

Massekhet Kutim and the Resurrection of the Dead

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Introduction

The question when Samaritans started to believe in the resurrection of the dead is still for scholars one of the unsolved problems.¹ Notwithstanding research carried out into notions of resurrection in Ancient Judaism², there exists only a consensus that belief in resurrection developed in a late phase of Samaritanism³, that is to say, subsequent to the destruction of the temples on Mount Garizim and of Jerusalem (70 CE), i.e. in the Rabbinic period or even later. In addition to the now recognised fact that the Samaritan sources at our disposal do not permit a.) an investigation of the origin of Samaritan eschatology in general or b.) the determination of the starting point for the developing a belief in resurrection in particular⁴, we should recall that no more than a few non-Samaritan sources – e.g., those texts written and transmitted by Christians, especially the church fathers Origen and Epiphanius – texts recently collected under one cover by Reinhard

1 For an introduction cf. DEXINGER, *Samaritan Eschatology*, especially 281-283.

2 Cf., e.g., AVERY-PECK / NEUSNER, *Death*. For older literature on resurrection in Ancient Judaism cf. LEHNARDT, *Bibliographie*, 54. On resurrection in the texts from caves at the Dead Sea see LICHTENBERGER, *Auferstehung*, 79-94.

3 Cf. DEXINGER, *Eschatology*, especially 88: "This includes the belief in resurrection at a later stage of Samaritanism." See also DEXINGER, *Life*, 9-10.

4 Cf. BEN-HAYYIM, *Tibât Mârqe*, 26-27. Although scholars believed that *Memar Mârqe* speaks of resurrection. See MACDONALD, *Memar Marqah*, 70, and KIPPENBERG, *Garizim*, 289, these passages do not date from fourth or third century as do the oldest layers of the work, but are according to BEN-HAYYIM later interpolations. Furthermore the interpretation provided by MACDONALD is based on a misinterpretation. See, however, also DEXINGER, *Samaritan Eschatology*, 283.

Pummer⁵ – seem to reflect with any clarity the often recognized non-believe of Samaritans in resurrection in early times. However, as Pummer has pointed out: “The time when the Samaritans adopted the belief in resurrection is unknown.”⁶ Furthermore, he assumes that acceptance of the idea of resurrection was likely to have been “a gradual process” lasting down to the fourteenth century.

Some important sources that might shed light on when Samaritans started to believe in resurrection have not as yet been researched sufficiently⁷: I am referring to Rabbinic literature, i.e. the classical texts gathered in the Talmud and Midrash; also, to writings collected in later works from the post-Talmudic or Geonic periods. In my paper I will therefore focus on some already well known Rabbinic texts, especially a famous passage from Massekhet Kutim II,8,⁸ but also on some earlier and later texts. In Massekhet Kutim we read:

When shall we [sc. the Rabbinic Jews] receive them [sc. the *Kutim*] (מאימתי) (מקבלין אותם)? When they renounce Mount Garizim and acknowledge Jerusalem and the resurrection of the dead (תהיית המתים). Thereupon (ואילך) (בכאן), he that robs (הגוזל) a Kuti shall be as one who robs an Israelite.

Whether the lack of interest in this passage and in Rabbinic traditions relating to Samaritans in general is a consequence of the fact that a generation of scholars engaged in Samaritan studies were well trained in the analysis of Biblical and Christian literature, but not in that of Rabbinic sources, remains to be considered against the background of a broader enquiry about the history of research.⁹ Yet I cannot refrain from reminding you that there exists already a vast amount of scholarly literature on the role of Samaritans in Rabbinic literature, – let me simply mention the name of the almost forgotten Hungarian scholar Israel Taglicht (1862-1943), who wrote the first significant monograph on *Kutim* according to Talmudic sources in German, published 1888 in Berlin.¹⁰

Taglicht was a Rabbi, born in Berzna, now part of Ukraine, who studied in Vienna. After the occupation of Austria he was humiliated and beaten by the Nazis; sadly, he is best known for a photo of him

5 PUMMER, Authors, esp. 47-49; cf. also 58.62.71-75 (for Origen), and 149.156 (for Epiphanius of Salamis); for Philaster see 211.

