

Measuring the פֶּ'אָה (pe'ah) to the Poor: Examining Legal Interpretations about Leviticus 19:9-10 in Qumran and Rabbinic Halakhah

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1. Introduction

The legal interpretation of the Dead Sea Scrolls has been an important subject in various academic discussions since the scrolls were discovered in Khirbet Qumran near the Dead Sea. Even though we are still uncertain as to the circumstances under which Qumran or the author(s) of each scroll interpreted the scriptural texts,¹⁾ the Qumran scrolls clearly demonstrate a tendency to interpret the biblical texts in a unique manner. In relation to the interpretation of Biblical Law, a comparative study of Qumran and Rabbinic legal interpretation is often regarded as a significant tool for illuminating a mutual halakhic tradition and reconstructing connections between both methods.²⁾ This paper will compare the legal interpretation in Qumran with the halakhic positions preserved in the rabbinic literature about the biblical commandment on the gift for the poor (Lev 19:9-10), and argue that Qumran biblical exegesis shows an embryonic trace of the halakhic method similar with that found in the rabbinic legal interpretations.

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1) For the discussion on the historical context of the Qumran community, see, John J. Collins, *Beyond the Qumran Community: the Sectarian Movement and the Dead Sea Scrolls* (Grand Rapids: Eerdmans Publishing Company, 2009), 88-121.

2) Aharon Shemesh, *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis* (Berkeley: University of California Press, 2009), 1-19.

For this I present the legal text from the Scripture and explain the reason for which the text leaves room for interpretation. Then, I will provide passages from Qumran related to the biblical text and will compare their interpretations. And then, after introducing the rabbinic interpretation of the same biblical texts and also compare the Qumran halakhic view with that of the Rabbinic literature, I demonstrate both similarities and dissimilarities between the two traditions.

Finally, while illuminating the motivation behind attempts to interpret the biblical law using unique methods in Qumran and Rabbinic halakhah, I propose an explanation for why Qumranic halakhah provides the legal interpretation of the measurement of the gift to the poor. Based on the examination of both halakhic positions, the examination will conclude that the early halakhic tendencies in Qumran documents are noticeable in some of the later rabbinic language in terms of the methodology of reading and Scriptural interpretation.

2. Biblical Origin for the Creation of the Measurement

The Hebrew Bible sometimes does not provide sufficient details concerning the ways which legal issues may be practically applied. In this case, the scriptural texts present mere principles of a law without specifying any details. An example of this phenomenon may be found in the following injunction of Hebrew Bible:

⁹ When you reap the harvest of your land, you shall not reap to the very edges of your field, or gather the gleanings of your harvest. ¹⁰ You shall not strip your vineyard bare, or gather the fallen grapes of your vineyard; you shall leave them for the poor and the alien: I am the LORD your God (Lev 19:9-10).³⁾

In Leviticus 19:9-10, God put two obligations on the people of Israel related to leaving a gift for the poor after the harvest. One obligation concerns products from the field (Lev 19:9) and another from the vineyard (Lev 19:10). In the passage, the Hebrew word 'פֶּאֵה (pe'ah)', meaning "edges, corner" (Lev 19:9)⁴⁾

3) In the paper, I will consult NRS otherwise mentioned.

4) *BDB*, 802.

implies that the reaper will have to leave some products as a gift to the needy. According to the rabbinic tradition, Jacob Milgrom interprets this word as meaning ‘one furrow’ at the end of the field, not literally “edge”.⁵⁾ However, the commandments in the passage do not provide such detail.

The second commandment demands that one show the charity of the vineyard to the poor. The terms, “תעולל” (Lev 19:10a) referring to “strip bare” or “pick bare” and “לקט” (19:10b) referring to “gleaning” do not specify a particular measurement for the donation to the poor. These two commandments raise the question of how much one has to leave as a gift at “the very edge of the field”.

Deuteronomy 24:19-22 contains similar commandments, even though the obligation to the poor is slightly different from that of Leviticus 19:9-10:

¹⁹ When you reap your harvest in your field and forget a sheaf in the field, you shall not go back to get it; it shall be left for the alien, the orphan, and the widow, so that the LORD your God may bless you in all your undertakings. ²⁰ When you beat your olive trees, do not strip what is left; it shall be for the alien, the orphan, and the widow. ²¹ When you gather the grapes of your vineyard, do not glean what is left; it shall be for the alien, the orphan, and the widow. ²² Remember that you were a slave in the land of Egypt; therefore I am commanding you to do this.

