marriage may be for the purpose of ensuring all abandonment of idols.

Conclusions

In this conclusion, let us begin where we last looked, in the comparison to passages in Josephus and Philo that describe foreign women marrying Jewish men. While I had hoped that these passages might serve as clear examples of marriage functioning as a mechanism for conversion to Judaism, the results are ambiguous. It is unclear whether it is actually the marriage, or abandonment of idols, or a combination of both, that may serve as a conversion. It is furthermore unclear whether an actual “conversion” is even necessary. However, certainly nothing precluded the marriages from functioning as a mechanism for a woman’s conversion, and findings did not negate the possibility overall. Furthermore, Philo’s reference to the combination of marriage and abandonment of idols for a female convert opens the realm of possibility for the female captive woman’s marriage and seven year waiting period to represent a parallel process that combines initial conversion with mitigation against future idol worship.

We must also reassess those scriptural predecessors utilized by 11Q19 LXIII and LVII. As with visual arts, sometimes one can discern the meaning of a portrait by following the gaze of the characters within the piece. In following the “gaze” of the scriptural predecessors in the Temple Scroll, we can pull together the various pieces of this study. In 11Q19 LXIII, we observed that the

³⁹On Tamar “converting” according to rabbinic tradition and Philo, see Cohen, “Origins,” 26. English translation of Philo is according to C. D. Yonge, translator, *The Works of Philo: Complete and Unabridged*, New Updated version (Peabody, MA: Hendrickson, 1993).

text drew on Deut 21:10-14, a passage in which the female captive woman was considered an Israelite subsequent to her marriage to the captor. Furthermore, the interval of waiting she endured before eating the pure food, although longer, was reminiscent of 1QS VI, 16-21, a passage that clearly deals with “converts” into the group, albeit likely already Jewish. If we gaze at the example of these legal predecessors, then it is feasible for the female captive woman of LXIII to have also converted through her marriage, followed by further purification with the seven year wait. Lastly, if we reconsider the prohibition in 11Q19 LVII of the king to marry any daughters of the nations, we find a passage that prohibits the high priest from marrying outside the kinship group, drawing on Lev 21:14. In this rewriting, the king is following regulations similar to the high priest. The captor of 11Q19 LXIII, however, is neither a king, nor a priest. Therefore this regulation does not seem to set up any roadblocks for the feasibility of the female captive woman to marry the captor and simultaneously or subsequently convert.

Overall, this notion of “feasibility” is the term upon which I will end. Marriage, or marriage combined with another mechanism such as a timed period of integration to mitigate idol worship, as an “on-the-ground” conversion mechanism seems more feasible than farcical, based on an assessment of legal scriptural predecessors. Thank you.

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