

More on the Book of Proverbs and Legal Exegesis at Qumran

David Rothstein

The Qumran sectaries, like the rabbis after them, viewed the book of Proverbs not only as a collection of abstract “Wisdom” maxims but, moreover, as a source for specific, concrete legal practices.¹ A parade example of this “legalistic” tendency at Qumran is afforded by 1QS 5:23-24. Herein, the sect actualized the dictum of (the masoretic text of) Prov 12:8² by establishing a fixed, yearly rite whose purpose was to establish the precise standing of each and every member of the community; Prov 12:8 thus not only informed 1QS’s literary formulation but, moreover, formed the basis for one of the essential components of the community’s structure.³ This datum is particularly noteworthy in light of the fact that the literary matrix of Prov 12:8 does not require, nor even suggest, such an approach.⁴

A prominent feature of Proverbs is the intertextual bond linking it with other biblical compositions, a point amply noted by students of the Hebrew Bible, modern and ancient alike.⁵ The Qumran sectaries, like the rabbis after them, were well aware of this intertextual matrix. Indeed, as I have demon-

¹ This tendency among Second Temple circles is, of course, hardly surprising, given the intense legal-exegetical activity in this period and the ample testimony of this tendency in rabbinic sources of various periods (see e.g., *m. Sanh.* 3:7, *b. Yeb.* 15a). For discussion of the emphasis on the role of law in Second Temple circles, as reflected specifically in LXX Proverbs, see Cook, *Law*, (I plan to address LXX Proverbs’ treatment of a ritual / legal issue, viz., that of moral impurity, in a separate discussion). For a recent discussion of the theological basis for Proverbs’ authoritative status, see Ulrich, *Literature*; see also the following note.

² Cf. LXX ad loc, which appears to reflect a different Vorlage.

³ See Jastram, *Hierarchy*; Licht, *Rule Scroll*, had previously noted the possible (!) relationship between 1QS’s formulation and the words “נערה לב” in Prov 12:8, but did not address the overall role of the biblical passage in 1QS; see *Rule Scroll* 136.

⁴ Moreover, it must be borne in mind that, the legalistic tendency of (some) Second Temple circles, notwithstanding, Wisdom as a literary / sociological phenomenon is amply attested during this period; see inter alios, Goff, *Instruction*.

⁵ See inter alios, Weinfeld, *School* 244-245, 261-269; Weinfeld, *Deuteronomy* 62-65; Sheppard, *Wisdom*, and Frymer-Kensky, *Sage* 280-285. See also Robert, *Les Attaches* 43, and Robert, *Les Attaches* 44; Harris, *Figure*; Passaro, *Proverbi*; and, from a different angle, Cook, *Relationships*.

strated elsewhere, the Qumran community's exegesis of Lev 19:18 indicates that it is informed by the sect's understanding of Prov 24:23-29 as an inner-biblical reworking of Lev 19:15-18.⁶ The present discussion addresses another passage in Proverbs which, when viewed through the prism of inner-biblical interpretation / inner-biblical allusion,⁷ may be seen to have informed the legal / ritual positions of 11QT^a.⁸

Prov 30 and the pollution of excrement

Among the ritual positions maintained by the Qumran community is the view that excrement is ritually polluting. 11QT^a 46:13-16 and 1QM 7:3-7 require that latrines be placed at a distance of either two- or three-thousand cubits (respectively) from sacred precincts, including the Israelite (war) camp. The dependence of 11QT^a and 1QM on Deut 23:12-14 is commonly acknowledged.⁹ Similarly, Josephus (*Wars of the Jews*, 2:147-149), states that after the discharge of excrement, the Essenes would "make it a rule to wash themselves after it, as if defiled". The combined evidence of 11QT^a and Josephus¹⁰ leaves no room for doubt that the sect viewed the discharge of excrement as ritually polluting.¹¹ J. Milgrom has made the observation that this position is informed by Ezek 4:12-15, which indicates that excrement defiles.¹² While Milgrom's proposal is, indeed, on the mark,¹³ it ought be

⁶ Rothstein, Book.

⁷ For recent detailed of these two issues – and related ones, e.g., echo, author intentionality – see Sommer, Prophet, especially chapter one.