In the passage of Deuteronomy, God forbids the owner from returning to the field to retrieve a sheaf (Deu 24:19), to “strip what is left” (24:20), or to “glean what is left” (24:21) due to the welfare of the needy such as “the alien, the orphan and the widow” (24:19, 20, 21). Like the obligations of Leviticus 19:9-10, those of Deuteronomy 24:19-22 do not specify the quantity of what has to be left for the poor.

Both passages demand that people give charity to the poor. The poor may therefore harvest crops for themselves and avoid the indignity of begging from others. The commandments illustrated in both texts are performed in the book of Ruth in which Ruth, as an alien and widow, gleaned after the reapers (Rut 2:2).

While Leviticus 19:9-10 refers to “the poor and the alien”, Deuteronomy 24:19-21 cites “the alien, the orphan, and the widow” as the rightful recipients of the gift. In terms of the categories of donation, the former specifies one gift from

5) Jacob Milgrom, *Leviticus 17-22: A New Translation with Introduction and Commentary* (New York: Doubleday, 1998), 1624-1625.

the field and another from the vineyard while the latter demands one from the field, another from the olive trees, and a third from the vineyard. In spite of the differences between the texts, they may be understood as dealing with the obligations to leave the edge uncut (“פַּאָה”, Lev 19:9a; Deu 24:19), to not pick up gleanings (“לא תעולל”, Lev 19:9b, 10; Deu 24: 20, 21) and to not return for a forgotten sheaf (Deu 24:19).⁶⁾ In terms of the gift left for the poor, “לא תעולל” in the vineyard is equivalent to “פַּאָה” in the field.⁷⁾

The ambiguity of the specific amount of crop yield contained in the gift to the poor provides room for legal interpretation; in order to fulfill the commandments, how much must one provide in donation to the poor? The following section will deal with the way in which Qumran and Rabbinic halakhah address the question of the measurement of the gift to the poor in the biblical law.

3. The Qumranic Halakhah on Leviticus 19:9-10 and Deuteronomy 24:19-21 as Biblical Law

According to the obligation based on the verses of Scripture, 4Q270 frg, 3ii line 12-19 interprets the quantity of the gift as following:⁸⁾

[על הלקט וצול] לוח הכרם [עך עשרה גרורים]	12
[העזולל] [וכל הלקט] עד סאה לבית הסאה והיא אשר זרעה	13
אין בה תרומה ופרט אין בה] ובעוללה עד עשרה גרורים]	14
[ובנקוף הזית [ופרי תבואתו אם] שלטה היא נקפה] אחד]	15
[משלו] שים [] נו ואם רפוס השדה אין יקדה]	16
[בשרפה ונפרס] מסאה לבית סאה מעשדה בה ואם תלקוט	17
[נפש אחת סאה] אחת ממנו ביום אחד תרומה בה עשרון	18
[אחד על שתי] חלות התרומה לכל בתי ישראל אוכלי לחם	19

6) Aharon Shemesh, “The History of the Creation of Measurements: Between Qumran and the Mishnah”, Steven D. Fraade, Aharon Shemesh, and Ruth A. Clements, eds., *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls. Proceeding of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 7-9 January, 2003*, STDJ 62 (Leiden: Brill, 2006), 151.

7) Jacob Milgrom, *Leviticus 17-22*, 1627.

8) The reconstructed text and translation is based on J. M. Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266-273)*, DJD 18 (Oxford: Clarendon Press, 1996), 147-148.

12. [Concerning gleanings (of grain) and the sing]le grapes of the vineyard, [the single] grapes may be up to te[n berres]
13. [and all the gleanings] up to a *seah* per *bet seah*; (however), a (field) which does not yield its s[eed]
14. is not subject to *teru[mah* and fallen berries,] nor its single grapes up to ten b[erries.]
15. [As to] the remmants of the olive harvest [and the fruit of its produce,] if it (the harvest) is intact, its *noqef* is [one out of
16. [thi]rty [] but if the field was muddies or [scorched]
17. [by fire, if] one *seah* per *bet seah* was left, it is subject to the tithe.
If
18. [one person] gleans one [*seah*] from it in one day the *terumah* from it shall be
19. [one] ‘isaron. [Concerning the two] loaves of *terumah*, it is for all homes of Israel when they eat of the bread