6 Cf. PUMMER, Authors, 50.

7 Cf., e.g., CROWN, Bibliography. And see also LEHNARDT, Samaritans, 140 note 9.

8 Cf. HIGGER, Treatise, יד 46.

9 Cf., e.g., MONTGOMERY, Samaritans, 175-176. See also MACDONALD, Theology, 372-376.

10 TAGLICHT, Kuthäer.

carrying a placard with the words "I am a Jew". He was finally allowed to emigrate as a result of foreign pressure. He died at Cambridge, England, without having published again on Samaritans in Rabbinic literature.¹¹

Most of the scholarly literature on Samaritans in Rabbinic literature in the following years was written in Hebrew.¹² Perhaps it is for this reason that the evidence here from Rabbinic literature has been rather neglected in recent publications on Samaritans that have appeared in western languages.¹³ Furthermore, some issues and problems discussed in these Hebrew studies were neglected by scholars writing in other languages; or else they concentrated only on Samaritan traditions like those found in *Abu'l Fath* or in the *Marqa* corpus.¹⁴ This holds true also for the question under enquiry, as to when Samaritans started to believe in resurrection – a problem highlighted more often by Christian theologians, but not of great interest, for all I know, for scholars of Jewish background, attracted as they are to the history of the Samaritans or to their halakhic status.¹⁵

Although the Lutheran theologian and famous lexicographer Wilhelm Gesenius (1786-1842) tried to solve the "resurrection riddle" by hinting at a possible influence of the Rabbis and / or the Christian church fathers¹⁶, and although the question was raised time and again by Christian scholars trying to shed new light on the eschatology of the Samaritans; the problem if and when the Samaritans started to believe in resurrection of the dead has remained primarily one of methodology, which means we have to ask: What are the right sources

11 Unfortunately, CROWN / PUMMER / TAL, *Companion*, does not include his name, although other scholars were listed and his dissertation is often mentioned in the enclosed bibliographies. See on him BERMANN, *Taglicht*, 701. In a certain way TAGLICHT was followed by GASTER, *Eschatology*, 43-53.

12 Cf. GAFNI, *Ha-yahasim*; HEINEMANN, *Polemics*, 23-35 = HEINEMANN, *Aggadah*, 91-102; HERSHKOVITZ, *Ha-Kutim*, 71-105. See also ALON, *Origin*. We can neglect here the collection of Rabbinic texts in German translation published by BILLERBECK / STRACK, *Kommentar*, 538-560. This methodological not up-to-date work was often cited by scholars when referring to Rabbinic sources. See, e.g., KIPPENBERG, *Garizim*, 137-139, who strongly relied on BILLERBECK.

13 Cf., e.g., ZANGENBERG, *Samareia*, 92-94. The useful German anthology edited by DEXINGER / PUMMER, *Samaritaner*, includes at least two originally Hebrew written articles in translation, but none is related to Rabbinic literature.

14 ISSER, *Judaism*, 143-146.

15 The most detailed analysis of the problem of *tehiyyat ha-metim* at the Samaritans is found in the unpublished MA-thesis by Isaiah GAFNI, *Ha-yahasim*, 85-88. This Hebrew University Jerusalem thesis was advised by Shmuel SAFRAI.

16 Cf. GESENIUS, *Samaritana*, 94. He was cited by KIRCHHEIM, *Karme*, 18.

to consult? What are the Samaritan sources saying and the Rabbinic texts reflecting? A historical reality or a mere polemic? Are the Rabbinic texts in general or at least Massekhet Kutim mirroring the starting point of a development in Samaritan eschatology “in two phases” (Dexinger) culminating in an alignment in attitudes (“Angleichung”¹⁷ – as Zangenberg has assumed)? Or is it impossible to interpret them as witnesses to a historically discernible development, because the Rabbinic attitude towards Samaritans was rather ambivalent and changed from time to time? Was it in the end – as Kippenberg and others have suggested¹⁸ – only a faulty attribution to the Samaritans of the otherwise well-attested Sadducean disbelief in resurrection that led to this tradition being established?¹⁹ Or are the Rabbinic texts only referring to a smaller group within the Samaritan people, such as the Dositheans, which were known not only to some of the Church fathers but at least also to the author of the *Halakhot Gedolot* – a Geonic work with a complex textual history?²⁰