⁸ For recent discussion of the diachronic implications of inner-biblical interpretation, see Eslinger, Allusion; and Sommer, Exegesis; see also Sommer, Prophet, especially chapter one; Nielsen, Intertextuality; Barton, Text; and Childs, Critique.

⁹ The requirement that the latrines be placed at a distance of three thousand cubits from the city reflects 11QT^a's exegesis of Num 35:4-5. On these verses, see Milgrom, Book, ad loc.; see also CD 10:20-21; 11:5-6; and Callaway, Extending 153.

¹⁰ Baumgarten has argued that the different formulation of 11QT^a and the position ascribed by Josephus to the Essenes indicates that the circle responsible for 11QT^a is not to be identified with the Essenes (Baumgarten, Temple Scroll). This observation, whatever its merits, has little bearing on the essence of the present discussion. Note, also, that Baumgarten argues that the Damascus Document (CD) XI:2, appears to maintain a similar position (Baumgarten, Temple Scroll 16-18, nn. 16, 17, and 22). This is possible, but less than convincing. The passage may refer to filth generally; similarly, it is hardly clear whether the issue therein involves purity, per se, or, simply, cleanliness and hygiene (see Schiffman, Law 11-13 [Hebrew]).

¹¹ See also Neyrey, Idea. For a recent review of some of the archaeological issues involved in connection with 11QT^a and Josephus, see Bauckham, Church 67-72.

¹² Milgrom, Studies 96-97.

noted that neither Deut 23 nor Ezek 4 makes explicit mention of the requirement of ritual bathing (although this would, of course, be the implication of Ezek 4). To be sure, there is another biblical passage which was likely understood by the Qumran community as offering explicit testimony of the requirement to bathe after the discharge of excrement, viz., Prov 30:11-12. These verses read:

- ¹¹ There is a breed of men that brings a curse on its fathers
and brings no blessing to its mothers,
¹² A breed that thinks itself pure, though it is not washed of
its "filth" (דור טהור בעיניו ומצאתו לא רחץ).¹⁴

V.12 may be interpreted figuratively, viz., as referring to those who, while righteous in their own eyes, are, in fact, filled with iniquity – rather than *ritual impurity* – since they have not removed themselves from the "filth" of their transgressions. Such, indeed, is the approach preferred by traditional Jewish exegetes.¹⁵ Their position, while not unreasonable, is undoubtedly informed by two considerations: first, rabbinic literature does not view excrement as defiling¹⁶ and, secondly, the Hebrew lexeme "צוואה" also bears the meaning "(extreme) filth" (e.g., Zech 3:3,4).¹⁷ To be sure, this position is also adopted in many modern translations, though the reasons for this prevalent tendency are not always made explicit.¹⁸ Some commentators, however, have formulated a more specific basis for preferring the rendering

¹³ Cf. Maccoby, *Ritual*; and see below.

¹⁴ Translation of biblical passages follows NJPS (TANAKH [Philadelphia: Jewish Publication Society, 1985]).

¹⁵ See, e.g., Altschuler (Mesuddat David), ad loc.; Jonah ibn Jabah, ספר השרשים, ed. W. Bacher (Mekize Nirdamim: 1896), s.v. 'צ'ו'א; and Solomon Parhon, מחברת הערוך, s.v. 'צ'ו'א.

¹⁶ Indeed, for it is for this very reason that Ezek 4:12-15 was understood in metaphoric fashion by traditional exegetes; cf. *m. Yoma* 3:2, which states that a priest who defecated (during the course of cultic service) was required to undergo ritual immersion before resuming his cultic duties.

¹⁷ The figurative approach is also adopted in the modern translations and dictionaries; see NJB, RSV (The New Oxford Annotated Bible), NJPS, and Ben-Yehudah, Dictionary. Another consideration informing this understanding is the tendency of many moderns to explain numerous occurrences of the Hebrew lexeme "טהור" in a figurative fashion, rather than a technical and concrete ritual / cultic sense; see e.g., Ringgren, טהר, and André / Ringgren, טמא.

¹⁸ See e.g., NJPS, RSV, Jerusalem Bible; see also, Toy, Proverbs 525-526, and BDB, s.v. צו'א. It is possible that modern students of the Hebrew Bible have worked under the premise that ritual purity, and excrement in particular, is unlikely subject for wisdom literature.