Even though this text does not clarify the matter in detail, it embraces a distinct position on the gifts provided to the poor, especially on the measurement of harvest gleanings. The idea of the charity to the poor in the passage is explicitly paralleled in both Leviticus 19:9-10 and Deuteronomy 24:19-21. Like the categories of the gifts in the biblical law, Qumranic halakhah provides for three kinds of gifts from the vineyard, olives and field. In Qumranic halakhah, “עוללה” (“gleaning,” 4Q270 frg, 3ii line 13) can be found in Leviticus 19:10 and Deuteronomy 24:21, and “לקט” (“gleaning,” 4Q270 frg, 3ii line 13) in Leviticus 19:9.⁹⁾ “עוללה” and “לקט” link the idea of 4Q270 with that of both biblical passages. The Qumranic halakhah demands that three kinds of harvest gleanings be left for the poor and provides for their measurement. Concerning the gleaning of the grapes, “[the single] grapes may be up to te[n berres]” (4Q270 frg, 3ii line 12), and “[all the gleanings] up to a *seah* per *bet seah*” (4Q270 frg, 3ii line 13) may be given to the poor. As for the olives, “the remnant of the olive harvest” should be given “one out of thirty” as a gift (4Q270 frg, 3ii line 15-16). Rather than focusing on the action of donation, 4Q270 frg, 3ii specifies the quantity and

9) While in the biblical passages these words are appeared s verbal forms, in 4Q270 they are used as a nominal forms. It seems that while the Biblical text emphasizes the action of the donation, Qumran halakhah articulates the contents of the action.

the form of the gift to the poor, which I have outlined below.

The donation from the vineyard has to be given as a way of “עוללת” to the poor. The phrase “לא תעולל”¹⁰⁾ in Leviticus 19:10 and Deuteronomy 24:21 refers to the prohibition of harvesting the vineyard entirely. Qumran halakhah changes the verbal form into the nominal formation, “עוללת” relating the measure left for the poor.¹¹⁾ This nominal formation is also found in Isaiah 17:6 (“Gleanings - “עוללת” - will be left in it, as when an olive tree is beaten-- two or three berries in the top of the highest bough, four or five on the branches of a fruit tree”) and Isaiah 24:13 (“for thus it shall be on the earth and among the nations, as when an olive tree is beaten, as at the gleaning - “עוללת” - when the grape harvest is ended”). These biblical connotations refer to the leftover products. The Qumranic usage on the limitation of the gift of grapes originated in the usage of Isaiah 17:6 and 24:13.¹²⁾ J. M. Baumgarten suggests that the measurement, “ten berries”, refers to approximately combining “two or three berries in the top of the highest bough” (Isa 17:6a) with “four or five on the branches of a fruit tree” (Isa 17:6b).¹³⁾ What distinguishes the Qumranic halakhah from the biblical law is that Qumran seems to concentrate on the perfect fulfillment of the commandment as specifying the measurement of the gift from the vineyard.

In addition to the gift from the vineyard, the charitable donation from the field began in ancient times when reapers would hold a bundle of sheaves with one hand and swing a scythe with the other.¹⁴⁾ In regard to the gift from field, Qumran halakhah suggests that all gleanings should be provided up to “one *seah* per *bet seah*” to the poor (4Q270 frg, 3ii line 13). In this phrase, Qumran halakhah interprets the biblical laws that one “shall not reap to the very edges of your field, or return to gather the forgotten sheaf of one’s harvest” (Lev 19:9; Deu 24:19) as the injunction to leave “one *seah* per *bet seah*” (4Q270 frg, 3ii line 13) for the poor. When 4Q270 3 ii refers to “לקט”, there is a connotation to a

10) The verb “עוללת” in Lev 19:9; Deu 24:19 is a poel imperfect verbal form derived from the verb, ‘עלל’ having idea of “act severely” or “deal severely”. See, *BDB*, 759.

11) Jacob Milgrom, *Leviticus 17-22*, 1627.

12) J. M. Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266-273)*, 148.

13) *Ibid.*

14) The examples about the gleaning of the sheaves appears in the Book of Ruth (especially, chapter 2). Aharon Shemesh, “The History of the Creation of Measurements: Between Qumran and the Mishnah”, 154.

specified measurement, “one *seah* per *bet seah*”. Baumgarten interprets this amount as a maximum quantity of the gift and that if the poor gather grains more than this, the owner may ask the poor to stop.¹⁵⁾

Furthermore, the Qumran halakhah specifies the quantity of the donation from “the remnants of the olive trees and the fruit of its produce” (4Q270 frg, 3ii line 15). The “remnants” (“נִקְיָה”) can be found twice in Isaiah 17:6 and 24:13 and refers to the beating of the olives left after harvest.¹⁶⁾ “Remnants” (“נִקְיָה”) correspond to “gleaning” (“עוֹלֵלֵת”). Qumran halakhah specifies the quantity of the gift as one-thirtieth of the total agricultural yield. Qumran halakhah also specifies that “רֶפֶט” conveys the idea of “stamp” and “tread”¹⁷⁾ which is relevant in the case of an independent disaster which destroys the crops rather than one caused by the mistakes of the owners. That said, the text does not specify the damaged quantity in the field sufficient to implicate this particular halakhic redress and designates only the measurement of the gift under these circumstances.

