The Antiquity and Development of Rabbinic Holiday Practices

in Light of Ancient Near Eastern Evidence

Numerous practices instituted by the Pharisees and the rabbinic sages, described in Jewish texts, do not derive directly from the biblical commandments. Some are not mentioned in the Hebrew Bible at all, while others actually contravene the biblical text. Josephus (*Ant*. 13.297, 18.16, cf. 4Q166 II: 5–6) claims that the Pharisees maintain that “they have delivered to the people some practices by succession from the fathers, which are not written in the laws of Moses.” This method was perpetuated by the rabbinic sages, who explicitly acknowledge (*m. Hag*. 1:8; cf. *t. Hag* 1:9; *Sifre Deut* 335) that many halakhot do not have their origin in the Bible—or have “little Scripture for many laws,” being “mountains hanging by a thread” (cf., e.g., Baumgarten 1987; Cohen 2007; Henshke 2007: 3–11; Werman and Shemesh 2011: 86-102). While a few of these practices are reflected in non-legal Biblical texts (cf. Kister 1992; Noam 2010: 323–324), we appear to be able to learn about the antiquity of other practices from a comparison with findings from the ancient Near East.

Scholars have already noted the significance of ancient Near Eastern sources for the history of the halakhah. However, while drawing attention mainly to civil law, most of them have focused on supposed late Babylonian influence upon Jewish practices (Muffs 1992: 139–143 for previous bibliography; Greengus 1993; 2011; Geller 1995; Holtz 2001; Friedman 2008). Demonstrating that some of the Jewish practices in fact constituted part of a Syro-Levantine continuum, i.e. a cultic *koine* in which the Jewish—following the Israelite—culture was embedded, the present study proposes to compare rabbinic halakhah with evidence from all the ancient Near Eastern cultures, and in particular those reflecting the Syro-Levantine area. Such an undertaking will enable us to assess the antiquity of certain practices, their original character, and the manner in which they developed.

Two early products of my research in this field have appeared in the past decade. One explored the crimson thread that was tied to the scapegoat on Yom Kippur (Ayali-Darshan 2013), while another explored the significance of the seventy bulls sacrificed during the Sukkot festival (idem 2016). In the study proposed here, I thus seek to examine further parallels from the ancient Near East, focusing initially on the Second Temple festival practices (such as the water libation, the water-drawing ceremony, the *hakafot* [circumambulations], the taking of the limbs in procession from the place of slaughtering to the altar, and others) as reflected in Rabbinic and related literature.

The main ancient sources for this project include the distinctive evidence from Ebla, Amorite Mari, Emar, and Ugarit (in various publications), all of which provide evidence regarding the local Semitic culture in Syria and the Levant. Most of those sources, including some recent publications, have yet to gain attention from scholars of rabbinic literature. In addition, recent publications from Anatolia (now primarily in the ChS and *hethieter.net* [CTH] editions), whose origins lie in Hurrian culture, have opened a window onto the culture of the Western Hurrians who inhabited northern Syria and the Levant and absorbed many of the local traditions; they can thus offer further contributions to that research. My hope is that this research project (which I hope to carry out as a member of the research group for the year 2021–2022), which adduces findings from the ancient Near East that are not always either accessible or sufficiently familiar to those studying the early history of halakhah, will contribute to the understanding both of the development of the halakhah and of the meaning of Jewish laws and practices that until now have been inadequately comprehended.

Selected Bibliography

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| N. Ayali-Darshan, “The Origin and Meaning of the Crimson Thread in the Second Temple Period Scapegoat Ritual in Light of an Ancient Syro-Anatolian Custom,” *JSJ* 44 (2013), 530–552. |
| N. Ayali-Darshan, “The Seventy Bulls Sacrificed at Sukkot (Num 29:12-34) in Light of a Ritual Text from Emar (*Emar* 6, 373),” *VT* 65 (2015), 1–11. |
| A.I. Baumgarten, “The Pharisaic Paradosis,” *HTR* 80 (1987), 63–77. |
| J. Ben-Dov, “Halakhah and the Qumran Scrolls,” *Cathedra* 154 (2015), 163–178 (Heb.). |
| S.J.D. Cohen, “The Judaean Legal Tradition and the Halakhah of the Mishnah,” C.E. Fonrobert and M.S. Jaffe (eds.), *The Cambridge Companion to the Talmud* *and Rabbinic Literature*, Cambridge 2007, 121–143. |
| S.Y. Friedman, “The ‘Plotting Witness’ and Beyond: A Continuum in Ancient Near Eastern, Biblical, and Talmudic Law,” C. Cohen *et al.* (eds.), *Birkat* *Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical* *Judaism, Presented to S.M. Paul on the Occasion of his Seventieth Birthday*, II, Winona Lake 2008, 801–829. |
| M.J. Geller, “The Influence of Ancient Mesopotamia on Hellenistic Judaism,” J.M. Sasson (ed.), *Civilizations of the Ancient Near East*, New York 1995, 43–54. |
| S. Greengus, “Filling Gaps: Laws Found in Babylonia and in the Mishna but Absent in the Hebrew Bible,” *Maarav* 7 [1991] (1993), 149–171. |
| S. Greengus, *Laws in the Bible and in Early Rabbinic Collections: The Legal Legacy of the Ancient Near East*, Eugene 2011. |
| D. Henshke, *Festival Joy in Tannaitic Discourse*, Jerusalem 2007 (Heb.). |
| S.E. Holtz, “’To Go and Marry Any Man That You Please’: A Study of the Formulaic Antecedents of the Rabbinic Writ of Divorce,” *JNES* 60 (2001), 241–258. |
| M. Kister, “Some Aspects of Qumranic Halakhah,” J.T. Barrera and L.V. Montaner (eds.), *The Madrid Qumran Congress*, II, Leiden 1992, 571–588. |
| Y. Muffs, *Love and Joy: Law, Language and Religion in Ancient Israel*, Cambridge 1992. |
| V. Noam, *From Qumran to the Rabbinic Revolution: Conceptions of Impurity*, Jerusalem 2010 (Heb.). |
| J.C. Reeves, “The Feast of the First Fruits of Wine and the Ancient Canaanite Calendar,” *VT* 42 (1992), 350–361. |
| M. Weinfeld, ‘Things Which Satan/the Nations/*Yetzer Hara* Criticize,’ D. Boyarin et al. (eds.) *Atarah le-Ḥayim*, Jerusalem 2000, 105–111 (Heb.). |
| C. Werman and A. Shemesh, *Revealing the Hidden: Exegesis and Halakha in the Qumran Scroll*, Jerusalem 2011 (Heb.). |