“filth”. Thus, S.D. Luzzatto argued that biblical usage distinguishes between $\text{הִלָּצַ$ and הִלָּצַ(וּ) – the former denoting (bodily) filth generally, the latter, applied specifically in connection with excrement.¹⁹

Viewed within the limited context of Proverbs, the non-ritualistic approach adopted by both medieval and modern commentators is surely plausible.²⁰ However, it is likely that the Qumran community read this verse against the broader scriptural matrix. By combining Prov 30:12 with Deut 23:10-15 and Ezek 4:12-15, the author of 11QT^a concluded that the lexeme $\text{הִלָּצַ$ in Prov 30:12 refers to excrement and that the verse involves a legal norm, rather than a merely figurative expression.²¹ Now, the root הִלָּצַ may denote, in both the Hebrew Bible and the writings from Qumran, bathing (of the entire body) for the purpose of purification.²² In particular, it is attested at Deut 23:12, which deals with purification from the impurity generated by nocturnal emission and immediately precedes the verse concerning construction of war-camp latrines. Accordingly, the meaning of Prov 30:12, as understood by the sect, is that this breed (דֹּרֵי) who views themselves as pure has, in fact, not cleansed themselves of the most common and basic form of defilement, and, moreover, one which is most readily removed.²³

¹⁹ See Luzzatto, Commentary 50 [ad Isa 4:4]; reprint [Hebrew], and n. 34, below.

²⁰ Note that LXX 30:12 reads (following the translation of Cook [NETS, provisional online edition]): “Wicked progeny judges itself righteous (δικαιον); but did not wash off its anus ($\text{την δε εχσδον αυτου ουκ απεψυεν}$);” cf. the translation of Brenton and that adopted by D’Hamonville, *balaie* 300. The latter rendering notwithstanding, in his discussion to Prov 30:12 D’Hamonville (*balaie*) acknowledges the same basic approach as that adopted by Cook. It is unclear whether LXX’s rendering reflects the same *Vorlage* as that found in the masoretic text, though this is probably the case. LXX’s *Vorlage*, like the Hebrew text, may have read צֹאֲתָר or מִ(ו)צֹאֲר . These consonantal forms allow for a variety of vocalizations and renderings, including “his going(s) out – i.e., paths, journeys – or his filth / excrement (and, by extension, anus). It is possible that LXX’s rendering reflects the translators’ best effort at rendering a text which he did not fully understand or, possibly, a “liberal” translational approach; see the recent study of Forti and Talshir, Proverbs 7.

²¹ For another instance in which the Qumran community appears to have interpreted a metaphoric usage in concrete legal-cultic terms, see Milgrom, Leviticus 17-22. Milgrom maintains that the sect’s view of moral impurity as remediable (contra H), was formulated on the basis of (its interpretation of) Ezek 36:25. See also, Toews, Purification; and, for a discussion of the underpinnings of the Qumran community’s view(s) of sanctity and impurity, see Regev, Temple.

²² See, e.g., Lev 14:8,9; 15:5-13; 16:25,28; 22:6; 2Kgs 4:10,13; 11QT^a 50:8, 14-15; note, especially, 1QS 3:5 (“וְלֹא יִטְהַר בְּכֹל מִן רֵחִיץ”).

²³ Unlike other forms of impurity which can be removed only at nightfall, the removal of excrement defilement was, presumably, effective immediately upon bathing. A

Given the polemic nature of 11QT^a and the strident polemics engaged in by the Qumran community, especially concerning matters of ritual purity, Prov 30:12, with its denunciation of those who are lax in basic matters of ritual purity, would undoubtedly have been seen as providing a ready-made barb.

As for the argument proffered by Luzzatto, the following observations are apposite. Even if his position is granted with respect to the masoretic text, it is of dubious value in evaluating 11QT^a and the Qumran community's tradition, generally, which may well not have recognized the twin textual forms preserved by the masoretes. Indeed, it is most significant that in its discussion of the placement of latrines 11QT^a 46:15 employs the form "צואה" rather than the form "צִאָה" attested at Deut 23:14. In addition, rabbinic texts attest virtually exclusive use of the form "צואה" to denote excrement.²⁴ These data render Luzzatto's argument moot, at least with respect to Hebrew usage of Second Temple texts.