In sum, Qumran halakhah reads the obligations from Leviticus 19:9-10 and Deuteronomy 24:19-21 as a prohibition to collect the harvest entirely. What is important in Qumran halakhah is that the owner sets aside a designated quantity of the donation to the poor even though there are several exceptions by which the quantity of the gift may be changed. Qumran halakhah demonstrates through the interpretation of legal text in the Bible the evident tendency to implement practical norms in the place of vague legislation in biblical texts.

4. Rabbinic Halakhah on Biblical Law

The commandments from Leviticus 19:9-10 and Deuteronomy 24:19-22 are interpreted in the rabbinic halakhah. *Mishnah Pe'ah* 1:1 says:

These are thing which have no [specified] measure: [the quantity of produce designated as] peah, [the quantity of produce given as] first fruits, [the value of] the appearance offering, [the performance of] righteous deeds, and [time spent in] study of Torah.

These are things the benefit of which a person enjoys in this world,

15) J. M. Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266-273)*, 148.

16) *BDB*, 668.

17) *Ibid.*, 952.

while the principal remains for him in the world to come: [deeds in] honor of father and mother, [performance of] righteous deed, and [acts which] bring peace between a man and his fellow. But the study of Torah is as important as all of them together.¹⁸⁾

This passage clearly conveys the idea that the commandment of donation to the poor does not have any minimum measure. In the passage, “pe’ah” conveys the idea of the donation to the poor. Even though the first line of the passage says that there is no specific measurement for the gift, the following passage tries to provide a standard of measure:

Mishnah Pe’ah 1:2 says:¹⁹⁾

They may designate as peah no less than one-sixtieth [of a field’s produce]. And even though they said, “Peah has no [specified] measure,” [the quantity designated] should always accord with: the size of the field, the number of poor people, and the extent of the yield.

These verses from *Mishnah Pe’ah* both demonstrate explicit conflicts on the setting of the measurement of the pe’ah as a gift to the poor. However, Aharon Shemesh holds that the line, “[t]hey may designate as peah no less than one-sixtieth” (*m. Pe’ah* 1:2) was added later and therefore was initially absent from the text.²⁰⁾ According to the later tannaitic documents, the attempt to specify the measurement of the gift appears as follows;

There are things that have no measure: peah, first fruits, the appearance-offering, righteous deeds, and study of Torah. Peah has a minimum measure, but it has no maximum measure (*t. Pe’ah* 1:2).²¹⁾

If Shemesh’s understanding on the setting of the measurement in *Mishnah*

18) The translation of *Mishnah* in Hebrew text is based on J. Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988), 14-15.

19) *Ibid.*, 15.

20) Aharon Shemesh, “The History of the Creation of Measurements: Between Qumran and the *Mishnah*”, 149.

21) The translation of *Tosefta* in Hebrew text is based on Jacob Neusner and Richard S. Sarason, eds., *The Tosefta: Translated from the Hebrew, First Division Zeraim (The Order of Agriculture)* (New Jersey: KTAV Publishing House, 1986), 45-74.

pe'ah is correct, it is reasonable to think that the early rabbinic halakhic position does not include the specific measure of the gift and only later does halakhah set “one-sixtieth” as a minimum quantity. Thus, this change shows the historical development of the Rabbinic interpretation of the legal texts.

Despite the subtlety of the commandment on the gift to the poor (Lev 19:9-10; Deu 24:19-21), Rabbinic halakhah develops the interpretations that there are four kinds of what must be left for the needy:

[There are] four gifts [that must be designated for the poor from [the produce of] a vineyard: separated grapes, forgotten sheaves, peah, and effective clusters. [There are] three [gifts that must be designated for the poor] from [a field of] grain: gleanings, forgotten sheaves, and peah. [There are] two [gifts that must be designated for the poor] from [the fruit of] a tree: forgotten sheaves, and peah (*t. Pe'ah* 2:13).