In this presentation I will focus, as I said earlier, on just a few Rabbinic texts. With regard to the cited question and answer from Massekhet Kutim, we have first of all to clarify its proposed dating: Is the so-called smaller Tractate Kutim a Tannaitic writing, and therefore roughly speaking from the 2nd to 3rd century CE, or is it a post-Talmudic composition, probably redacted in Geonic times only? In a next step I will analyse some Rabbinic passages which seem to support the hitherto accepted dating of our passage. Finally, I will draw some conclusions on the basis of the analysed data.

17 Cf. ZANGENBERG, *Samareia*, 131.

18 Cf. KIPPENBERG, *Garizim*, 142 note 260.

19 This being a consequence of textual confections in the manuscripts. See below the text from b.San 90b and the note below thereon.

20 Cf. HILDESHEIMER, *Halakhot*, 443. See on this hypotheses already GAFNI, *HA-yahsim*, 87, who points to a commentary by LURIA, *Pirqe*, 91a). He seems to have been the first one who mentions this source. See also the note by LIEBERMAN, *Shkiin*, 25, who refers in addition to that to FRIEDLANDER, *Tehilat*, 58, a judeo-arabic commentary of the Song of songs who hints at the Rabbinic knowledge about some Samaritans who did not believe in resurrection. Cf. also BÜCHLER, *Dosithéens*, 40-41. – On the textual situation of *Halakhot Gedolot* cf. BRODY, *Geonim*, 223-224.

1. The so-called smaller tractates of the Talmud

Massekhet Kutim belongs to the so-called “sheva massekhtot qetanot Yerushalmiot”, the seven smaller tractates called Yerushalmiot (which means “from Palestine”).²¹ These smaller tractates were first published in 1851 by the Frankfurt scholar Raphael Kirchheim (1804-1889)²² and again in the classical printings of the Vilnius edition of the Talmud Bavli (1880-1886). The definitive edition based on manuscripts and accompanied by a brief commentary and a readable translation was brought out by Michael Higger in 1930.²³ Since one of the most important manuscripts of these tractates was lost in II. World War, there is no chance of a new and better edition of the text. However, there might conceivably exist some indirect witnesses in medieval Rabbinic literature, as yet unidentified.

The date of composition of the material contained in these seven tractates and the date of redaction of the treatises cannot be discussed in detail without reference to methodology. Since the dates evaluated and proposed in scholarly literature range from the second century CE,²⁴ to the post-Talmudic era, there are inevitably differences of opinion about the kind of material reworked in these tractates and their relationship to other Rabbinical literary corpora, such as the Mishna, Tosefta, Talmud Yerushalmi and the Bavli. While for some scholars Massekhet Kutim is a “Tosefta to the Babylonian Talmud”²⁵, others argue that it is a kind of “extraneous Mishna” or “Baraita” not included in the six orders of the Mishna, but only redacted at the end of the Tannaitic period.²⁶ Following Higger’s edition and his analysis of some parallels in a kind of short-commentary, most scholars adopted his view that the smaller treatises are “the first post-Mishnaic compendia regulating specific Jewish practices.”²⁷

21 On the following cf. in more detail LEHNARDT, *Talmud-Traktat*, 111-123. On the term „Yerushalmiot” as a general designation for a text of Palestinian origin see, e.g., SCHOLEM, *Ursprung*, 35 note 64.

22 KIRCHHEIM, *Libri*, 31-37.

23 Cf. HIGGER, *Treatises*, טז-נד, 42-46.

24 Cf. KIPPENBERG, *Garizim*, 138 (2nd century); see on this, however, EGGER, *Josephus*, 183 note 540.

25 See HJELM, *Samaritans*, 106.

26 Cf. LERNER, *Tractates*, 401. A similar opinion was proposed by GULKOWITSCH, *Talmudtraktat*, 48. See also PUMMER, *Massekhet Kutim*, 156.