Buttressing the likelihood that the author of 11QT^a (would have) viewed Prov 30:11-12 through the prism of ritual praxis, rather than generic moral exhortation, are two considerations. The first involves the issue of the literary context of Prov 30:12. Examination of a neighboring verse, Prov 30:10, reinforces the likelihood that 30:12 was, indeed, viewed as reflecting a ritual norm and, more specifically, constituting an instance of inner-biblical interpretation. Prov 30:10 states:

"אל תלשן עבד אל אד'נו פן יקללך ואשמת" ("Do not inform on a slave to his master, lest he curse you and you incur guilt").

As has long been noted, this verse is highly reminiscent of Deut 23:16. This verse reads, "לא תסגיר עבד אל אדוניו אשר ינצל אליך מעם אד'ניו" ("You shall not turn over to his master a slave who seeks refuge with you from his master ..."). Indeed, Peshitta to Prov 30:1 is even more revealing, preserving a text identical to that attested at Deut 23:16.²⁵ The rendering of LXX and

similar interpretation, though consonant with rabbinic notions of impurity, is succinctly formulated in the words of the medieval commentator Joseph b. Nehemias, who offers the following paraphrase of this verse: "הוא חושב שהוא טהור" הוא חושב שהוא טהור (It [i.e., the breed] believes itself to be pure of heart but [in point of fact] it is not [even] pure of flesh"); see Bamberger, פירוש 182. Note that the phrase "טהור בשר" may refer to cleanliness, rather than ritual purity; interestingly, though, nothing in his remarks alludes to such a notion.

²⁴ See e.g., Ben-Yehudah, Dictionary 5340-5341.

²⁵ Peshitta Prov 30:10 differs from Deut 23:16 (both Peshitta and masoretic versions) only with respect to the plural pronominal suffix that some Mss. attach to "master" (see Di Lella, Proverbs ad loc. The evidence of LXX is less certain. LXX to Deut 23:16 reads "Οὐ παραδώσεις παιδα τω κυρίω αυτου (Do not deliver a servant unto

Peshitta notwithstanding, the masoretic text of Prov 30:10 is sufficiently similar to Deut 23:16 so as to allow an exegete, ancient or otherwise, to see the two passages as sharing a common literary topos. This point is demonstrated most clearly by the remarks of (pseudo-) ibn Ezra and Joseph b. Nehemias ad Prov 30:10, who, explaining this verse in the light of Deut 23:16, comment that the verse's discussion of "informing" against a slave is directed, first and foremost, at one who informs a slave-owner that his slave has attempted to escape.²⁶ Now, the pericope immediately preceding Deut 23:16, viz., Deut 23:10-15, addresses the maintenance of sanctity in the Israelite war camp by means of proper disposal of excrement. Accordingly, Proverbs' juxtaposition of informing against (runaway) slaves with the formulation reflecting the defiling quality of excrement parallels the juxtaposition of these two very subjects in Deut 23.²⁷

The use of literary juxtaposition in Proverbs, and its detection by Second Temple circles, should hardly occasion surprise. Indeed, this technique, termed "*semukhin*" in rabbinic sources, is amply tested in the Hebrew Bible, as noted by, inter alios, M. Fishbane and I. Kalimi.²⁸ Viewed from a slightly different angle, Prov 30:10-12 may involve a reversal of the sequence of passages found in Deuteronomy and, thereby, conform to M. Seidel's principle of sequence reversal in inner-biblical allusions and transformations.²⁹ The precise

his master)"; LXX Proverbs reads "Μη παραδως οικειτην εις χειρας δεσποτου (Do not deliver a servant into the hands of a master)". The slightly different nature of the lexemes employed in the translations of the two passages – possibly reflecting slightly different *Vorlagen* – does not materially alter the substantive similarity between the Deuteronomy and Proverbs verses.

²⁶ See Bamberger, פירוש 182.

²⁷ The question of Prov 30:10 and 30:12 involving a juxtaposition of two discrete literary units as opposed to their constituting part of the same unit depends on the ubiquitous problem of delineating pericopae in Proverbs. Indeed, the vexing issue of intervening verses in Proverbs was noted and addressed long before the modern period by, inter alios, Saadiah Gaon, David Qimhi, (pseudo-) ibn Ezra, Menahem b. Solomon (Ha-Meiri), and Joseph b. Nehemias. While the sect's delineation of the literary units contained in 30:10-14 cannot be determined, it is noteworthy that rabbinic sources view these verses as a coherent unit; see *b. Pes.* 87b, and Joseph b. Nehemias ad Prov 30:10-14, and the discussion below. See also, the recent discussion by Nel, Juxtaposition.