In terms of Qumranic and Rabbinic exegesis, Mishnah Pe'ah attempts to clarify the ambiguity of practice in the biblical law, though it does not set the measurement of the donation. Rabbinic halakhah relies on the tradition of the previous generations in order to determine how much the owners are to leave for the poor, saying “in earlier times, people would do it in a generous manner” (*Sifre, piska* 284).²² The particular gifts in the Rabbinic literature are thematically paralleled with those in Qumranic documents; Concerning the gift from the vineyard to the poor, the tannaitic commentary says thus:

...what is considered a bunch? That which has neither a shoulder nor pendent grapes. If it has a shoulder but not a pendent, or a pendent but not a shoulder, it belongs to the owner. If not, it belongs to the poor (*Sifre, Piska* 285)

While in Qumran halakhah the term “עוללות” is regarded as a single gift from the vineyard, “עוללות” in Rabbinic halakhah is one of four designated gifts from the vineyard; “(1) separated grapes, (2) forgotten sheaves, (3) peah, (4) and defective clusters” (*t. Pe'ah* 2:13). Even though it does not set any specific

22) For the translation of Sifre on Deuteronomy, I will follow the translation by Reuven Hammer, *Sifre: a Tannaitic Commentary on Deuteronomy* (New Haven: Yale University Press, 1986), 274-276.

measurement of the gift from the vineyard, the rabbinic halakhah, like Qumran halakhah, also attempts to designate the fixed small quantity of what is left after harvest. In spite of the differences between Qumranic and the rabbinic exegesis, this interpretation shows an example of the early interpretative concern shared by both groups.

Moreover, as 4Q270 applies to gleaning from the damaged field, the rabbis order that the pe'ah as a gift to the poor should be at least one-sixtieth of the field and should be considered on “the size of the field, the number of the poor people and the extent of the yield” (*m. Pe'ah* 1:2). Depending on the biblical law from Deuteronomy 21:19, Rabbis have concluded that the owner of the field must leave one sheaf and that if the owner leaves three or more sheaves that the sheaves must be returned to him because the excess indicates that he may have made a mistake or committed an oversight in his calculation for the poor.

Hence the sages have said: Two sheaves may be considered forgotten, but three may not; two bundles of olives or carobs may be considered forgotten, but three may not. Two berries may be considered forgotten, but three may not... (*Sifre, Piska* 283).

Similar to the exception in the sectarian halakhah (4Q270 frg, 3ii line 16-17), the rabbinic halakhah also provides an exception if the crop was harvested by robbers or damaged by natural disasters, although this rabbinic exception does not apply if the owner was able to salvage more than half of his products (*m. Pe'ah* 2:7). While Qumran halakhah regards “תְּבִיאָה” (“gleaning”) as a single gift from the field, the rabbinic halakhah understands this as one of the three gifts from the field. “There are three gifts that must be designated for the poor from a field of grain: (1) gleanings, (2) forgotten sheaves, (3) and peah.”²³ “תְּבִיאָה” implies the action to gather the sheaves “which [fall] (from reaper) during the harvest” (*m. Pe'ah* 4:10). While Qumran and Rabbinic halakhah each provide a different gift, they both contain creative interpretations of the same biblical law, which does not contain a specific practical norm.

The Rabbinic halakhah contains the obligation to give a donation to the poor from the products of the olive trees (*m. Pe'ah* 8:3). While Qumran halakhah

23) Jacob Neusner and Richard S. Sarason, eds., *The Tosefta: Translated from the Hebrew, First Division Zeraim*, 54.

explains the quantity of the gift from the olive trees, Mishnah deals with the affect which different types of trees will have on the nature of the gift to the poor. The tannaitic literature does not put great restraints on the types of trees whose produce may be given as a gift:

Among types of tress, [the fruits of] (1) a sumac tree, (2) carob trees, (3) walnut trees, (4) almond trees, (5) grape vines, (6) pomegranate trees, (7) olive trees, (8) and date trees, is subject to [designation as] peah. (*m. Pe'ah* 1:5).

[There are] two gifts that must be designated for the poor from the fruit of a tree: (1) forgotten sheaves, and peah (*t. Pe'ah* 2:13).

Like other gifts in the rabbinic halakhah, the measurement of this gift is not specified. As Qumran halakhah provides an exception for the charity, Mishnah also makes cases for exempting the donations (*m. Pe'ah* 2:7), even though the lists of the disasters in the rabbinic halakhah are different from the Qumran.