27 Cf. HIGGER, *Treatises*, 5.

As I have tried to make evident in a fresh analysis of the material included in the tractate and based on a re-evaluation of the order and structure of the sentences, I would make two points here. The first is that one has to distinguish between external reasons for a proposed dating, and then internal arguments. This means, starting by considering the textual situation that is the manuscripts, citations and transmission of sentences in the context of other tractates and their proposed dating and relation to other literary strata of Rabbinic literature. The other point is that one has to take into consideration internal arguments, which means the recognisable attitude towards Samaritans in the tractate in question compared with attitudes in other Rabbinic writings.

Let me briefly summarise the conclusions I drew from the lengthy examination of Massekhet Kutim undertaken with these methodological thoughts in mind:

In contrast to the opinion favoured by some scholars I think that Massekhet Kutim is not only a “thematic collection of Baraitot” (as already suggested by Lazar Gulkowitsch). Rather it consists of Mishnayot and Baraitot from unknown origin²⁸ and age, as well as of material which can best be explained by comparison with older texts or at least known texts known to be revisions. Rules and prohibitions referring in the parallels to all kind of non-Jews (*goyim*), seem to have been transferred to Samaritans. Some sentences seem to have been removed from the contexts in which they were originally transmitted, and then have been reformulated. In addition to that, it seems that often the word *goy* or *goyim* for non-Jews was simply replaced by the word *Kuti* or *Kutim*.

In addition to this kind of literary transference of seemingly older halakhot, a tendency to greater strictness is detectable in the treatise. Rules expressed more universally in the parallels are reformulated with regard to *Kutim* only. On the other hand, some parallels are originally composed in more detail, while the redactor of Massekhet Kutim shortens the exposition of the parallels (cf. II,4).

Therefore any attempt to date the tractate as a literary entity because of its apparently more conciliatory attitude towards the Sama-

28 According to my analysis there are eight sentences from Mishna and Tosefta which have an almost literal parallel in Massekhet Kutim. I,2 = mSheq 1,5; I,4 = mAZ 1,6; I,5 = tAZ 2,4; I,8 = mAZ 2,1; I,9 = tAZ 3,13; I,10 = tAZ 3,1; I,13 = m Nid 7,5; II,2 = tBQ 4,3; II,4 = tDem 3,3. One parallel is found only in a Baraita transmitted in the Talmud Yerushalmi, yAZ 5,4 (44d) equals roughly II,6. See on this and further seemingly parallel sentences my article from Frankfurter Judaistische Beiträge.

ritans – as supposed for example by Günter Stemberger²⁹ – would seem problematic. Even if some sentences reflect a more ambiguous view of the *Kutim*, the redactor of the treatise is clearly trying to emphasize that Samaritans, regardless of their knowledge of the Pentateuchal laws and adherence to certain customs cannot be deemed to be Jews.

Furthermore, the analysis of most parallels reveals that, on the one hand the redactor of the treatise adopted material standing in clear contrast to the view of the Mishna. On the other hand, he accepted Halakhot which agree with the Mishna, whereas they do not agree with Baraitot transmitted in the Tosefta. Moreover, some Halakhot seem to disagree with the Mishna's and Tosefta's assumption that Samaritans are to be regarded as Jews. The treatise seems to favour the view of Rabbi Yehuda the Prince, the alleged redactor of the Mishna, who maintained that the Samaritans are to be considered to be non-Jews.³⁰

The aim of the redactor or collector of the halakhot in our tractate therefore should not be identified with an attempt on his part to correct the Mishna's point of view in favour of a more lenient one as reflected, e.g., in the Tosefta. The intention of the tractate redactor, I would argue, was to bring into line, to order and adjust, some partly or ostensibly contradictory rules and laws referring to contact with Samaritans.

The overall attitude of Massekhet Kutim on Samaritans and the aim of some of its decrees should therefore be considered against the background of the tendencies in the other smaller tractates – especially the two other dealing with other groups with an ambiguous status in Halakha such as slaves (*avadim*) and proselytes (*gerim*).