²⁸ Fishbane, Interpretation 399-407; and Kalimi, Book; see also, Nel, Juxtaposition.

²⁹ See Parallels Between The Book of Isaiah and The Book of Psalms, Sinai XXXVIII (1956), 150 (Hebrew); see also, Weiss, Bible 96, 256-259. This is not to say that Proverbs necessarily constitutes a later passage which is commenting on the earlier deuteronomical formulation – a point which is beyond the scope of the present paper. The significant point, for present purposes, is that the chronological relationship between the two passages would undoubtedly have been understood in this fashion

nature of the literary technique involved notwithstanding, it is eminently reasonable to posit that the author of 11QT^a would have understood³⁰ the two passages, Deut 23:10-16 and Prov 30:10-12, as forming parallel units, a datum which would have allowed ancient students of the Hebrew Bible to infer that defecation requires bathing (i.e., purification) in water.³¹

In addition to the inner-biblical evidence, medieval sources provide sup-

by the Qumran community and that this literary dependency would certainly have reinforced (or, even generated) their position regarding excrement defilement. For a more nuanced approach to the phenomenon observed by Seidel, see Talmon, Study 362-62; and Beentjes, Quotations. For present purposes it matters little whether Prov 30 is viewed strictly as a quotation of Deut 23 (or vice versa) or as an allusion to the earlier text.

³⁰ I say “would have” for the simple reason that the Qumran community’s writings preserve no clear allusions to either Ezek 4:12-15 or Prov 30:10-12; the point is that both passages are consonant with the community’s position.

³¹ The presence of an intervening verse, Prov 30:11, need not have proven exegetically problematic, regardless of whether the exegetical issue involves mere juxtaposition or, specifically, Seidel’s principle. Indeed, the appearance of an intervening verse in such situations is attested elsewhere in the sect’s writings. The “disruptive” appearance of Prov 24:27 in the middle of a passage which the sect viewed as an inner-biblical interpretation of Lev 19 was considered to be inconsequential (see my “Book of Proverbs”). A related, though not identical, phenomenon is attested in 4Q271.3, ll. 9-10, wherein the author juxtaposes his formulation / application of Deut 22:10-11 with that of Deut 22:13-21 while ignoring the intervening law of tassels in Deut 22:12. In other words, the presence of an intervening verse of an unrelated nature did not prevent the author from seeing a common (though not necessarily identical) motif or subject between proximate passages. A more extreme instance may be reflected in 4Q159, wherein the author juxtaposes Deut 22:5 with a condensed version of 22:13-21, omitting the intervening verses. These last two instances do not, of course, involve inner-biblical allusions / interpretations, but they do suggest that authors at Qumran viewed adjacent passages or verses as *thematically* related, even if a seemingly unrelated verse / passage separated the two related pericopae. See the discussion of these points in Rothstein, Gen 24:14. A phenomenon bearing possible relevance for the present discussion has been identified by Sommer, who notes that in reworking earlier biblical passages, Second Isaiah frequently separates parts of his source material, repositioning them at a distance from one another greater than that found in the earlier text (*A Prophet Reads Scripture*). While the feature identified by Sommer and that of an intervening verse (discussed herein) are not quite identical, the usage identified by Sommer does increase the likelihood that, like Second Isaiah, a (later) Second Temple author would not have viewed the presence of an intervening verse (or pericope) as harming the basic cohesion obtaining between two juxtaposed passages constituting an inner-biblical allusion of an earlier passage.

port for the legal / ritual interpretation of Prov 30:10-12. As part of a legal polemic, the Karaite author, Anan b. David, writes:³²