The sectarian halakhah and rabbinic halakhah attempt to clarify the methods of the donation in order to show their commitment to the biblical law. The difference between these two groups is that while Qumran halakhah designates a specific measure of each gift, the Rabbinic halakhah does not. Rather, the Rabbinic interpretation extends the extent of the gifts of the biblical texts into further kinds of gifts.²⁴⁾ Regarding the absence of measurement, it seems that the rabbinic literature provides a lenient reading by avoiding stringent specifications on the quantity of the donation. Thus, the rabbis do not limit the quantity of the gift and require people to show the charity in the generous manner which their fathers had.

5. Qumran Halakhah and Its Relation to Rabbinic Halakhah

Based on the comparative examinations on the Qumran and the rabbinic halakhah, both halakhic positions show similarity and dissimilarity in terms of the interpretation of the biblical law. What motivated the sect to create the

24) Aharon Shemesh, "The History of the Creation of Measurements: Between Qumran and the Mishnah", 156.

measurement of the gift, and can we say that the Rabbis interpreted scripture the same way the sectarians did or used an early, pre-rabbinic exegesis?

The Qumran sects “devoted themselves to the observance of God’s precepts” (1QS) and even “separated from the mass of people ... and from mingling with them” in terms of legal issues (4QMMT).²⁵⁾ Thus, it is reasonable to assume that the members of the Qumran community were filled with the rigorous desire to express perfectly their commitment to the biblical obligations and to avoid violating prohibitions. According to this assumption and Schremer’s analyses²⁶⁾ on both a text-based group and a custom-based group, Shemesh argues that the devout people of the text-based group started to create the exact setting of the measurement of the gift in order to intensify their religiosity and to avoid uncertainty in terms of fulfilling biblical commandments.²⁷⁾ By setting the exact quantity of the donation, the sectarian group requires the members to properly perform the obligations. 4Q270 frg. 3ii does not express an intention to designate the measurement, but the witnesses from 1QS and 4QMMT implicitly supports the existence of measurement in the sectarian groups;

He shall undertake by a binding oath to return with all his heart and soul to every commandment of the Law of Moses” (1QS 5:8-9).

...that you should understand [the Book of Moses] and the Book[s of the Pro]phets ... [then you will call them to mind] and retu[rn to Him with a]ll your hear and all your soul... (4QMMT section C)

Shemesh suggests that, contrary to the Qumran community as a text-based group, the rabbi in a tradition-based group shows the reaction against sectarian’s “text-based religiosity”.²⁸⁾ In the case of the setting of the measurement, the

25) Geza Vermes, *The Complete Dead Sea Scrolls in English* (New York: Penguin Books, 2004), 98.

26) Adiel Schremer, “[T]he[y] Did Not Read in the Sealed Book”: Qumran Halakhic Revolution and the Emergence of Torah Study in Second Temple Judaism”, David M. Goodblatt, Avital Pinnick, and Daniel R. Schwartz, eds., *Historical Perspectives: From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls. Proceedings of the Fourth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 27-31 January, 1999*, STDJ 37 (Leiden: Brill, 2001), 105-126.

27) Aharon Shemesh, “The History of the Creation of Measurements: Between Qumran and the Mishnah”, 172.

28) Aharon Shemesh, *Halakhah in the Making*, 102-103.

rabbinic halakhah may demonstrate the interpretation that there is not a binding measurement, in opposition to the Qumranic halakhah. *Mishnah Pe'ah* 1:1, which states that, “there are things which have [no] specific measure”, demonstrates the contrast with the Qumranic halakhah that sets a specific measure for the charity to the poor. The Mishnah opposes stringent interpretation of the Bible the way it is found in Qumranic halakhah and exhorts the readers to fulfill the legal obligations by following the examples of previous sages and to anchor the time-honored traditions. Even though no rabbinic document mentions the sectarian groups, the comparison shows the historical development of the legal interpretations; Qumranic halakhah requires an exact performance of the legal texts while Rabbinic halakhah demands that people follow the customs which the previous generations established as a lenient precedent.