What are these results imply with regard to our initial query? Let me first draw your attention to some well-known texts which seem to place Samaritan non-belief in resurrection in the context of other, perhaps earlier Rabbinical writings. Methodologically I shall present this material according the writings in which it occurs and their assumed chronological order. This will allow me to emphasise the historical development behind these texts, often something neglected in other studies on Rabbinic literature.³¹

29 Cf. STEMBERGER, *Einleitung*, 230.

30 Cf. on this remarkable difference SCHIFFMAN, *Samaritans*, 339.

31 For this methodological approach see, e.g., STEMBERGER, *Reaktionen*, 207.

2. Massekhet Kutim II,8

The seemingly oldest account often mentioned with regard to the Rabbinic knowledge of the Samaritan disbelief in resurrection is found in Sifre Bamidbar, a halakhic Midrash redacted (more or less) in the 3rd or 4th century CE in Palestine. There we learn in an clarification of Num 15,31, which is transmitted in a saying ascribed to Rabbi Shim'on ben Ele'azar, a celebrated Tanna of the fourth generation frequently mentioned in controversies with *Kutim*, the following³²:
Sifre Bamidbar shelah 112³³

Said Rabbi Shim'on ben Ele'azar: "On the following basis I proved that the books of the Kutim [ספרי כותים] are forgeries, for they maintained that the dead do not live [אין מתים חיים].

I said to them: Lo, Scripture says, "... that person shall be utterly cut off; his iniquity shall be upon him [עוֹנֵה בֵה]." (Num 15,31)

For scripture says: *His iniquity shall be upon him*, only so as to indicate that it is destined to give a full accounting of itself on the day of judgement.

This section is based on an interpretation of the last part of the verse from the book of Numbers. It derives from the unusual phrase עוֹנֵה בֵה, "upon him", that sins will be punished even in the world to come. However, as was pointed out already by Raphael Kirchheim³⁴, and later also by Israel Taglicht³⁵, this strange explanation seems to be based on a misunderstanding, because it has mixed up belief in resurrection with belief in reward and punishment. The phrase עוֹנֵה בֵה, "upon him", clearly refers to the idea that the sins of the individual cling to him even after death, i.e. in the World to Come. The theory of reward and punishment, however, seems never to have been denied by Samaritans.³⁶ Interestingly, this passage is not mentioned by Ferdinand Dexinger in his brief summary of some relevant passages from Rabbinic literature referring to Samaritan disbelief in resurrection.³⁷ – Consequently, even if this Midrash from the Tannaitic period points to an exegetical difference in opinion between Samaritans and the Rabbis,

32 Cf. KONOVIĆ, *Symposia*, 117-156.

33 HOROVITZ, *Siphre*, 122, lines 4-6; cf. NEUSNER, *Sifre*, 171. – Interestingly enough, this text is not mentioned by DEXINGER, *Samaritan Eschatology*, 282.

34 Cf. KIRCHHEIM, *Karme Shomron*, 18.

35 Cf. TAGLICHT, *Kuthäer*, 31.

36 Cf. DEXINGER, *Samaritan Eschatology*, 286-287; see also GASTER, *Eschatology*, 51; MACDONALD, *Theology*, 380-382.

37 DEXINGER, *Samaritan Eschatology*, 282.

resulting in an often attested accusation of forgery of scriptures³⁸, it cannot be cited as an early reference to Samaritan disbelief in resurrection.³⁹

Additionally, one has to keep in mind that the Vatican 32 manuscript of the Sifre contains here the reading ספרי מינים. This reference to *minim* might itself be a reflection of how the term is used in the Bavli, where it often inserted in place of the word *Kuti*, Samaritan.⁴⁰ However, Codex Vatican 32 of the Sifre is, according to the catalogue of manuscripts of halakhic Midrashim edited by Menahem Kahana in 1990, “the best manuscript of the Sifre”.⁴¹ Furthermore, one has to keep in mind that *Kutim* are mentioned in the halakhic Midrashim only rarely.⁴² The only parallel text is found in the Babylonian Talmud, and we will deal with it below.