“One who enters the latrine is forbidden to mention words of Torah until he exits and washes his hand (i.e., hands and feet) ... and then he may mention words of Torah, for [cleansing from contact with] *excrement is (also) similar to [the requirement of] ‘purity’* (דְּצוּאָה נְמִי דוּמִיָּא דְטַהוּר הוּא), as it is written ‘A breed ...’ [Scripture] states ‘a breed that thinks itself pure,’ for one who does not wash following discharge of (or: contact with) *excrement is not pure*. And [scripture] says ‘a breed that thinks itself pure,’ ... for one’s purification consists of washing one’s hand and foot, and scripture has called this [act] ‘bathing / washing’ ... one must wash his hand(s) and foot (i.e., feet) ... as it is written ‘When my Lord has washed away the excrement’³³ of the daughters of Zion (Isa 4:4)...’³⁴

The Karaite position, while not calling for full ritual bathing, explicitly equates removal of excrement with the issue of ritual purification (“דְּצוּאָה הוּא נְמִי דוּמִיָּא דְטַהוּר הוּא”). A similar position is attested among Palestinian rabbanite Jews of the geonic period, as recorded in *Sefer haHillufim* and geonic responsa.³⁵ The available evidence does not allow us to infer that Palestinian Jews of the geonic period viewed discharge of excrement as involving pollution, a position which would be contrary to talmudic tradition (both Palestinian and Babylonian),³⁶ but it does suggest that Prov 30:12 was understood, at least in some rabbanite circles, to have legal significance, requiring some form of washing following the discharge. In short, the Karaite practice – and, possibly, that of Palestinian rabbanite Jews, as well – reflects

³² See the (original) citation in Levin, אִוִּצֵר 39-40.

³³ Note that the lexeme “excrement” appears in this passage in defective orthography; see above, n. 16.

³⁴ Traditional exegetes could point to Isa 4:4 as proving that the expression “washing / bathing (צִוּאָה)” is a metaphoric one; the author of 11QT^a, like Anan b. David, would have understood Isa 4:4 as involving a metaphor based on the legal principle expressed in Ezek 4 and Prov 30. See also, Rashi and Qimhi, ad Ezek 4:13.

³⁵ Levin, אִוִּצֵר a.a.O., where it is noted that Jews of the Land of Israel and Babylonian differed with regard to the proper procedure following discharge of excrement; the latter maintained that “wiping” alone, without the use of water, was sufficient, whereas the former required the use of water (Levin, אִוִּצֵר a.a.O.). The geonic responsa do not state what part of the body is intended; it is likely, though, that the referent is the rectum, rather than the hands and feet. (There is no indication that Palestinian Jews washed their feet before prayer; see Levin, אִוִּצֵר a.a.O.).

³⁶ See Harrington, Systems 101; and, especially, Kister, Jews.

an exegetical approach fundamentally similar, if not quite identical, to that reflected in 11QT^a and attributed to the Essenes.³⁷

In sum, the exegetical path traced herein affords yet another example of the tendency in ancient Jewish circles, and at Qumran, in particular, to interpret the collection of maxims in Proverbs in concrete legal and ritual terms. At the same time, it underscores the possibilities of intertextual exegesis afforded by the book of Proverbs, particularly as this book might have been read and interpreted in ancient circles.³⁸ This point is particularly noteworthy in light of the relative paucity of Proverbs scrolls / fragments that have been uncovered at Qumran.³⁹

Summary

Proverbs has long been recognized as a work containing references and allusions to other biblical passages, both narrative and legal / ritual in nature. The present essay addresses one Proverbs passage and its interpretation in ancient Jewish circles, demonstrating that this passage was understood as involving an inner-biblical legal / ritual reworking of Deut 23:10-17.

Zusammenfassung

Proverbs has long been recognized as a work containing references and allusions to other biblical passages, both narrative and legal / ritual in nature. The present essay addresses one Proverbs passage and its interpretation in ancient Jewish circles, demonstrating that this passage was understood as involving an inner-biblical legal / ritual reworking of Deut 23:10-17.

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³⁷ See Harrington, *Systems*; see, also, the broader discussion of Erder, Karaites 119-43, and Erder, *Karaite*.

³⁸ For a very different, non-legalistic, angle on the significance of Proverbs, see Murphy, Book. See also van Leeuwen, Wisdom.

³⁹ See Puech, Qûmran 169-89. A comprehensive study of the role of Proverbs in the writings of the Qumran community remains a desideratum.

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Dr. David Rothstein
Bar Ilan University
Ramat Gan, Israel

Hatzav 14a
Bet Shemesh, Israel 99590
tel.: (02) 9992205