In opposition to Shemesh’s view that the traces of the Qumranic interpretative positions and methods are detected in the rabbinic halakhah,²⁹⁾ Steven D. Fraade notes that in spite of the variety of scriptural exegesis and allusions, Qumran does not provide explicit citations and instead adopts paraphrasing and “the form of rewritten bible”. Fraade argues that, “there is, to my mind, an uncomfortable circularity in employing rabbinic midrash halakhah to uncover the midrashic methods by which Qumran rules can be said to have been”.³⁰⁾ He suggests that though Qumranic documents often emphasize Torah study as a core task of the community, they do not provide the explicit citations from Scripture, relying instead on paraphrasing and allusions. This means that the Dead Sea Scrolls have little legal midrashic material. He concludes:

Despite our initial expectation that the Dead Sea Scrolls should contain much legal midrash, we can now see the internal logic of its relative absence. The Qumran community understood its esoteric legal writing to be the most recent stage of divine revelation to Israel, following and

29) *Ibid.*, 1-19.

30) Steven D. Fraade, “Looking for legal Midrash at Qumran”, M. E. Stone and E. G. Chazon, eds., *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls. Proceeding of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12-14 May, 1996*, STDJ 28 (Leiden: Brill, 1998), 60. Concerning the biblical interpretations of Qumran community, Keun Jo Ahn, “A Reconsideration of the Testimony of Two or Three Witnesses in the Damascus Document 9:16-10:3”, *Journal of Biblical Text Research* 27 (2010. 10), 183-205.

consummating those to Moses and the prophets. ... If we wish to look for legal midrash, as a textually transmitted form of Jewish discourse, we will not find it as a principal mode of teaching at Qumran; nor should we any longer be surprised.³¹⁾

Fraade admits that Qumran documents might contain the biblical exegesis, but denies that the Qumran document shows a textual embryo of legal midrash similar to that of rabbinic writings. Rather, the legal interpretation of Qumran is not evidence for the textual connection with rabbinic legal midrash, but rather evidence for the uniqueness of Qumran, which claims divine authority.

However, in my mind, even though the legal interpretations of Qumran do not show the same formal or methodological exactness as that of the rabbis, it is hard to ignore that the interpretative method in the Dead Sea Scrolls shows the process of the formation and development of rabbinic legal midrash in direct and indirect ways. According to Fraade's definition, "the midrash halakhah is the explicit citation and interpretation of Scripture as a source of or justification for law".³²⁾ This definition raises the question of whether the Midrash halakhah has to fit into a single form. Even if one can identify some differences between Qumran and Rabbinic midrash halakhah, it seems that Qumran midrash halakhah could be regarded as a literary variant, depending on how we conceptualize the midrash halakhah.

Even though there is no mention that the sectarian halakhah affects rabbinic halakhah, there may still be a trace of the Qumranic interpretative method in the Rabbinic literature or maybe ancient Jewish exegesis that pre-dated the formation of the sects and was thus inherited by both groups. Qumran halakhah presents the opportunity to understand the historical circumstances surrounding the emergence of the later rabbinic halakhah, as demonstrated in the preceding sections. The specification of the measurement demonstrates the sectarian response to avoid worries over whether one performs the exact demands of the law. Rabbinic halakhah begins with premise that, "there are things, which have no [specified] measure" (*m. Pe'ah* 1:1), but the following verses present a contradicting position: "One should designate as pe'ah no less than one-sixtieth [of a field's produce]" (*m. Pe'ah* 1:2). These contradictory statements may be

31) Steven D. Fraade, "Looking for legal Midrah at Qumran", 60.

32) Ibid.

recalling one certain older halakhic tradition in opposition to the Rabbinic halakhah.³³⁾ The objection against the view of the marginal group is the pervasive phenomenon in the rabbinic literature.³⁴⁾

Regardless of whether the Qumran halakhah interacted with tannaitic thought and whether the rabbinic halakhah was a polemical response against the Qumranic halakhah, the halakhic positions from both of the traditions show two separate developments.³⁵⁾ Moreover, it is likely that the hermeneutical technique was already formed within Qumran community in order to defend the legal interpretations that Qumran followed and relate it to the scriptural texts. This technique evolved into innovative tools, which were formerly unknown.

Though there is an affinity to particular methods of reading the scriptural law common to Qumran and Rabbinic halakhah, this does not mean that Qumran conveys the same halakhic forms as those found in Rabbinic halakhah. Furthermore, the sectarian documents do not provide any textual mention of the term ‘halakhah’ similar to the word that is used in Rabbinic literature.³⁶⁾ Nevertheless, this early exegesis in the Qumran document regarding the measurement of the gift has significant implications for revealing the history of biblical interpretation and unfolding the development of halakhic methods, which is contained in the rabbinic Midrash.