Another often cited passage on resurrection is found in the late amoraic or (more even) post-talmudic *Midrash Qohelet Rabba* 5,10 (15d).⁴³ The issue is raised here at length for the first time. The context is a highly literary description of a dialogue between the legendary Tanna, Rabbi Me’ir, and an anonymous Kuti:

A Kuti asked Rabbi Me’ir: “Do the dead live again” [היין מתייא]?]

He answered: “Yes”.

He then asked: “[Do they come back to life] secretly or in public?” [בפרהסיא או בחשאי או]

He answered: “In public.”

38 Cf., e.g. FINKELSTEIN, Sifre, 123.

39 Contra GAFNI, Ha-yahasim, 85; see also ZANGENBERG, Samareia, 130.

40 Cf. on this phenomenon POPPER, Censorship, 59.

41 See KAHANA, Manuscripts, 90. See also MARGULIES, Midrash (a Limited Facsimile Edition of 160 Copies, by Special Permission of the Vatican Library, with an Introduction and Page Index [introduction]).

42 Cf. Mekhilta Parashat Mishpatim Neziqin 12; Sifre Devarim Ha’azinu 26; Sifre Re’e 4.

43 For an approximate date of composition of *Midrash Qohelet Rabba* cf. STEMBERGER, Einleitung, 311-312; HIRSHMAN, Midrash, 58-60. Since no scholarly edition of *Qohelet Rabba* is extant yet, my translation is based on the Wilna text. For another translation cf. COHEN, Ecclesiastes, 145-146. For a German translation cf. WÜNSCHE, Midrasch, 76-77; ZANGENBERG, Samareia, 130-131.

“How can you prove it to me? he asked, to which Rabbi Me’ir replied: “Not from scripture nor from the Mishna but from *derekh erez*, everyday life [מדריך ארץ]44, I will answer you.

There was a trustworthy man in our city with whom everyone deposited [money] secretly and he restored it to the owners in public. Somebody came and deposited it with him in public; so how should he restore it to him, in secret or publicly? Will he not do it publicly?”

“Certainly,” [אין] was the reply.

Then said Rabbi Me’ir to him, “Let your ears hear what your lips speak. Men deposit a white drop [in secret] with their wives, and the Holy One, blessed be He, restores that drop publicly in the form of a beautiful and perfect creature.

How much more will a dead person who departs [from the world] publicly return publicly? As he departs with loud cries so will he return with loud cries.”45

Certainly this remarkable passage reminds us of many other dialogues of this kind in Rabbinic literature. And most scholars therefore would agree that we have here a kind of fictitious (or legendary) dialogue before us which tries to mock the interlocutor by demonstrating a better understanding. Interestingly, the Samaritan’s disputant, Rabbi Me’ir, does not argue from scripture (Tora) but refers to *derekh erez*, “manners” or “every day life” – an argument which certainly cannot have been very convincing for someone who denies there is any proof of resurrection in the Pentateuch and who does not accept the writings of the prophets, the *nevi'im*. The proof from “everyday life” transmitted in the name of Rabbi Me’ir therefore reflects how great the difficulties must have been even in Amoraic times to convince Samaritans, whose rejection of this belief clearly known and whose status therefore must already have been clarified.

Remarkably, this interpretation does not have sufficed for later readers of this midrash either, since the redactor of Qohelet Rabba already added another “proof” citing a dictum pronounced by Rabbi Yonatan in the name of Rabbi Yonatan of Bet Guvrin (Eleutheropolis), a second generation Amora⁴⁶:

44 BILLERBECK / STRACK, Kommentar, 551, translates “aus einem Vorgang des gewöhnlichen Lebens”. On different meanings of the expression *derekh erez* in Rabbinic literature see SAFRAI, Term, 147-162.

45 For this idea see also b.Ber 15b and b.San 92a.

46 See on this personage BACHER, Amoräer, 592-594.

It is written: *The grave and the barren womb* [שְׂאוֹל וְעֶזְרָרָהָם] (Prov 30,16) – what has one to do with the other? In truth as the barren womb yields [the child] with loud cries, so will the She’ol yield [the dead] with loud cries.

