INTENTIONALITY AND THE ‘HIGH HAND’
IN THE PENTATEUCH
AND THE DEAD SEA SCROLLS

by

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30  And the person who does it with a high hand, whether from the
native or from the sojourner – he reviles the Lord, and that person
shall be cut off from the midst of his people.

31  For he has spurned the word of the Lord and His commandment he
has violated. That person shall surely be cut off, his crime is upon
him.1

It is interesting to note that Hebrew does not have at this stage a word for
“intentional” (or for whatever the text is trying to convey, see below)2 but does
have one for error, compelling the authors to rely on a biblical idiom to express the
opposite of error. The phrase “high hand” had been utilized twice to refer to the
public manner of the Exodus, stressing that the Israelites did not sneak or skulk
away in the dead of night (Exod. 14:8; Num. 33:3), but rather marched out of
Egypt with pride and in full view of their Egyptian enslavers.

The passage in Numbers 15:22-31 and the case of the wood-gatherer
immediately following in verses 32-363 display two points of interest with respect
to law of the inadvertent transgressor relevant for a theory of intent. The first is the

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1 Translation from The Five Books of Moses. A Translation with Commentary (New York: Norton,
2004).

2 Note, also, that even the word zadon can only act as the opposite of “error” when referring to
malicious intent. Thus the neutral notion of acting purposefully regardless of malice is strikingly absent
from the lexical realm of the Pentateuch. The root kibh is sometimes explained to have this sense, but the
evidence is not as clear as with the rabbinic usage of it.

3 For the connection between the wood-gatherer narrative and the preceding laws, see S. Chavel,
Oracular Law and Narrative History: The Priestly Literature of the Pentateuch (Tübingen: Mohr
Siebeck, forthcoming); J. Milgrom, Numbers (Philadelphia: Jewish Publication Society, 1990), 96.
biblical origins. In light of the deterministic view that is widespread in the scrolls, perhaps this should come as no surprise: the free will, and hence the intentional actions of people, is not a major consideration. This issue becomes a problem when one transgresses explicit laws, and cannot be defended as having erred. Other than those cases, there is no notion comparable with the Greek τὸλαμα. Intention plays a role primarily as a criminal intent, and a development of purposefulness and willfulness appears only later, in rabbinic literature.

In conclusion, the high hand idiom serves in the Pentateuch to describe the proud manner of the Exodus of the Israelites, and as a more particular meaning in Num. 15, where it is juxtaposed with the erroneous transgressor. This juxtaposition should not be understood to denote mere deliberateness. The sectarian who composed the Community Rule apparently did use the phrase in the sense of deliberateness, but even they distinguished various types of intentional crimes, using the categories of “hidden” and “revealed” categories as the operative factor of distinction. Interestingly, in the Second Temple period Scrolls and in rabbinic literature, the “high hand” idiom continues to travel in a broad semantic field, between “intentional” and “publicly”. The sense of “publicly,” associated with the Exodus, may have contributed to the addition of “in deceit” (1QS VIII, 22) of the passage quoted above, emphasizing that a high-handed transgression need not be necessarily public. Similarly, the rabbinic texts mentioned above which apply this idiom to Manasseh for “revealing sides in the Torah,” imply deceit on his part in intentionally trying to misinterpret Scripture. The several passages of the Babylonian Talmud which equate the high-handed sin with idolatry, choose a meaning closer to defiance. The connection between the aspect of defiance and the public aspect is that both are taken to demonstrate intentionality, but neither sense can be restricted to intention alone.