6. Conclusion

In spite of many influential discoveries surrounding the Qumran documents, the issues of the origin of the community and the development of its biblical interpretative method still yield unanswered questions. The comparative

33) Aharon Shemesh, “The History of the Creation of Measurements: Between Qumran and the Mishnah”, 172-173.

34) Vered Noam, “Traces of Sectarian Halakhah in The Rabbinic World”, Steven D. Fraade, Aharon Shemesh, and Ruth A. Clements, eds., *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls. Proceeding of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 7-9 January, 2003*, STDJ 62 (Leiden: Brill, 2006), 67.

35) Vered Noam, “Qumran and The Rabbis on Corpse-Impurity: Common Exegesis – Tacit Polemic”, Charlotte Hempel, ed., *The Dead Sea Scrolls: Texts and Context*, STDJ 90 (Leiden: Brill, 2010), 428.

36) J. P Meier, “Is There HALAKA (the Noun) at Qumran?”, *JBL* 122 (2003), 150-155.

examinations of Qumran literature and the tannaitic writings reconstruct the early aspects of the pre-tannaitic midrash, and provide a clearer understanding of the development of the halakhic methods and of sectarian views on the legal interpretations.

It is critical to compare the sectarian halakhah with the rabbinic literature on the creation of the measurement because the sectarian view fills the historical gap concerning the development of the interpretation between the biblical law and the rabbinic halakhah. These positions reveal the interpretations of the measurement of the donation and are exemplary of the similarity and dissimilarity between Qumranic and Rabbinic halakhah. Even though there is an evident similarity shared by both halakhic positions, certain Rabbis did not adopt sectarian halakhah and did not follow the Qumran reading, but developed their interpretations of scripture. In the case of the measurement of the charity to the poor, the Qumranic interpretation sheds light on how the rabbinic halakhah developed its legal interpretations. On the basis of this short research, the examinations of the early halakhic views provide the chance to look at the early interpretation of the legal texts and at the transformation of the halakhic positions. Thus, it may be assumed that the Qumranic halakhah presents an early legal interpretation of how to lead a religious life and how to perfectly fulfill the requirements of biblical laws.

<Keywords>

Leviticus 19:9-10, פֶּאֹה (pe'ah), Qumran, Rabbinic Literature, Legal interpretation.

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<Abstract>

**Measuring the $\pi\aleph\aleph$ (pe'ah) to the Poor:
Examining Legal Interpretations about Leviticus 19:9-10
in Qumran and Rabbinic Halakhah**

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The legal interpretation of the Dead Sea Scrolls has been an important subject in various academic discussions since the scrolls were discovered in Khirbet Qumran near the Dead Sea. Even though we are still uncertain as to the circumstances under which Qumran or the author(s) of each scroll interpreted the scriptural texts, the Qumran scrolls clearly demonstrate a tendency to interpret the biblical texts in a unique manner. In relation to the interpretation of the biblical law, a comparative study of Qumran and rabbinic legal interpretation is often regarded as a significant tool for illuminating a mutual halakhic tradition and reconstructing connections between both methods. This paper compares the legal interpretation in Qumran with the halakhic positions preserved in the rabbinic literature about the biblical commandment on the gift for the poor (Lev 19:9-10), and argues that the Qumran biblical exegesis shows an embryonic trace of the halakhic method similar to what is found in the rabbinic legal interpretations.

For this, I present the legal text from the Scripture, and explain why the text leaves room for interpretation. Then, I provide passages from Qumran related to the biblical text, and compare their interpretations. After introducing the rabbinic interpretation of the same biblical texts and also comparing the Qumran halakhic view with that of the rabbinic literature, I demonstrate both similarities and dissimilarities between the two traditions. While illuminating the motivation behind attempts to interpret the biblical law using unique methods in Qumran and rabbinic halakhah, I finally propose an explanation to clarify why Qumranic halakhah provides the legal interpretation for the measurement of the gift to the poor. The comparative examinations of Qumran literature and the tannaitic writings reconstruct the early aspects of the pre-tannaitic midrash, and provide a clearer understanding about the development of the halakhic methods and the

sectarian views on legal interpretations.

In case of measuring the charity to the poor, the Qumranic interpretation sheds light on how the rabbinic halakhah developed its legal interpretations. On the basis of this short research, examinations of early halakhic views provide the chance to look at early exegesis of legal texts and the transformation of the halakhic positions. Thus, it is critical to compare the sectarian halakhah with the rabbinic literature on the creation of the measurement because the sectarian view fills the historical gap between the biblical law and the rabbinic halakhah concerning the development of the interpretation.