This “proof” of resurrection, however, is based on a verse from the third part of the Hebrew Bible, a citation from proverbs, *mishle* – a proof that definitely would not have convinced any Samaritan. Obviously, the whole account therefore must be adjudged a literary fiction. The interest of this part seems to have been a clarification of inner-Rabbinic discussions. In this frame of interest, the Samaritan is portrayed as imaginary type whose point of view does not seem to bother the rabbis overmuch. Indirectly, though, it reflects the absence of texts in the Tora that offer compelling proof. Furthermore, it reveals a growing disrespect for the belief of the Kutim.

It does not unduly surprise therefore that the longest description of a dispute on resurrection with a Samaritan again refers to Num 15,31 – the same verse just dealt with in *Sifre Bamidbar*. This passage is found in the Bavli, tractate Sanhedrin 90b, and it is certainly the latest redacted source that must be analysed within the compass of this investigation. Some scholars, Billerbeck for example, have considered b.Sanhedrin 90b to be a “version” of the same tradition conveyed in *Sifre Bamidbar*.⁴⁷ However, if we look more closely at the text, we find many differences, one of these being that the Bavli speaks not only of reward and punishment but explicitly of resurrection. In the Sanhedrin we read:

b.San 90b [Munich Manuscript; cf. also Ms Florence 9]

It has been taught [in a Baraita] [תניא]: Rabbi Eli’ezer, son of Rabbi Yose⁴⁸, said: In this matter I refuted the books of the Kutim⁴⁹ [ספרי כותים], who maintained that resurrection is not deducible from the Torah.

I said to them: You have falsified your Torah⁵⁰, yet it has availed you nothing

[לא העליתם בידיכם כלום]. For you maintain that resurrection is not a doctrine from the Torah, but it is written: [Because he hath despised the word of the

47 Cf. BILLERBECK / STRACK, Kommentar, 552.

48 The second century Tanna is meant.

49 This is the reading in the Munich Manuscript of the Bavli; some prints have „sifre tzeduqim“, and there exists also the varia lectio „sifre Minim“. Cf. RABBINOVICZ, Sefer, 125a.

50 The words “to them”, להם, Dtn 11,9, from which Rabban Gamli’el deduced the resurrection seem to have been left out from the Samaritan Tora. Cf. *Biblica Hebraica Stuttgartensia*, and also the Targum has an emendation of the text.

Lord, and hath broken his commandment,] that soul shall utterly be cut off [הכרת תכרת; *hikkaret tikkaret*]; his iniquity shall upon him (Num 15,31).

Now, [seeing that] he shall utterly be cut off in this world, when shall his iniquity be upon him? Surely in the next world!

Rav Papa said to Abaye: Could he not have deduced both [ולימא להו תרייהו] [this world and the next] from *he shall be utterly cut off?* –

They would have replied: The Torah employed human phraseology [דברה תורה כלשון בני אדם]. (which means: one might not draw anything from the doubling *hikkaret tikkaret*).

It is clear from the context of this “Bavli-styled” Baraita that we have a highly literary account before us. In contrast to the above cited passage from *Sifre*, we learn explicitly the Samaritans’ point of view that resurrection is not deducible from the Pentateuch. The doctrine of reward and punishment is not mentioned. But again the “standard” accusation of forgery is raised.

If we assume that the date of redaction of this text can - according to Stemberger and others - be fixed at the beginning of the 7th century CE, even if it contains a reference to a person who lived much earlier, it perhaps reflects a growing need to refute the Samaritan opinion that the Tora does not speak of resurrection at all. I assume that such a need, if there was one, arose from the growing influence of an increasingly fixed rabbinic Biblical text – especially some kind of *textus masoreticus* the likes of which became more and more widespread from the sixth century onwards, not only in Eretz Yisra’el but also in Babylonia.⁵¹ In order to strengthen the reading and exegesis of the Biblical text of the rabbis (or pre-Masorets), which differs so greatly from other versions of the Bible, such as the *Samaritanus* or other pre-masoretic Palestinian versions (Septuagint, Aquila and Symmachus), central issues of belief like resurrection came to be highlighted increasingly in the theoretical debates of the *bate midrash* or *yeshivot* – whether in Palestine or in Babylonia.

Moreover, these theoretical school debates might have formed the background too for another famous passage from the same Bavli tractate. Following a possible textual emendation *b.San 90b* now contains a question by “the Patriarch of the Samaritans”⁵², who is said to have

51 See on this page KELLEY / MYNATT / CRAWFORD, *Masora*, 18-20.

52 Instead of קלפטרא מלכתא “Queen Cleopatra” we should read פטריקא דכותאי “Patriarch of the Samaritans”; this emendation was proposed for the first time by BACHER, *Rabbi*, 188. See also BACHER, *Tannaiten*, 68 note 2. It was accepted by BILLERBECK / STRACK, *Kommentar*, 552, and DEXINGER, *Samaritan Eschatology*, 282.

asked Rabbi Me'ir: "I know that the dead will revive for it is written: *And they shall blossom forth out of the city like the grass of the earth* (Ps 72,16)." As was rightly pointed out by Dexinger⁵³, putting a quotation from a Psalm in the mouth of a Samaritan can hardly convince since the Psalms do not constitute Biblical proof for Samaritans.

In my view, what we have here again is a literary or fictional discourse. By which I mean that b.San 90b does not reflect reality but the rabbinic mind – a frame of mind which might result from a changed attitude towards the cited passages from the *Tanakh* and their exegesis. A hardened attitude towards proving the correctness of belief in resurrection on grounds of a verse from the Tora can be supposed for the Rabbis, once the pertinent Biblical texts had been established and widely accepted by (at least) the 6th or the beginning of the 7th century. Rabbinic debate about Samaritan rejection of resurrection must therefore have started before the Biblical text was absolutely fixed, i.e. at a time when it was being subjected to increasingly detailed interpretation and discussion. This fits well to the period of time after the redaction of the Talmud Yerushalmi, today et al from 350 CE. up to 400 CE.⁵⁴ The Palestinian Talmud itself still contains some non- or pre-Masoretic Biblical quotations. Afterwards, it seems, Biblical quotations in Rabbinic writings start to be more and more accurate in relation to the standard texts.

Concluding Considerations

Let me conclude these necessarily incomplete observations on the possible development of the literary and fictional disputes with Samaritans on the issue of resurrection by remarking on the cited passage from Massekhet Kutim. There we learn also about another important item of dispute between Jews and Samaritans: I am referring to the necessity accepting the holiness of Jerusalem instead of *Har Garizim*, the holy mountain of the Samaritans near Nablus.

In my opinion, behind this demand we can discern an older and politically more relevant controversy between Samaritans and Jews. The question of resurrection, in contrast, might have been added later for exegetical reasons, not necessarily because Samaritans or at least a sect of the Samaritans insisted on their non-belief in resurrection – a

53 Cf. DEXINGER, Samaritan Eschatology, 282.

54 Cf., e.g. the quotation of Deuteronomy 6,20 in yPesahim 10,4-5 (37d,17).

criterion, in any case, irrelevant for their acceptance as Jews, as can be learned from the comparison with Sadduceans in earlier times. As was pointed out by Menachem Mor⁵⁵, the Jewishness of the Sadducean sect was never questioned by the Pharisees or later by the Rabbis, on grounds that they denied the resurrection of the dead.

Therefore the issue of resurrection might not have been so important for Samaritans as it was for rabbinic Jews at the end of the Talmudic period, especially after as a definite version of the Biblical text had been canonised and gained currency. If this was so, the rather literary reference to *tehiyyat ha-metim*, the resurrection of the dead, at the end of Massekhet Kutim can best be interpreted as pointing to a rather late date of composition for this apparently early "Tannaitic" text – perhaps not only after the final breach with the Samaritans⁵⁶ but more precisely after the redaction of the Bavli, though the earliest conceivable time would be after the redaction process of the Yerushalmi.⁵⁷

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55 This has been emphasised by MOR, *Samaria*, 237-238.

56 See on this LEHNARDT, *Talmud-Traktat*, 123, and cf. on this PUMMER, *Rabbis*, 31-40.

57 For further evidence see LEHNARDT, *Massekhet Tefillin*, 29-72; LEHNARDT, *Massekhet Mezuzah*, 46-54.

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